

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT

A.B. 343

ASSEMBLY BILL NO. 343—COMMITTEE ON JUDICIARY

(ON BEHALF OF INTERIM STUDY ON INTEGRATION OF STATE
AND LOCAL CHILD WELFARE SYSTEMS (ACR 53))

MARCH 13, 2001

Referred to Committee on Judiciary

SUMMARY—Provides for integration of state and local child welfare services.
(BDR 11-325)

FISCAL NOTE: Effect on Local Government: Yes.
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 the protection of children; transferring certain duties of the division of child and family services of the department of human resources to an agency of the county in certain large counties; and providing other matters properly relating thereto.

- 1 WHEREAS, Under the current child welfare system in this state, a child
- 2 residing in a county whose population is 100,000 or more who is in need of
- 3 protective custody services is initially under the supervision of the county;
- 4 and
- 5 WHEREAS, If such a child is unable to return safely to the home of his
- 6 parents and will remain in out-of-home care for more than 6 months,
- 7 custody of the child is typically transferred to the Division of Child and
- 8 Family Services of the Department of Human Resources; and
- 9 WHEREAS, After being transferred from to the Division of Child and
- 10 Family Services, a child and his parents are typically assigned a new case
- 11 manager, the child is placed in a new foster home that is willing to accept
- 12 the foster care rates paid by the Division and the child is transferred to a
- 13 new therapist who is a Medicaid provider; and
- 14 WHEREAS, Under this bifurcated system, the transfer of custody to the
- 15 Division of Child and Family Services may result in a delay of up to 6
- 16 months in the commencement of a permanent plan for the care and
- 17 treatment of a child and may cause the child to remain in the system for a
- 18 longer period; and
- 19 WHEREAS, The Federal Adoption and Safe Families Act of 1997
- 20 requires the agency which provides child welfare services to pursue



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1 termination of parental rights for any child who remains in out-of-home
2 care for 15 months out of the immediately preceding 22 months; and

3 WHEREAS, The interruption of services to children and families caused
4 by the bifurcated system places parents at risk of having their parental
5 rights terminated unjustly; and

6 WHEREAS, The bifurcated system also creates disparities in the rates of
7 reimbursement for providers of foster care and the compensation paid to
8 employees of the county and the state; and

9 WHEREAS, The duplication of efforts inherent in a bifurcated system is
10 inefficient; and

11 WHEREAS, Integration of the child welfare system in this state will
12 begin to eliminate the inefficiencies of the current system by reducing the
13 number of placements of children in foster homes, decreasing the length of
14 time that children remain in out-of-home care and ensuring that children
15 are placed in permanent homes as soon as possible; and

16 WHEREAS, Caseload standards must be established by regulation to
17 ensure that agencies which provide child welfare services have sufficient
18 staff to provide best practices for the provision of child welfare services in
19 this state; and

20 WHEREAS, The rates for foster care reimbursement should be
21 established at a level that enables a provider of foster care to care for a
22 child adequately and the rates should be standardized within each county
23 and structured in a manner that avoids any unnecessary interruptions in
24 foster home placements because of changing levels of reimbursements; and

25 WHEREAS, Fairness to employees affected by the integration of the
26 child welfare system is a priority; and

27 WHEREAS, The Division of Child and Family Services and counties
28 whose population is 100,000 or more have a shared fiscal responsibility for
29 the costs of providing child welfare services and must be committed to
30 ensuring future maintenance of their efforts in providing those services and
31 to equitably sharing future costs for providing those services; and

32 WHEREAS, Integration of the child welfare system in this state will
33 allow the placement of children in a child welfare system that is adequately
34 funded and structured to avoid unnecessary interruptions in placement and
35 will ensure that permanency is achieved for children in accordance with
36 federal and state laws; now, therefore,

37
38 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
39 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
40

41 **Section 1.** NRS 125A.080 is hereby amended to read as follows:

42 125A.080 1. If the petitioner for an initial decree has wrongfully
43 taken the child from another state or has engaged in similar reprehensible
44 conduct the court may decline to exercise jurisdiction if this is just and
45 proper under the circumstances.

46 2. Unless required in the interest of the child, the court shall not
47 exercise its jurisdiction to modify a custody decree of another state if the
48 petitioner, without consent of the person entitled to custody, has
49 improperly removed the child from the physical custody of the person



1 entitled to custody or has improperly retained the child after a visit or other
2 temporary relinquishment of physical custody. If the petitioner has violated
3 any other provision of a custody decree of another state the court may
4 decline to exercise its jurisdiction if this is just and proper under the
5 circumstances.

6 3. Where the court declines to exercise jurisdiction pursuant to
7 subsection 1, the court shall notify the parent or other appropriate person
8 and the prosecuting attorney of the appropriate jurisdiction in the other
9 state. Upon request of the court of the other state, the court of this state
10 shall order the petitioner to appear with the child in a custody proceeding
11 instituted in the other state in accordance with NRS 125A.230.

12 4. Where the court refused to assume jurisdiction to modify the
13 custody decree of another state pursuant to subsection 2 or pursuant to
14 NRS 125A.180, the court shall notify the person who has legal custody
15 under the decree of the other state and the prosecuting attorney of the
16 appropriate jurisdiction in the other state and may order the petitioner to
17 return the child to the person who has legal custody. If it appears that the
18 order will be ineffective and the legal custodian is ready to receive the
19 child within 10 days, the court may place the child in a foster home
20 ~~approved by the division of child and family services of the department of~~
21 ~~human resources~~ *that is licensed pursuant to NRS 424.030* for that
22 period, pending return of the child to the legal custodian. At the same time,
23 the court shall advise the petitioner that any petition for modification of
24 custody must be directed to the appropriate court of the other state which
25 has continuing jurisdiction or, if that court declines jurisdiction, to a court
26 in a state which has jurisdiction.

27 5. In appropriate cases a court dismissing a petition under this section
28 may charge the petitioner with necessary travel and other expenses,
29 including attorney's fees, incurred by other parties or their witnesses.

30 **Sec. 2.** NRS 127.003 is hereby amended to read as follows:

31 127.003 As used in this chapter, unless the context otherwise requires:

32 1. *"Agency which provides child welfare services" has the meaning*
33 *ascribed to it in NRS 432B.030.*

34 2. "Division" means the division of child and family services of the
35 department of human resources.

36 ~~2-1~~ 3. "Indian child" has the meaning ascribed to it in 25 U.S.C. §
37 1903.

38 ~~13-1~~ 4. "Indian Child Welfare Act" means the Indian Child Welfare
39 Act of 1978, ~~14~~ 25 U.S.C. §§ 1901 et seq. ~~11~~

40 **Sec. 3.** NRS 127.050 is hereby amended to read as follows:

41 127.050 1. The following agencies may accept relinquishments for
42 the adoption of children from parents and guardians in this state:

43 (a) ~~The division~~ *An agency which provides child welfare services* in
44 its own capacity or on behalf of a child-placing agency authorized under
45 the laws of another state to accept relinquishments and make placements;
46 or

47 (b) A child-placing agency licensed by the division.

48 2. The following agencies may consent to the adoption of children in
49 this state:



1 (a) ~~{The division, to whom}~~ *An agency which provides child welfare*
2 *services to which* the child has been relinquished for adoption;

3 (b) A child-placing agency licensed by the division, to whom the child
4 has been relinquished for adoption; or

5 (c) Any child-placing agency authorized under the laws of another state
6 to accept relinquishments and make placements, to whom the child has
7 been relinquished or otherwise approved for adoption in that state.

8 3. If ~~{the division}~~ *an agency which provides child welfare services*
9 accepts a relinquishment on behalf of a child-placing agency pursuant to
10 subsection 1, the child-placing agency shall reimburse the ~~{division}~~
11 *agency which provides child welfare services* for any costs associated with
12 the acceptance.

13 **Sec. 4.** NRS 127.053 is hereby amended to read as follows:

14 127.053 No consent to a specific adoption executed in this state, or
15 executed outside this state for use in this state, is valid unless it:

16 1. Identifies the child to be adopted by name, if any, sex and date of
17 birth.

18 2. Is in writing and signed by the person consenting to the adoption as
19 required in this chapter.

20 3. Is acknowledged by the person consenting and signing the consent
21 to adoption in the manner and form required for conveyances of real
22 property.

23 4. Contains, at the time of execution, the name of the person or persons
24 to whom consent to adopt the child is given.

25 5. Is attested by at least two competent, disinterested witnesses who
26 subscribe their names to the consent in the presence of the person
27 consenting. If neither the petitioner ~~{or}~~ *nor* the spouse of a petitioner is
28 related to the child within the third degree of consanguinity, then one of the
29 witnesses must be a social worker employed by:

30 (a) ~~{The division}~~ *An agency which provides child welfare services;*

31 (b) An agency licensed in this state to place children for adoption;

32 (c) A comparable state or county agency of another state; or

33 (d) An agency authorized under the laws of another state to place
34 children for adoption, if the natural parent resides in that state.

35 **Sec. 5.** NRS 127.057 is hereby amended to read as follows:

36 127.057 1. Any person to whom a consent to adoption executed in
37 this state or executed outside this state for use in this state is delivered
38 shall, within 48 hours after receipt of the executed consent to adoption,
39 furnish a true copy ~~{thereof to the division}~~ *of the consent*, together with a
40 report of the permanent address of the person in whose favor the consent
41 was executed ~~{}~~ *to the agency which provides child welfare services.*

42 2. Any person recommending in his professional or occupational
43 capacity, the placement of a child for adoption in this state shall
44 immediately notify the ~~{division}~~ *agency which provides child welfare*
45 *services* of the impending adoption.

46 3. All information received by the ~~{division}~~ *agency which provides*
47 *child welfare services* pursuant to the provisions of this section is
48 confidential and must be protected from disclosure in the same manner that
49 information is protected under NRS 432.035.



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1 4. Any person who violates any of the provisions of this section is
2 guilty of a misdemeanor.

3 **Sec. 6.** NRS 127.120 is hereby amended to read as follows:

4 127.120 1. A petition for adoption of a child must be filed in
5 duplicate with the county clerk. The county clerk shall send one copy of
6 the petition to the ~~{division,}~~ *agency which provides child welfare services.*

7 2. *The agency which provides child welfare services* shall make an
8 investigation and report as provided in this section. If one petitioner or the
9 spouse of a petitioner is related to the child within the third degree of
10 consanguinity, the court may, in its discretion, waive the investigation by
11 the ~~{division,}~~ *agency which provides child welfare services.* A copy of the
12 order waiving the investigation must be sent to the nearest office of the
13 ~~{division,}~~ *agency which provides child welfare services* by the petitioners
14 within 7 days after the order is issued.

15 ~~{2. The division,}~~

16 3. *The agency which provides child welfare services* or a licensed
17 child-placing agency ~~{authorized}~~ *designated* to do so by the court shall:

18 (a) Verify the allegations of the petition;

19 (b) Investigate the condition of the child, including, without limitation,
20 whether the child is an Indian child; and

21 (c) Make proper inquiry to determine whether the proposed adopting
22 parents are suitable for the child.

23 ~~{3. The division}~~

24 4. *The agency which provides child welfare services* or the designated
25 *child-placing* agency shall, before the date on which the child has lived for
26 a period of 6 months in the home of the petitioners or within 30 days after
27 receiving the copy of the petition for adoption, whichever is later, submit to
28 the court a full written report of its findings pursuant to subsection ~~{2,}~~ 3,
29 which must contain, without limitation, a specific recommendation for or
30 against approval of the petition and a statement of whether the child is
31 known to be an Indian child, and shall furnish to the court any other
32 information regarding the child or proposed home which the court requires.
33 The court, on good cause shown, may extend the time, designating a time
34 certain, within which to submit the report.

35 ~~{4,}~~ 5. If the court is dissatisfied with the report submitted by the
36 ~~{division,}~~ *agency which provides child welfare services or the designated*
37 *child-placing agency*, the court may order an independent investigation to
38 be conducted and a report submitted by an agency or person selected by the
39 court. The costs of the investigation and report may be assessed against the
40 petitioner or charged against the county in which the adoption proceeding
41 is pending.

42 **Sec. 7.** NRS 127.127 is hereby amended to read as follows:

43 127.127 The petitioners shall file with the court, within 15 days after
44 the petition is filed or 5 months after the child begins to live in their home,
45 whichever is later, an affidavit executed by them and their attorney setting
46 forth all fees, donations and expenses paid by them in furtherance of the
47 adoption. A copy of the affidavit must be sent to the ~~{division,}~~ *agency*
48 *which provides child welfare services.* If one petitioner or the spouse of a



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1 petitioner is related to the child within the third degree of consanguinity,
2 the court may waive the filing of the affidavit.

3 **Sec. 8.** NRS 127.130 is hereby amended to read as follows:

4 127.130 The report of either the ~~{division}~~ *agency which provides*
5 *child welfare services* or the licensed child-placing agency designated by
6 the court must not be made a matter of public record, but must be given in
7 writing and in confidence to the district judge before whom the matter is
8 pending. If the recommendation of the ~~{division}~~ *agency which provides*
9 *child welfare services* or the designated agency is adverse, the district
10 judge, before denying the petition, shall give the petitioner an opportunity
11 to rebut the findings and recommendation of the report of the ~~{division}~~
12 *agency which provides child welfare services* or the designated agency.

13 **Sec. 9.** NRS 127.150 is hereby amended to read as follows:

14 127.150 1. If the court finds that the best interests of the child
15 warrant the granting of the petition, an order or decree of adoption must be
16 made and filed, ordering that henceforth the child is the child of the
17 petitioners. When determining whether the best interests of the child
18 warrant the granting of a petition that is filed by a foster parent, the court
19 shall give strong consideration to the emotional bond between the child and
20 the foster parent. A copy of the order or decree must be sent to the nearest
21 office of the ~~{division}~~ *agency which provides child welfare services* by
22 the petitioners within 7 days after the order or decree is issued. In the
23 decree the court may change the name of the child, if desired. No order or
24 decree of adoption may be made until after the child has lived for 6 months
25 in the home of the petitioners.

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

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

33 **Sec. 10.** NRS 127.152 is hereby amended to read as follows:

34 127.152 1. Except as otherwise provided in subsection 2, the
35 ~~{division}~~ *agency which provides child welfare services* or a licensed
36 child-placing agency shall provide the adopting parents of a child with a
37 report which includes:

38 (a) A copy of any medical records of the child which are in the
39 possession of the ~~{division}~~ *agency which provides child welfare services*
40 or licensed child-placing agency; and

41 (b) Any information obtained by the ~~{division}~~ *agency which provides*
42 *child welfare services* or licensed child-placing agency during interviews
43 of the natural parent regarding:

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

46 (2) Any behavioral, emotional or psychological problems that the
47 child may have. Information regarding any behavioral, emotional or
48 psychological problems that the child may have must be discussed in
49 accordance with policies *established by an agency which provides child*



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1 *welfare services and a child-placing agency pursuant to regulations*
2 adopted by the division for the disclosure of such information.

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

5 **Sec. 11.** NRS 127.157 is hereby amended to read as follows:

6 127.157 1. After an order or decree of adoption has been entered, the
7 court shall direct the petitioner or his attorney to prepare a report of
8 adoption on a form prescribed and furnished by the state registrar of vital
9 statistics. The report must:

- 10 (a) Identify the original certificate of birth of the person adopted;
11 (b) Provide sufficient information to prepare a new certificate of birth
12 for the person adopted;
13 (c) Identify the order or decree of adoption; and
14 (d) Be certified by the clerk of the court.

15 2. The ~~division~~ *agency which provides child welfare services* shall
16 provide the petitioner or his attorney with any factual information which
17 will assist in the preparation of the report required in subsection 1.

18 3. If an order or decree of adoption is amended or annulled, the
19 petitioner or his attorney shall prepare a report to the state registrar of vital
20 statistics, which includes sufficient information to identify the original
21 order or decree of adoption and the provisions of that decree which were
22 amended or annulled.

23 4. The petitioner or his attorney shall forward all reports required by
24 the provisions of this section to the state registrar of vital statistics not later
25 than the 10th day of the month next following the month in which the order
26 or decree was entered, or more frequently if requested by the state registrar,
27 together with any related material the state registrar may require.

28 **Sec. 12.** NRS 127.186 is hereby amended to read as follows:

29 127.186 1. The ~~division~~ *agency which provides child welfare*
30 *services* or a child-placing agency licensed by the division pursuant to this
31 chapter ~~1~~ may consent to the adoption of a child under 18 years of age
32 with special needs due to race, age or physical or mental problems who is
33 in the custody of the ~~division~~ *agency which provides child welfare*
34 *services* or the licensed agency by proposed adoptive parents when, in the
35 judgment of the ~~division~~ *agency which provides child welfare services* or
36 the ~~licensed~~ *child placing* agency, it would be in the best interests of the
37 child to be placed in that adoptive home.

38 2. The ~~division~~ *agency which provides child welfare services* or
39 child-placing agency shall determine whether a child has special needs and
40 notify the proposed adoptive parents of a child who is determined to have
41 special needs:

- 42 (a) That they may be eligible for a grant of financial assistance pursuant
43 to this section if the petition for adoption is granted; and
44 (b) The manner in which to apply for such financial assistance.

45 3. The ~~division~~ *agency which provides child welfare services* may
46 grant financial assistance for attorney's fees and court costs in the adoption
47 proceeding, for maintenance and for preexisting physical or mental
48 conditions to the adoptive parents out of money provided for that purpose
49 if the ~~administrator of the division~~ *head of the agency which provides*



1 *child welfare services or his designee* has reviewed and approved in
2 writing the proposed adoption and grant of assistance.

3 4. The grant of financial assistance must be limited, both as to amount
4 and duration, by agreement in writing between the ~~{division}~~ *agency which*
5 *provides child welfare services* and the adoptive parents. The agreement
6 does not become effective until the entry of the order of adoption.

7 5. Any grant of financial assistance must be reviewed and evaluated at
8 least once annually by the ~~{division}~~ *agency which provides child welfare*
9 *services*. The evaluation must be presented for approval to the
10 ~~{administrator of the division}~~ *head of the agency which provides child*
11 *welfare services or his designee*. Financial assistance must be discontinued
12 immediately upon written notification to the adoptive parents by the
13 ~~{division}~~ *agency which provides child welfare services* that continued
14 assistance is denied.

15 6. All financial assistance provided under this section ceases
16 immediately when the child attains majority, becomes self-supporting, is
17 emancipated or dies, whichever occurs first.

18 7. Neither a grant of financial assistance pursuant to this section nor
19 any discontinuance of such assistance affects the legal status or respective
20 obligations of any party to the adoption.

21 8. *The division, in consultation with each agency which provides*
22 *child welfare services, shall adopt regulations regarding eligibility for*
23 *and the procedures for applying for a grant of financial assistance*
24 *pursuant to this section.*

25 **Sec. 13.** NRS 127.220 is hereby amended to read as follows:
26 127.220 As used in NRS 127.220 to 127.310, inclusive, unless the
27 context otherwise requires:

28 1. *"Agency which provides child welfare services" has the meaning*
29 *ascribed to it in NRS 432B.030.*

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

33 ~~{2-}~~ 3. "Child-placing agency" means ~~{the division or}~~ a nonprofit
34 corporation organized pursuant to chapter 82 of NRS, and licensed by the
35 division to place children for adoption or permanent free care.

36 ~~{3-}~~ 4. "Person" includes a hospital.

37 ~~{4-}~~ 5. "Recommend the placement of a child" means to suggest to a
38 ~~{licensed}~~ child-placing agency that a prospective adoptive parent be
39 allowed to adopt a specific child, born or in utero.

40 **Sec. 14.** NRS 127.230 is hereby amended to read as follows:

41 127.230 1. The division shall:

42 (a) Establish reasonable minimum standards for child-placing agencies.

43 (b) ~~{Adopt regulations}~~ *In consultation with each agency which*
44 *provides child welfare services, adopt:*

45 (1) *Regulations* concerning the operation of *an agency which*
46 *provides child welfare services and* child-placing agencies.

47 ~~{(c) Adopt regulations}~~

48 (2) *Regulations* establishing the procedure to be used *by an agency*
49 *which provides child welfare services and a child-placing agency* in



1 placing children for adoption, which must allow the natural parent or
2 parents and the prospective adoptive parent or parents to determine, by
3 mutual consent, the amount of identifying information that will be
4 communicated concerning each of them.

5 ~~[(d) Adopt any]~~

6 (3) Any other regulations necessary to carry out its powers and duties
7 regarding the adoption of children or the placement of children for
8 adoption or permanent free care ~~[-~~

9 ~~2. All licensed child placing agencies]~~, including, without limitation,
10 such regulations necessary to ensure compliance with the provisions of
11 this chapter and any regulations adopted pursuant thereto.

12 2. Each agency which provides child welfare services and child-
13 placing agency shall conform to the standards established and the
14 regulations adopted pursuant to subsection 1.

15 Sec. 15. NRS 127.240 is hereby amended to read as follows:

16 127.240 1. ~~[No]~~ Except as otherwise provided in this section, no
17 person may place, arrange the placement of, or assist in placing or in
18 arranging the placement of, any child for adoption or permanent free care
19 without securing and having in full force a license to operate a child-
20 placing agency issued by the division. This subsection applies to agents,
21 servants, physicians and attorneys of parents or guardians, as well as to
22 other persons.

23 2. This section does not prohibit a parent or guardian from placing,
24 arranging the placement of, or assisting in placing or in arranging the
25 placement of, any child for adoption or permanent free care if the
26 placement is made pursuant to the provisions of NRS 127.280, 127.2805
27 and 127.2815.

28 3. This section does not prohibit ~~[the division]~~ an agency which
29 provides child welfare services from placing, arranging the placement of,
30 or assisting in placing or in arranging the placement of, any child for
31 adoption or permanent free care.

32 4. This section does not prohibit a person, including a person acting in
33 his professional capacity, from sharing information regarding an adoption
34 if no money or other valuable consideration is paid:

35 (a) For such information; or

36 (b) For any other service related to the adoption that is performed after
37 sharing information.

38 Sec. 16. NRS 127.275 is hereby amended to read as follows:

39 127.275 1. Except as otherwise provided in this section ~~[-]~~ :

40 (a) In a county whose population is less than 100,000 the division
41 shall, in accordance with NRS 232.464 ~~[-]~~ ; and

42 (b) In a county whose population is 100,000 or more, the board of
43 county commissioners of the county shall, by ordinance,

44 charge reasonable fees for the services ~~[-]~~ provided by an agency which
45 provides child welfare services in placing, arranging the placement of or
46 assisting in placing or arranging the placement of any child for adoption,
47 and for conducting any investigation required by NRS 127.2805.

48 2. The fees charged for those services must vary based on criteria
49 developed by the division ~~[-]~~ and board of county commissioners but must



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1 not exceed the usual and customary fees that ~~licensed~~ child-placing
2 agencies in the area where the services are provided, or in a similar
3 geographic area, would charge for those services. The division *and board*
4 *of county commissioners* shall not discriminate between adoptions made
5 through an agency and specific adoptions in setting its fees.

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

8 4. ~~The division~~ *An agency which provides child welfare services*
9 may waive or reduce any fee charged pursuant to this section if ~~the~~ *the*
10 *agency which provides child welfare services* determines that the adoptive
11 parents are not able to pay the fee or the needs of the child require a waiver
12 or reduction of the fee.

13 5. Any money collected *by an agency which provides child welfare*
14 *services in a county whose population is less than 100,000* pursuant to
15 this section must be accounted for in the appropriate account of the
16 division and may be used only to pay for the costs of any adoptive or post-
17 adoptive services provided by ~~the division~~ *any agency which provides*
18 *child welfare services in a county whose population is less than 100,000.*

19 6. *Any money collected by an agency which provides child welfare*
20 *services in a county whose population is 100,000 or more pursuant to this*
21 *section must be deposited in the county treasury for the credit of the*
22 *agency which provides child welfare services and may be used only to pay*
23 *for the costs of any adoption or post-adoptive services provided by the*
24 *agency which provides child welfare services.*

25 **Sec. 17.** NRS 127.280 is hereby amended to read as follows:

26 127.280 1. A child may not be placed in the home of prospective
27 adoptive parents for the 30-day residence in that home which is required
28 before the filing of a petition for adoption, except where a child and one of
29 the prospective adoptive parents are related within the third degree of
30 consanguinity, unless:

31 (a) The ~~division~~ *agency which provides child welfare services* or a
32 ~~licensed~~ child-placing agency first receives written notice of the proposed
33 placement from:

- 34 (1) The prospective adoptive parents of the child;
35 (2) The person recommending the placement; or
36 (3) A natural parent;

37 (b) The investigation required by the provisions of NRS 127.2805 has
38 been completed; and

39 (c) In the case of a specific adoption, the natural parent placing the child
40 for adoption has had an opportunity to review the report on the
41 investigation of the home, if possible.

42 2. Upon receipt of written notice from any person other than the
43 natural parent, the ~~division or licensed~~ *agency which provides child*
44 *welfare services or* child-placing agency shall communicate with the
45 natural parent to confirm his intention to place the child for adoption with
46 the prospective adoptive parents identified in the written notice.



1 **Sec. 18.** NRS 127.2805 is hereby amended to read as follows:

2 127.2805 1. The ~~{division}~~ *agency which provides child welfare*
3 *services* or a ~~{licensed}~~ child-placing agency shall, within 60 days after
4 receipt of confirmation of the natural parents' intent to place the child for
5 adoption and a completed application for adoption from the prospective
6 adoptive parents, complete an investigation of the medical, mental,
7 financial and moral backgrounds of the prospective adoptive parents to
8 determine the suitability of the home for placement of the child for
9 adoption. The investigation must also embrace any other relevant factor
10 relating to the qualifications of the prospective adoptive parents and may
11 be a substitute for the investigation required to be conducted by the
12 ~~{division}~~ *agency which provides child welfare services* on behalf of the
13 court when a petition for adoption is pending, if the petition for adoption is
14 filed within 6 months after the completion of the investigation required by
15 this subsection. If a ~~{licensed}~~ child-placing agency undertakes the
16 investigation, it shall provide progress reports to the ~~{division}~~ *agency*
17 *which provides child welfare services* in such a format and at such times as
18 the ~~{division}~~ *agency which provides child welfare services* requires to
19 ensure that the investigation will be completed within the 60-day period. If,
20 at any time, the ~~{division}~~ *agency which provides child welfare services*
21 determines that it is unlikely that the investigation will be completed in a
22 timely manner, the ~~{division}~~ *agency which provides child welfare*
23 *services* shall take over the investigation and complete it within the 60-day
24 period or as soon thereafter as practicable.

25 2. If the placement is to be made in a home outside of this state, the
26 ~~{division or licensed}~~ *agency which provides child welfare services* or
27 child-placing agency must receive a copy of a report, completed by the
28 appropriate authority, of an investigation of the home and the medical,
29 mental, financial and moral backgrounds of the prospective adoptive
30 parents to determine the suitability of the home for placement of the child
31 for adoption, unless the child and one of the prospective adoptive parents
32 are related within the third degree of consanguinity.

33 **Sec. 19.** NRS 127.281 is hereby amended to read as follows:

34 127.281 1. A prospective adoptive parent who is subject to an
35 investigation by the ~~{division}~~ *agency which provides child welfare*
36 *services* or a child-placing agency must submit as part of the investigation
37 a complete set of his fingerprints and written permission authorizing the
38 ~~{division}~~ *agency which provides child welfare services* or child-placing
39 agency to forward those fingerprints to the central repository for Nevada
40 records of criminal history for submission to the Federal Bureau of
41 Investigation.

42 2. The ~~{division}~~ *agency which provides child welfare services* or
43 child-placing agency may exchange with the central repository or the
44 Federal Bureau of Investigation any information respecting the fingerprints
45 submitted.

46 3. When a report from the Federal Bureau of Investigation is received
47 by the central repository, it shall immediately forward a copy of the report
48 to the ~~{division}~~ *agency which provides child welfare services* or child-
49 placing agency that submitted the fingerprints.



4. Any fees for fingerprinting and submission to the central repository and the Federal Bureau of Investigation must be paid by the prospective adoptive parent, except that :

(a) *In a county whose population is less than 100,000*, the division may adopt regulations providing for the payment of those fees by the division ~~+~~ ; or

(b) *In a county whose population is 100,000 or more, the board of county commissioners may provide by ordinance for the payment of those fees by the agency which provides child welfare services.*

Sec. 20. NRS 127.2815 is hereby amended to read as follows:

127.2815 1. Pending completion of the required investigation, the child must be:

(a) Retained by the natural parent; or

(b) Placed by the natural parent with the ~~{division or licensed}~~ *agency which provides child welfare services or* child-placing agency and placed by ~~+~~ *the agency which provides child welfare services* in a foster home licensed ~~{by the division,}~~ *pursuant to NRS 424.030*, until a determination is made concerning the suitability of the prospective adoptive parents.

2. Upon completion of the investigation, the ~~{division or licensed}~~ *agency which provides child welfare services or* child-placing agency shall forthwith inform the natural parent, the person recommending the placement and the prospective adoptive parents of the decision to approve or deny the placement. If the prospective adoptive home is found:

(a) Suitable, the natural parent may execute a consent to a specific adoption pursuant to NRS 127.053, if not previously executed, and then the child may be placed in the home of the prospective adoptive parents for the purposes of adoption.

(b) Unsuitable or detrimental to the interest of the child, the ~~{division or licensed}~~ *agency which provides child welfare services or* child-placing agency shall file an application in the district court for an order prohibiting the placement. If the court determines that the placement should be prohibited, the court may nullify the written consent to the specific adoption and order the return of the child to the care and control of the parent who executed the consent, but if the parental rights of the parent have been terminated by a relinquishment or a final order of a court of competent jurisdiction or if the parent does not wish to accept the child, then the court may order the placement of the child with the ~~{division}~~ *agency which provides child welfare services* or a ~~{licensed}~~ child-placing agency for adoption.

Sec. 21. NRS 127.2817 is hereby amended to read as follows:

127.2817 The division , *in consultation with each agency which provides child welfare services*, shall:

1. Adopt regulations setting forth the criteria to be used by ~~{the division}~~ *an agency which provides child welfare services* or a ~~{licensed}~~ child-placing agency for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption; and

2. If a determination is made pursuant to an investigation required by NRS 127.120 or 127.2805 that a prospective adoptive home is unsuitable



1 for placement or detrimental to the interest of the child, *adopt by*
2 *regulation a procedure to* provide the prospective adoptive parent or
3 parents with an opportunity to review and respond to the investigation with
4 the ~~{division}~~ *agency which provides child welfare services* before the
5 issuance of the results of the investigation. The identity of those persons
6 who are interviewed or submit information concerning the investigation
7 must remain confidential.

8 **Sec. 22.** NRS 127.282 is hereby amended to read as follows:

9 127.282 1. Whenever the ~~{division}~~ *agency which provides child*
10 *welfare services* believes that anyone has violated or is about to violate any
11 of the provisions of this chapter, in addition to any other penalty or remedy
12 provided:

13 (a) The ~~{division}~~ *agency which provides child welfare services* may
14 petition the appropriate district court for an order to restrain and enjoin the
15 violation or threatened violation of any of the provisions of this chapter, or
16 to compel compliance with the provisions of this chapter; and

17 (b) The court shall, if a child has been or was about to be placed in a
18 prospective adoptive home in violation of the provisions of this chapter:

19 (1) Prohibit the placement if the child was about to be so placed, or
20 order the removal of the child if the child was so placed within 6 months
21 before the filing of the ~~{division's petition}~~ *petition by the agency which*
22 *provides child welfare services* and proceed pursuant to paragraph (b) of
23 subsection 2 of NRS 127.2815; or

24 (2) Proceed pursuant to paragraph (b) of subsection 2 of NRS
25 127.2815 in all other cases if the court determines that it is in the best
26 interest of the child that the child should be removed.

27 2. Whenever the ~~{division}~~ *agency which provides child welfare*
28 *services* believes that a person has received for the purposes of adoption or
29 permanent free care a child not related by blood, and the required written
30 notice has not been given, if the ~~{division}~~ *agency which provides child*
31 *welfare services* does not proceed pursuant to subsection 1, it shall make
32 an investigation. Upon completion of the investigation, if the home is
33 found suitable for the child, the prospective adoptive parents must be
34 allowed 6 months from the date of completion of the investigation to file a
35 petition for adoption. If a petition for adoption is not filed within that time
36 a license as a foster home must thereafter be issued ~~{by the division}~~
37 *pursuant to NRS 424.030* if the home meets established standards. If, in
38 the opinion of the ~~{division}~~ *agency which provides child welfare*
39 *services*, the placement is detrimental to the interest of the child, the
40 ~~{division}~~ *agency which provides child welfare services* shall file an
41 application with the district court for an order for the removal of the child
42 from the home. If the court determines that the child should be removed,
43 the court shall proceed pursuant to paragraph (b) of subsection 2 of NRS
44 127.2815.

45 **Sec. 23.** NRS 127.283 is hereby amended to read as follows:

46 127.283 1. ~~{The division}~~ *An agency which provides child welfare*
47 *services* or any child-placing agency ~~{licensed pursuant to this chapter}~~
48 may publish in any newspaper published in this state or broadcast by



1 television a photograph of and relevant personal information concerning
2 any child who is difficult to place for adoption.

3 2. A child-placing agency shall not publish or broadcast:

4 (a) Any personal information which reveals the identity of the child or
5 his parents; or

6 (b) A photograph or personal information for a child without the prior
7 approval of the agency having actual custody of the child.

8 **Sec. 24.** NRS 127.285 is hereby amended to read as follows:

9 127.285 1. Any attorney licensed to practice in this state or in any
10 other state:

11 (a) May not receive compensation for:

12 (1) Taking part in finding children for adoption; or

13 (2) Finding parents to adopt children.

14 (b) May receive a reasonable compensation for legal services provided
15 in relation to adoption proceedings.

16 2. ~~{The division}~~ *An agency which provides child welfare services*
17 shall report any violation of subsection 1 to the State Bar of Nevada if the
18 alleged violator is licensed to practice in this state, or to the bar association
19 of the state in which the alleged violator is licensed to practice.

20 3. Any person who violates the provisions of subsection 1 is guilty of a
21 misdemeanor.

22 **Sec. 25.** NRS 127.310 is hereby amended to read as follows:

23 127.310 1. Except as otherwise provided in NRS 127.240, 127.283
24 and 127.285, any person or organization other than ~~{the division}~~ *an*
25 *agency which provides child welfare services* who, without holding a valid
26 unrevoked license to place children for adoption issued by the division:

27 (a) Places, arranges the placement of, or assists in placing or in
28 arranging the placement of, any child for adoption or permanent free care;
29 or

30 (b) Advertises in any periodical or newspaper, or by radio or other
31 public medium, that he will place children for adoption, or accept, supply,
32 provide or obtain children for adoption, or causes any advertisement to be
33 published in or by any public medium soliciting, requesting or asking for
34 any child or children for adoption,
35 is guilty of a misdemeanor.

36 2. Any person who places, accepts placement of, or aids, abets or
37 counsels the placement of any child in violation of NRS 127.280, 127.2805
38 and 127.2815 is guilty of a misdemeanor.

39 3. A periodical, newspaper, radio station or other public medium is not
40 subject to any criminal penalty or civil liability for publishing or
41 broadcasting an advertisement that violates the provisions of this section.

42 **Sec. 26.** Chapter 128 of NRS is hereby amended by adding thereto a
43 new section to read as follows:

44 *"Agency which provides child welfare services" has the meaning*
45 *ascribed to it in NRS 432B.030.*



1 **Sec. 27.** NRS 128.010 is hereby amended to read as follows:
2 128.010 As used in this chapter, unless the context otherwise requires,
3 the words and terms defined in NRS 128.011 to 128.018, inclusive, *and*
4 *section 26 of this act*, have the meanings ascribed to them in those
5 sections.

6 **Sec. 28.** NRS 128.013 is hereby amended to read as follows:
7 128.013 1. "Injury" to a child's health or welfare occurs when the
8 parent, guardian or custodian:

9 (a) Inflicts or allows to be inflicted upon the child, physical, mental or
10 emotional injury, including injuries sustained as a result of excessive
11 corporal punishment;

12 (b) Commits or allows to be committed against the child, sexual abuse
13 as defined in NRS 432B.100;

14 (c) Neglects or refuses to provide for the child proper or necessary
15 subsistence, education or medical or surgical care, although he is
16 financially able to do so or has been offered financial or other reasonable
17 means to do so; or

18 (d) Fails, by specific acts or omissions, to provide the child with
19 adequate care, supervision or guardianship under circumstances requiring
20 the intervention of:

21 (1) ~~The division of child and family services of the department of~~
22 ~~human resources;~~

23 ~~— (2) A county agency authorized by the juvenile court or family court~~
24 ~~to receive and investigate reports of abuse or neglect of a child pursuant to~~
25 ~~NRS 432B.300; or~~

26 ~~— (3) An agency which provides child welfare services; or~~

27 (2) The juvenile or family court itself.

28 2. A child's health or welfare is not considered injured solely because
29 his parent or guardian, in the practice of his religious beliefs, selects and
30 depends upon nonmedical remedial treatment for the child, if such
31 treatment is recognized and permitted under the laws of this state.

32 **Sec. 29.** NRS 128.040 is hereby amended to read as follows:

33 128.040 The ~~administrator of the division of child and family services~~
34 ~~of the department of human resources, or his agent,~~ *agency which*
35 *provides child welfare services*, the probation officer, or any other person,
36 including the mother of an unborn child, may file with the clerk of the
37 court a petition under the terms of this chapter. The probation officer of
38 that county or any agency or person designated by the court shall make
39 such investigations at any stage of the proceedings as the court may order
40 or direct.

41 **Sec. 30.** NRS 6.155 is hereby amended to read as follows:

42 6.155 1. Each board of county commissioners may establish and
43 maintain a program whereby a person may forfeit any money that he is
44 entitled to receive pursuant to NRS 6.150 for his services and expenses and
45 have that money donated to an agency which provides ~~protective~~ *child*
46 *welfare* services and that is located in the county in which the person is
47 serving as a juror. Any money donated through a program established
48 pursuant to this section must be used only for a program or activity which



1 is designed to prevent the abuse or neglect of a child or to benefit an
2 abused or neglected child.

3 2. As used in this section:

4 (a) “Abuse or neglect of a child” has the meaning ascribed to it in NRS
5 432B.020.

6 (b) “Agency which provides ~~protective~~ *child welfare* services” has the
7 meaning ascribed to it in NRS 432B.030.

8 **Sec. 31.** NRS 62.880 is hereby amended to read as follows:

9 62.880 1. In carrying out the objects and purposes of this chapter, the
10 juvenile court may use the services and facilities of the ~~division of child~~
11 ~~and family services of the department of human resources provided by~~
12 ~~such division pursuant to the provisions of chapter 432 of NRS and NRS~~
13 ~~432B.010 to 432B.400, inclusive.~~

14 ~~2. The division of child and family~~ *agency which provides child*
15 *welfare services.*

16 2. *The agency which provides child welfare* services shall determine
17 the plans, placements and services to be provided any child pursuant to this
18 chapter, chapter 432 of NRS and NRS 432B.010 to 432B.400, inclusive.

19 3. *As used in this section, “agency which provides child welfare*
20 *services” has the meaning ascribed to it in NRS 432B.030.*

21 **Sec. 32.** NRS 159.044 is hereby amended to read as follows:

22 159.044 1. Except as otherwise provided in NRS 127.045, a
23 proposed ward, a governmental agency, a nonprofit corporation or any
24 concerned person may petition the court for the appointment of a guardian.

25 2. The petition must state:

26 (a) The name and address of the petitioner.

27 (b) The name, age and address of the proposed ward. If he is a minor,
28 the petition must state the date on which he will attain the age of majority
29 and whether he will need guardianship after attaining the age of majority.

30 (c) Whether the proposed ward is a resident or nonresident of this state.

31 (d) The names and addresses, so far as they are known to the petitioner,
32 of the relatives of the proposed ward within the second degree.

33 (e) The name and address of the proposed guardian.

34 (f) That the proposed guardian has never been convicted of a felony.

35 (g) A summary of the reasons why a guardian is needed.

36 (h) Whether the appointment of a general or a special guardian is
37 sought.

38 (i) A general description and the probable value of the property of the
39 proposed ward and any income to which he is entitled, if the petition is for
40 the appointment of a guardian of the estate or a special guardian. If any
41 money is paid or is payable to the proposed ward by the United States
42 through the Department of Veterans Affairs, the petition must so state.

43 (j) The name and address of any person or institution having the care,
44 custody or control of the proposed ward.

45 (k) The relationship, if any, of the petitioner to the proposed ward and
46 the interest, if any, of the petitioner in the appointment.

47 (l) Requests for any of the specific powers set forth in NRS 159.117 to
48 159.175, inclusive, necessary to enable the guardian to carry out the duties
49 of the guardianship.



1 (m) Whether the guardianship is sought as the result of an investigation
2 of a report of abuse or neglect that is conducted pursuant to chapter 432B
3 of NRS by an agency which provides ~~protective~~ *child welfare* services.
4 As used in this paragraph, "agency which provides ~~protective~~ *child*
5 *welfare* services" has the meaning ascribed to it in NRS 432B.030.
6 **Sec. 33.** NRS 179A.100 is hereby amended to read as follows:
7 179A.100 1. The following records of criminal history may be
8 disseminated by an agency of criminal justice without any restriction
9 pursuant to this chapter:
10 (a) Any which reflect records of conviction only; and
11 (b) Any which pertain to an incident for which a person is currently
12 within the system of criminal justice, including parole or probation.
13 2. Without any restriction pursuant to this chapter, a record of criminal
14 history or the absence of such a record may be:
15 (a) Disclosed among agencies which maintain a system for the mutual
16 exchange of criminal records.
17 (b) Furnished by one agency to another to administer the system of
18 criminal justice, including the furnishing of information by a police
19 department to a district attorney.
20 (c) Reported to the central repository.
21 3. An agency of criminal justice shall disseminate to a prospective
22 employer, upon request, records of criminal history concerning a
23 prospective employee or volunteer which:
24 (a) Reflect convictions only; or
25 (b) Pertain to an incident for which the prospective employee or
26 volunteer is currently within the system of criminal justice, including
27 parole or probation.
28 4. The central repository shall disseminate to a prospective or current
29 employer, upon request, information relating to sexual offenses concerning
30 an employee, prospective employee, volunteer or prospective volunteer
31 who gives his written consent to the release of that information.
32 5. Records of criminal history must be disseminated by an agency of
33 criminal justice upon request, to the following persons or governmental
34 entities:
35 (a) The person who is the subject of the record of criminal history for
36 the purposes of NRS 179A.150.
37 (b) The person who is the subject of the record of criminal history or his
38 attorney of record when the subject is a party in a judicial, administrative,
39 licensing, disciplinary or other proceeding to which the information is
40 relevant.
41 (c) The state gaming control board.
42 (d) The state board of nursing.
43 (e) The private investigator's licensing board to investigate an applicant
44 for a license.
45 (f) A public administrator to carry out his duties as prescribed in chapter
46 253 of NRS.
47 (g) A public guardian to investigate a ward or proposed ward or persons
48 who may have knowledge of assets belonging to a ward or proposed ward.



1 (h) Any agency of criminal justice of the United States or of another
2 state or the District of Columbia.

3 (i) Any public utility subject to the jurisdiction of the public utilities
4 commission of Nevada when the information is necessary to conduct a
5 security investigation of an employee or prospective employee, or to
6 protect the public health, safety or welfare.

7 (j) Persons and agencies authorized by statute, ordinance, executive
8 order, court rule, court decision or court order as construed by appropriate
9 state or local officers or agencies.

10 (k) Any person or governmental entity which has entered into a contract
11 to provide services to an agency of criminal justice relating to the
12 administration of criminal justice, if authorized by the contract, and if the
13 contract also specifies that the information will be used only for stated
14 purposes and that it will be otherwise confidential in accordance with state
15 and federal law and regulation.

16 (l) Any reporter for the electronic or printed media in his professional
17 capacity for communication to the public.

18 (m) Prospective employers if the person who is the subject of the
19 information has given written consent to the release of that information by
20 the agency which maintains it.

21 (n) For the express purpose of research, evaluative or statistical
22 programs pursuant to an agreement with an agency of criminal justice.

23 ~~(o) [The division of child and family services of the department of~~
24 ~~human resources and any county agency that is operated pursuant to NRS~~
25 ~~432B.325 or authorized by a court of competent jurisdiction to receive and~~
26 ~~investigate reports of abuse or neglect of children and which provides or~~
27 ~~arranges for protective services for such children.] An agency which~~
28 ~~provides child welfare services, as defined in NRS 432B.030.~~

29 (p) The welfare division of the department of human resources or its
30 designated representative.

31 (q) An agency of this or any other state or the Federal Government that
32 is conducting activities pursuant to Part D of Title IV of the Social Security
33 Act, ~~42~~ 42 U.S.C. §§ 651 et seq. ~~42~~

34 (r) The state disaster identification team of the division of emergency
35 management of the department of motor vehicles and public safety.

36 6. Agencies of criminal justice in this state which receive information
37 from sources outside this state concerning transactions involving criminal
38 justice which occur outside Nevada shall treat the information as
39 confidentially as is required by the provisions of this chapter.

40 **Sec. 34.** NRS 200.359 is hereby amended to read as follows:

41 200.359 1. A person having a limited right of custody to a child by
42 operation of law or pursuant to an order, judgment or decree of any court,
43 including a judgment or decree which grants another person rights to
44 custody or visitation of the child, or any parent having no right of custody
45 to the child, who:

46 (a) In violation of an order, judgment or decree of any court willfully
47 detains, conceals or removes the child from a parent, guardian or other
48 person having lawful custody or a right of visitation of the child; or



1 (b) In the case of an order, judgment or decree of any court that does not
2 specify when the right to physical custody or visitation is to be exercised,
3 removes the child from the jurisdiction of the court without the consent of
4 either the court or all persons who have the right to custody or
5 visitation,
6 is guilty of a category D felony and shall be punished as provided in NRS
7 193.130.

8 2. A parent who has joint legal custody of a child pursuant to NRS
9 125.465 shall not willfully conceal or remove the child from the custody of
10 the other parent with the specific intent to deprive the other parent of the
11 parent and child relationship. A person who violates this subsection shall
12 be punished as provided in subsection 1.

13 3. If the mother of a child has primary physical custody pursuant to
14 subsection 2 of NRS 126.031, the father of the child shall not willfully
15 conceal or remove the child from the physical custody of the mother. If the
16 father of a child has primary physical custody pursuant to subsection 2 of
17 NRS 126.031, the mother of the child shall not willfully conceal or remove
18 the child from the physical custody of the father. A person who violates
19 this subsection shall be punished as provided in subsection 1.

20 4. Before an arrest warrant may be issued for a violation of this
21 section, the court must find that:

22 (a) This is the home state of the child, as defined in subsection 5 of NRS
23 125A.040; and

24 (b) There is cause to believe that the entry of a court order in a civil
25 proceeding brought pursuant to chapter 125, 125A or 125C of NRS will
26 not be effective to enforce the rights of the parties and would not be in the
27 best interests of the child.

28 5. Upon conviction for a violation of this section, the court shall order
29 the defendant to pay restitution for any expenses incurred in locating or
30 recovering the child.

31 6. The prosecuting attorney may recommend to the judge that the
32 defendant be sentenced as for a misdemeanor and the judge may impose
33 such a sentence if he finds that:

34 (a) The defendant has no prior conviction for this offense and the child
35 has suffered no substantial harm as a result of the offense; or

36 (b) The interests of justice require that the defendant be punished as for
37 a misdemeanor.

38 7. A person who aids or abets any other person to violate this section
39 shall be punished as provided in subsection 1.

40 8. This section does not apply to a person who detains, conceals or
41 removes a child to protect the child from the imminent danger of abuse or
42 neglect or to protect himself from imminent physical harm, and reported
43 the detention, concealment or removal to a law enforcement agency or an
44 agency which provides ~~protective~~ *child welfare* services within 24 hours
45 after detaining, concealing or removing the child, or as soon as the
46 circumstances allowed. As used in this subsection:

47 (a) “Abuse or neglect” has the meaning ascribed to it in paragraph (a) of
48 subsection 3 of NRS 200.508.



(b) “Agency which provides ~~protective~~ *child welfare* services” has the meaning ascribed to it in NRS 432B.030.

Sec. 35. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 41, inclusive, of this act.

Sec. 36. *As used in sections 36 to 41, inclusive, of this act, “committee” means the legislative committee on children, youth and families.*

Sec. 37. 1. *There is hereby established a legislative committee on children, youth and families consisting of:*

(a) Four members appointed by the majority leader of the senate, at least one of whom must be a member of the minority political party; and

(b) Four members appointed by the speaker of the assembly, at least one of whom must be a member of the minority political party.

2. The members of the committee shall elect a chairman and vice chairman from among their members. The chairman must be elected from one house of the legislature and the vice chairman from the other house. After the initial election of a chairman and vice chairman, each of those officers holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the committee shall elect a replacement for the remainder of the unexpired term.

3. Any member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the legislature.

4. Vacancies on the committee must be filled in the same manner as the original appointments.

Sec. 38. 1. *The members of the committee shall meet throughout each year at the times and places specified by a call of the chairman or a majority of the committee.*

2. The director of the legislative counsel bureau or his designee shall act as the nonvoting recording secretary.

3. The committee shall prescribe regulations for its own management and government.

4. Except as otherwise provided in subsection 5, five voting members of the committee constitute a quorum.

5. Any recommended legislation proposed by the committee must be approved by a majority of the members of the senate and by a majority of the members of the assembly appointed to the committee.

6. Except during a regular or special session of the legislature, the members of the committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the committee and while engaged in the business of the committee. The salaries and expenses paid pursuant to this subsection and the expenses of the committee must be paid from the legislative fund.



* A B 3 4 3 R 1 *

1 **Sec. 39. The committee shall:**

2 1. Evaluate, review and comment upon issues related to the provision
3 of child welfare services within this state, including, without limitation:

- 4 (a) Programs for the provision of child welfare services;
5 (b) Licensing and reimbursement of providers of foster care;
6 (c) Mental health services; and
7 (d) Compliance with federal requirements.

8 2. Monitor the activities of each mental health consortium
9 established pursuant to section 124 of this act.

10 3. Conduct investigations and hold hearings in connection with its
11 powers pursuant to this section.

12 4. Request that the legislative counsel bureau assist in the research,
13 investigations, hearings and reviews of the committee.

14 5. Make recommendations to the legislature concerning the manner
15 in which the provision of child welfare services within this state may be
16 improved.

17 **Sec. 40. 1. In conducting the investigations and hearings of the**
18 **committee:**

19 (a) Any member of the committee may administer oaths.

20 (b) The chairman of the committee may cause the deposition of
21 witnesses, residing either within or outside of the state, to be taken in the
22 manner prescribed by rule of court for taking depositions in civil actions
23 in the district courts.

24 (c) The chairman of the committee may issue subpoenas to compel the
25 attendance of witnesses and the production of books, papers or
26 documents.

27 2. If a witness refuses to attend or testify or produce books, papers or
28 documents as required by the subpoena, the chairman of the committee
29 may report to the district court by petition, setting forth:

30 (a) That due notice has been given of the time and place of attendance
31 of the witness or the production of the books, papers or documents;

32 (b) That the witness has been subpoenaed by the committee pursuant
33 to this section; and

34 (c) That the witness has failed or refused to attend or produce the
35 books, papers or documents required by the subpoena before the
36 committee that is named in the subpoena, or has refused to answer
37 questions propounded to him,
38 and asking for an order of the court compelling the witness to attend and
39 testify or produce the books, papers or documents before the committee.

40 3. Upon such a petition, the court shall enter an order directing the
41 witness to appear before the court at a time and place to be fixed by the
42 court in its order, the time to be not more than 10 days after the date of
43 the order, and to show cause why he has not attended or testified or
44 produced the books, papers or documents before the committee. A
45 certified copy of the order must be served upon the witness.

46 4. If it appears to the court that the subpoena was regularly issued by
47 the committee, the court shall enter an order that the witness appear
48 before the committee at the time and place fixed in the order and testify



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1 *or produce the required books, papers or documents. Failure to obey the*
2 *order constitutes contempt of court.*

3 **Sec. 41.** *Each witness who appears before the committee by its*
4 *order, except a state officer or employee, is entitled to receive for his*
5 *attendance the fees and mileage provided for witnesses in civil cases in*
6 *the courts of record of this state. The fees and mileage must be audited*
7 *and paid upon the presentation of proper claims sworn to by the witness*
8 *and approved by the chairman of the committee.*

9 **Sec. 42.** NRS 232.400 is hereby amended to read as follows:

10 232.400 1. The purposes of the division ~~{of child and family services~~
11 ~~in the department}~~ are to:

12 (a) Provide a comprehensive state system for the coordination and
13 provision of services to children and families who need assistance relating
14 to juvenile justice and the care, welfare and mental health of children.

15 (b) Aid in the preservation, rehabilitation and reunification of families.

16 (c) Ensure that children are placed in the least restrictive environment
17 available which is appropriate to their needs.

18 (d) ~~{Provide}~~ *Coordinate and provide* services for youth who are in
19 need of residential care or in need of treatment or both.

20 2. In accomplishing its purposes, the division shall:

21 (a) Establish and ~~{operate a central, comprehensive state}~~ *coordinate a*
22 *system for:*

23 (1) The diagnosis and assessment of the needs of particular children
24 and families, including those in need of multiple services;

25 (2) The referral of children and families to appropriate services; and

26 (3) The management and monitoring of cases in which children and
27 families are referred to multiple services.

28 (b) ~~{Provide}~~ *Plan and coordinate the provision of* services for the
29 support of families to:

30 (1) Maintain the integrity of families;

31 (2) Ensure that children are not unnecessarily removed from their
32 homes; and

33 (3) Ensure that families are reunited as soon as practicable after the
34 removal of children from their homes.

35 (c) Ensure that a sufficient range of services is available to provide care
36 and treatment to children and families in the least restrictive setting
37 appropriate to their needs.

38 (d) Work closely with other governmental agencies and with public and
39 private agencies providing the same or similar services.

40 3. The division shall develop standards for carrying out programs
41 aimed toward the prevention of delinquent acts of children and programs
42 for the treatment of those brought to its attention. It shall assist in the
43 development of programs for the predelinquent children whose behavior
44 tends to lead them into contact with law enforcement agencies.

45 4. The division shall develop and assist in carrying out programs for
46 the diversion of juveniles out of the judicial system and programs for the
47 aftercare of juveniles who have been released from state institutions, who
48 have been brought before the juvenile court or family court or have
49 otherwise come into contact with law enforcement agencies. The



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1 administrator of the division shall observe and evaluate the success of
2 those programs.

3 **Sec. 43.** NRS 392.126 is hereby amended to read as follows:

4 392.126 1. There is hereby created in each county at least one
5 advisory board to review school attendance. The membership of each such
6 board may consist of:

7 (a) One probation officer in the county who works on cases relating to
8 juveniles, appointed by the judge or judges of the juvenile court of the
9 county;

10 (b) One representative of a law enforcement agency in the county who
11 works on cases relating to juveniles, appointed by the judge or judges of
12 the juvenile court of the county;

13 (c) One representative of the district attorney for the county, appointed
14 by the district attorney;

15 (d) One parent or legal guardian of a pupil who is enrolled in a public
16 school in the county, or his designee or alternate who is also a parent or
17 legal guardian, appointed by the president of the board of trustees of the
18 school district;

19 (e) One member of the board of trustees of the school district, appointed
20 by the president of the board of trustees;

21 (f) One school counselor or school teacher employed by the school
22 district, appointed by an organization or association that represents licensed
23 educational personnel in the school district;

24 (g) One deputy sheriff in the county, appointed by the sheriff of the
25 county; and

26 (h) One representative of the ~~local office of the division of child and~~
27 ~~family services of the department of human resources, appointed by the~~
28 ~~executive head of that office.~~ *agency which provides child welfare*
29 *services, as defined in NRS 432B.030.*

30 2. The members of each such board shall elect a chairman from among
31 their membership.

32 3. Each member of such a board must be appointed for a term of 2
33 years. A vacancy in the membership of the board must be filled in the same
34 manner as the original appointment for the remainder of the unexpired
35 term.

36 4. Each member of such a board serves without compensation, except
37 that, for each day or portion of a day during which a member of the board
38 attends a meeting of the board or is otherwise engaged in the business of
39 the board, he is entitled to receive the per diem allowance and travel
40 expenses provided for state officers and employees generally. The board of
41 trustees of the school district shall pay the per diem allowance and travel
42 expenses from the general fund of the school district.

43 **Sec. 44.** NRS 392.165 is hereby amended to read as follows:

44 392.165 1. The board of trustees of a school district and the
45 governing body of a charter school shall not allow a child to be
46 permanently enrolled in any school in the district or any charter school
47 until the parent or guardian of the child furnishes a birth certificate or other
48 document suitable as proof of the child's identity and, if applicable, a copy
49 of the child's records from the school he most recently attended.



1 2. Except as otherwise provided in subsection 3, a child must be
2 enrolled in a school under his name as it appears in the identifying
3 document or records required by subsection 1, unless the parent or
4 guardian furnishes a court order or decree authorizing a change of name or
5 directing the board of trustees of the school district or the governing body
6 of a charter school to enroll the child under a name other than the name
7 which appears in the identifying document or records.

8 3. A child who is in the custody of the ~~division of child and family~~
9 ~~services of the department of human resources~~ *agency which provides*
10 *child welfare services, as defined in NRS 432B.030*, may be enrolled in a
11 school under a name other than the name which appears in the identifying
12 document or records required by subsection 1 if the court determines that
13 to do so would be in the best interests of the child.

14 4. If the parent or guardian fails to furnish the identifying document or
15 records required by subsection 1 within 30 days after the child is
16 conditionally enrolled, the principal, superintendent or governing body of a
17 charter school shall notify the local law enforcement agency and request a
18 determination as to whether the child has been reported as missing.

19 **Sec. 45.** NRS 392.210 is hereby amended to read as follows:

20 392.210 1. Except as otherwise provided in subsection 2, a parent,
21 guardian or other person who has control or charge of any child and to
22 whom notice has been given of the child's truancy as provided in NRS
23 392.130 and 392.140, and who fails to prevent the child's subsequent
24 truancy within that school year, is guilty of a misdemeanor.

25 2. A person who is licensed ~~by the division of child and family~~
26 ~~services of the department of human resources~~ pursuant to NRS 424.030
27 to conduct a family foster home or group foster home is liable pursuant to
28 subsection 1 for a child in his foster care only if the person has received
29 notice of the truancy of the child as provided in NRS 392.130 and 392.140,
30 and negligently fails to prevent the subsequent truancy of the child within
31 that school year.

32 **Sec. 46.** NRS 394.145 is hereby amended to read as follows:

33 394.145 1. A private elementary or secondary school in this state
34 shall not permanently admit any child until the parent or guardian of the
35 child furnishes a birth certificate or other document suitable as proof of the
36 child's identity and, if applicable, a copy of the child's records from the
37 school he most recently attended.

38 2. Except as otherwise provided in subsection 3, a child must be
39 admitted to a school under his name as it appears in the identifying
40 document or records required by subsection 1, unless the parent or
41 guardian furnishes a court order or decree authorizing a change of name or
42 directing the principal or other person in charge of that school to admit the
43 child under a name other than the name which appears in the identifying
44 document or records.

45 3. A child who is in the custody of the ~~division of child and family~~
46 ~~services of the department of human resources~~ *agency which provides*
47 *child welfare services, as defined in NRS 432B.030*, may be admitted to a
48 school under a name other than the name which appears in the identifying



document or records required by subsection 1 if the court determines that to do so would be in the best interests of the child.

4. If the parent or guardian fails to furnish the identifying document or records required by subsection 1 within 30 days after the child is conditionally admitted, the principal or other person in charge of the school shall notify the local law enforcement agency and request a determination as to whether the child has been reported as missing.

5. Any parent, guardian or other person who, with intent to deceive under this section:

- (a) Presents a false birth certificate or record of attendance at school; or
 - (b) Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4,
- of a child under 17 years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 47. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

"Licensing authority" means:

1. In a county whose population is 100,000 or more, the agency which provides child welfare services, as defined in NRS 432B.030; and

2. In a county whose population is less than 100,000, the division.

Sec. 48. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.012 to 424.017, inclusive, ***and section 47 of this act*** have the meanings ascribed to them in those sections.

Sec. 49. NRS 424.013 is hereby amended to read as follows:

424.013 "Family foster home" means a family home in which one to six children under ~~16~~ **18** years of age not related ~~by blood, adoption or marriage~~ ***within the first degree of consanguinity or affinity*** to the person or persons maintaining the home are received, cared for and maintained, for compensation or otherwise, including the provision of permanent free care. The term includes a family home in which such a child is received, cared for and maintained pending completion of proceedings for the adoption of the child by the person or persons maintaining the home.

Sec. 50. NRS 424.015 is hereby amended to read as follows:

424.015 "Group foster home" means a natural person, partnership, firm, corporation or association who provides full-time care for 7 to 15 children who are:

1. Under ~~16~~ **18** years of age;
2. Not related ~~by blood, adoption or marriage~~ ***within the first degree of consanguinity or affinity*** to any natural person maintaining or operating the home; and
3. Received, cared for and maintained for compensation or otherwise, including the provision of permanent free care.

Sec. 51. NRS 424.017 is hereby amended to read as follows:

424.017 "Provider of family foster care" means a person who is licensed ~~by the division~~ to conduct a family foster home pursuant to NRS 424.030.



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1 **Sec. 52.** NRS 424.020 is hereby amended to read as follows:
2 424.020 1. *The division, in consultation with each licensing*
3 *authority in a county whose population is 100,000 or more, shall adopt*
4 *regulations to:*

5 (a) *Establish procedures and requirements for the licensure of family*
6 *foster homes and group foster homes; and*
7 (b) *Monitor such licensure.*

8 2. The division, in cooperation with the state board of health and the
9 state fire marshal, shall:

10 (a) Establish reasonable minimum standards for family foster homes
11 and group foster homes.

12 (b) Prescribe rules for the regulation of family foster homes and group
13 foster homes.

14 ~~{2. All licensed}~~

15 3. *All* family foster homes and group foster homes *licensed pursuant*
16 *to this chapter* must conform to the standards established and the rules
17 prescribed in subsection ~~H-1~~ 2.

18 **Sec. 53.** NRS 424.030 is hereby amended to read as follows:

19 424.030 1. No person may conduct a family foster home or a group
20 foster home without receiving a license to do so from the ~~{division.~~

21 ~~2. Except as otherwise provided in subsection 4, no} licensing~~
22 ~~authority.~~

23 2. *No* license may be issued to a family foster home or a group foster
24 home until a fair and impartial investigation of the home and its standards
25 of care has been made by the ~~{division or a child placing agency licensed~~
26 ~~by the division.} licensing authority or its designee.~~

27 3. Any family foster home or group foster home that conforms to the
28 established standards of care and prescribed rules must receive a regular
29 license from the ~~{division.} licensing authority,~~ which must be in force for
30 1 year after the date of issuance. On reconsideration of the standards
31 maintained, the license may be renewed annually.

32 4. ~~{When, because of an emergency situation, a child must be placed~~
33 ~~before completion of the licensing investigation, a family foster home or~~
34 ~~group foster home may be issued a provisional license for a period not to~~
35 ~~exceed 3 months, renewable for one additional period not to exceed 3~~
36 ~~months. A provisional license may be issued to a foster home only after~~
37 ~~determination that the health and safety of the child or children placed~~
38 ~~therein will not be jeopardized. If at any time during the period a~~
39 ~~provisional license is in effect, it is determined that the foster home does~~
40 ~~not meet minimum licensing standards, the provisional license must be~~
41 ~~revoked and any child or children placed in the foster home must be~~
42 ~~promptly removed by the placing agency. If, on or before the expiration~~
43 ~~date of the provisional license, it has been determined that the foster home~~
44 ~~meets minimum licensing standards, a regular license must be issued~~
45 ~~pursuant to the provisions of subsection 3, to be in force for 1 year after the~~
46 ~~date of issuance.~~

47 ~~5. When} If~~ a family foster home *or group foster home* does not meet
48 minimum licensing standards but offers values and advantages to a
49 particular child or children and will not jeopardize the health and safety of



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1 the child or children placed therein, the family foster home *or group foster*
2 *home* may be issued a special license, which must be in force for 1 year
3 after the date of issuance and may be renewed annually. No foster children
4 other than those specified on the license may be cared for in the home.

5 ~~16-1~~ 5. The license must show:

6 (a) The name of the persons licensed to conduct the family foster home
7 or group foster home.

8 (b) The exact location of the family foster home or group foster home.

9 (c) The number of children that may be received and cared for at one
10 time.

11 (d) If the license is a special license issued pursuant to subsection ~~15-1~~ 4,
12 the name of the child or children for whom the family foster home *or*
13 *group foster home* is licensed to provide care.

14 ~~17-1~~ 6. No family foster home or group foster home may receive for
15 care more children than are specified in the license.

16 7. *In consultation with each licensing authority in a county whose*
17 *population is 100,000 or more, the division may adopt regulations*
18 *regarding the issuance of provisional and special licenses.*

19 Sec. 54. NRS 424.031 is hereby amended to read as follows:

20 424.031 1. The ~~division~~ *licensing authority or a person or entity*
21 *designated by the licensing authority* shall obtain from appropriate law
22 enforcement agencies information on the background and personal history
23 of each applicant for a license to conduct a foster home, prospective
24 employee of that applicant or of a person who is licensed to conduct a
25 foster home, and resident of a foster home who is 18 years of age or older,
26 to determine whether the person investigated has been arrested for or
27 convicted of any crime.

28 2. The ~~division~~ *licensing authority or its approved designee* may
29 charge each person investigated pursuant to this section for the reasonable
30 cost of that investigation.

31 Sec. 55. NRS 424.033 is hereby amended to read as follows:

32 424.033 1. Each applicant for a license to conduct a foster home,
33 prospective employee of that applicant or of a person who is licensed to
34 conduct a foster home, or resident of a foster home who is 18 years of age
35 or older ~~shall~~ *must* submit to the ~~division~~ *licensing authority or its*
36 *approved designee* a complete set of his fingerprints and written
37 permission authorizing the ~~division~~ *licensing authority or its approved*
38 *designee* to forward those fingerprints to the central repository for Nevada
39 records of criminal history for submission to the Federal Bureau of
40 Investigation for its report to enable the ~~division~~ *licensing authority or*
41 *its approved designee* to conduct an investigation pursuant to NRS
42 424.031.

43 2. The ~~division~~ *licensing authority or its approved designee* may
44 exchange with the central repository or the Federal Bureau of Investigation
45 any information respecting the fingerprints submitted.

46 3. When a report from the Federal Bureau of Investigation is received
47 by the central repository, it shall immediately forward a copy of the report
48 to the ~~division~~ *licensing authority or its approved designee.*



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1 **Sec. 56.** NRS 424.036 is hereby amended to read as follows:
2 424.036 Before issuing a license to conduct a family foster home
3 pursuant to NRS 424.030, the ~~division~~ *licensing authority* shall discuss
4 with the applicant and, to the extent possible, ensure that the applicant
5 understands:

6 1. The role of a provider of family foster care, the ~~division~~ *licensing*
7 *authority* and the members of the immediate family of a child placed in a
8 family foster home; and

9 2. The personal skills which are required of a provider of family foster
10 care and the other residents of a family foster home to provide effective
11 foster care.

12 **Sec. 57.** NRS 424.037 is hereby amended to read as follows:

13 424.037 1. Before placing a child with a provider of family foster
14 care, the ~~division~~ *licensing authority* shall inform the provider of the
15 plans, if any, which the ~~division~~ *licensing authority* has developed
16 relating to the provision of care required for that child. If the plan for the
17 child changes, the ~~division~~ *licensing authority* shall inform the provider
18 of family foster care of the changes and the reasons for those changes.

19 2. The ~~division~~ *licensing authority* shall consult with a provider of
20 family foster care concerning the care to be provided to a child placed with
21 the provider, including appropriate disciplinary actions that may be taken.

22 3. If issues concerning the health, safety or care of a child occur during
23 the placement of the child with a provider of family foster care, the
24 ~~division~~ *licensing authority* shall:

25 (a) Consider the daily routine of the provider when determining how to
26 respond to those issues; and

27 (b) To the extent possible, respond to those issues in a manner which is
28 the least disruptive to that daily routine, unless that response would not be
29 in the best interest of the child.

30 **Sec. 58.** NRS 424.038 is hereby amended to read as follows:

31 424.038 1. Before placing, and during the placement of, a child in a
32 family foster home, the ~~division~~ *licensing authority* shall provide to the
33 provider of family foster care such information relating to the child as is
34 necessary to ensure the health and safety of the child and the other
35 residents of the family foster home. This information must include the
36 medical history and previous behavior of the child to the extent that such
37 information is available.

38 2. The provider of family foster care may at any time before, during or
39 after the placement of the child in his family foster home, request
40 information about the child from the ~~division~~ *licensing authority*. After
41 the child has left the care of the provider, the ~~division~~ *licensing authority*
42 shall provide the information requested by the provider, unless the
43 information is otherwise declared to be confidential by law or the
44 ~~division~~ *licensing authority* determines that providing the information is
45 not in the best interests of the child.

46 3. The provider of family foster care shall maintain the confidentiality
47 of information obtained pursuant to this section under the terms and
48 conditions otherwise required by law.



1 **Sec. 59.** NRS 424.040 is hereby amended to read as follows:
2 424.040 ~~{The division, or its authorized agent,}~~ *A licensing authority*
3 *or its designee* shall visit every licensed family foster home and group
4 foster home as often as necessary to ensure that proper care is given to the
5 children.

6 **Sec. 60.** NRS 424.047 is hereby amended to read as follows:
7 424.047 1. ~~{The division}~~ *A licensing authority* shall, upon request,
8 provide to a provider of family foster care access to all information, except
9 references, in the records maintained by the ~~{division}~~ *licensing authority*
10 concerning that provider.

11 2. After reasonable notice and by appointment, a provider of family
12 foster care may inspect the information kept in those records.

13 **Sec. 61.** NRS 424.050 is hereby amended to read as follows:
14 424.050 Whenever ~~{the division}~~ *a licensing authority* is advised or
15 has reason to believe that any person is conducting or maintaining a foster
16 home for children without a license, as required by this chapter, the
17 ~~{division}~~ *licensing authority* shall have an investigation made. If the
18 person is conducting a foster home, the ~~{division}~~ *licensing authority* shall
19 either issue a license or take action to prevent continued operation of the
20 foster home.

21 **Sec. 62.** NRS 424.060 is hereby amended to read as follows:
22 424.060 If the ~~{division}~~ *licensing authority* at any time finds that a
23 child in a foster home is subject to undesirable influences or lacks proper
24 or wise care and management, the ~~{division}~~ *licensing authority* shall
25 notify any agency or institution that has placed the child in the home to
26 remove the child from the home. If the child is in a foster home where he
27 has been placed by his parents, relatives or other persons independently of
28 any agency, the ~~{division}~~ *licensing authority* shall take necessary action
29 to remove the child and arrange for his care.

30 **Sec. 63.** NRS 424.070 is hereby amended to read as follows:
31 424.070 No person other than the parents or guardian of a child and no
32 agency or institution in this state or from outside this state may place any
33 child in the control or care of any person without sending notice of the
34 pending placement and receiving approval of the placement from the
35 division ~~{}~~ *or its designee*. No such person, parent, guardian, agency or
36 institution may place a child for adoption except as *otherwise* provided in
37 chapter 127 of NRS.

38 **Sec. 64.** NRS 424.075 is hereby amended to read as follows:
39 424.075 1. A provider of family foster care may:
40 (a) Refuse to accept the placement of a child in his family foster home;
41 or
42 (b) Request that a child placed in his family foster home be
43 removed,
44 unless the provider has a written agreement with the ~~{division}~~ *licensing*
45 *authority* to the contrary.

46 2. If a provider of family foster care refuses to accept the placement of
47 a child in, or requests the removal of a child from, his family foster home,
48 the ~~{division}~~ *licensing authority* may not, based solely on that refusal or
49 request:



- 1 (a) Revoke the license of the provider to conduct a family foster home;
- 2 (b) Remove any other child placed in the family foster home;
- 3 (c) Refuse to consider future placements of children in the family foster
- 4 home; or
- 5 (d) Refuse or deny any other rights of the provider as may be provided
- 6 by the provisions of this chapter and any regulations adopted pursuant
- 7 thereto.

8 **Sec. 65.** NRS 424.077 is hereby amended to read as follows:

9 424.077 1. The division shall ~~{establish, by regulation,}~~ *, in*
10 *consultation with each licensing authority in a county whose population*
11 *is 100,000 or more, adopt regulations for the establishment of* a program
12 pursuant to which a provider of family foster care may receive respite from
13 the stresses and responsibilities that result from the daily care of children
14 placed in his family foster home.

15 2. The ~~{division shall provide}~~ *licensing authority shall establish and*
16 *operate a program that complies with the regulations adopted pursuant*
17 *to subsection 1 to provide respite,* training and support to a provider of
18 family foster care in order to develop and enhance the skills of the provider
19 to provide foster care.

20 **Sec. 66.** NRS 424.079 is hereby amended to read as follows:

21 424.079 Upon the request of a provider of family foster care, the
22 ~~{division}~~ *licensing authority* shall allow the provider to visit a child after
23 the child leaves the care of the provider if:

- 24 1. The child agrees to the visitation; and
- 25 2. The ~~{division}~~ licensing authority determines that the visitation is in
26 the best interest of the child.

27 **Sec. 67.** NRS 424.085 is hereby amended to read as follows:

28 424.085 1. Except as otherwise provided by specific statute, a person
29 who is licensed by the ~~{division}~~ *licensing authority* pursuant to NRS
30 424.030 to conduct a family foster home or group foster home is not liable
31 for any act of a child in his foster care unless the person licensed by the
32 ~~{division}~~ *licensing authority* took an affirmative action that contributed to
33 the act of the child.

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

37 **Sec. 68.** NRS 424.090 is hereby amended to read as follows:

38 424.090 The provisions of this chapter do not apply to homes in
39 which:

- 40 1. Care is provided only for a neighbor's or friend's child on an
- 41 irregular or occasional basis for a brief period, not to exceed 90 days.
- 42 2. Care is provided by the legal guardian.
- 43 3. Care is provided for an exchange student.
- 44 4. Care is provided to enable a child to take advantage of educational
- 45 facilities that are not available in his home community.
- 46 5. Any child or children are received, cared for and maintained
- 47 pending completion of proceedings for adoption of such child or children,
- 48 except as otherwise provided in ~~{NRS 427.2815}~~ *regulations adopted by*
49 *the division.*



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1 6. *Except as otherwise provided in regulations adopted by the*
2 *division, care is voluntarily provided to a minor child who is:*

- 3 (a) *Related to the caretaker by blood, adoption or marriage; and*
4 (b) *Not in the custody of an agency which provides child welfare*
5 *services.*

6 **Sec. 69.** Chapter 432 of NRS is hereby amended by adding thereto a
7 new section to read as follows:

8 1. *The head of the agency which provides child welfare services in a*
9 *county whose population is 100,000 or more shall furnish to the county*
10 *comptroller and the administrator of the division a full, true and correct*
11 *list of claimants in the county who are entitled to payment for the care*
12 *and services provided for in NRS 432.010 to 432.085, inclusive, and of*
13 *the amount to be paid to each of them from the money distributed to the*
14 *agency which provides child welfare services pursuant to NRS 432.040,*
15 *certified to by him as being a full, true and correct list of such claimants*
16 *in that county and the amount to which each of them is entitled pursuant*
17 *to NRS 432.010 to 432.085, inclusive. The list is subject to revision by the*
18 *head of the agency which provides child welfare services to make it*
19 *conform to such changes as may be made pursuant to the terms of NRS*
20 *432.010 to 432.085, inclusive.*

21 2. *The total amount of federal and state money to which each*
22 *claimant is entitled pursuant to the provisions of NRS 432.010 to*
23 *432.085, inclusive, must be paid in the manner provided in NRS 244.210.*

24 **Sec. 70.** NRS 432.010 is hereby amended to read as follows:

25 432.010 As used in this chapter, except as otherwise defined by
26 specific statute or unless the context otherwise requires:

- 27 1. "Administrator" means the administrator of the division.
28 2. *"Agency which provides child welfare services" has the meaning*
29 *ascribed to it in NRS 432B.030.*

30 3. "Child" means a person less than 18 years of age, or if in school,
31 until graduation from high school.

32 ~~3.~~ 4. "Division" means the division of child and family services of
33 the department of human resources.

34 ~~4.~~ 5. "Maintenance" means general expenses for care such as board,
35 shelter, clothing, transportation and other necessary or incidental expenses,
36 or any of them, or monetary payments therefor.

37 ~~5.~~ 6. "Special services" means medical, hospital, psychiatric,
38 surgical or dental services, or any combination thereof.

39 **Sec. 71.** NRS 432.020 is hereby amended to read as follows:

40 432.020 ~~The division~~ *An agency which provides child welfare*
41 *services* shall:

42 1. Provide, to the extent that support is not otherwise required by court
43 order or pursuant to specific statute, maintenance and special services to:

- 44 (a) Unmarried mothers and children awaiting adoptive placement.
45 (b) Children who are placed in the custody of the ~~division~~ *agency*
46 *which provides child welfare services*, and who are placed in foster homes,
47 homes of relatives other than parents or other facilities or institutions.
48 Except as otherwise provided by specific statute, if any child is to be
49 placed in the custody of the ~~division~~ *agency which provides child*



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1 *welfare services*, pursuant to any order of a court or request made by a
2 person or agency other than the ~~{division}~~ *agency which provides child*
3 *welfare services*, this order or request may be issued or made only after an
4 opportunity for a hearing has been given to the ~~{division}~~ *agency which*
5 *provides child welfare services* after 3 days' notice, or upon request of the
6 ~~{division}~~ *agency which provides child welfare services*.

7 2. Except as otherwise provided by court order or specific statute,
8 return a child to his natural home or home of a competent relative for a
9 probationary period any time after the expiration of 60 days after the
10 placement of the child in the custody of the ~~{division}~~ *agency which*
11 *provides child welfare services*, with notification to but without formal
12 application to a court, but the ~~{division}~~ *agency which provides child*
13 *welfare services* retains the right to custody of the child during the
14 probationary period, until a court of competent jurisdiction determines
15 proper custody of the child.

16 ~~{3. Accept money from and cooperate with the United States or any of~~
17 ~~its agencies in carrying out the provisions of NRS 432.010 to 432.085,~~
18 ~~inclusive, and of any federal acts pertaining to public child welfare and~~
19 ~~youth services, insofar as authorized by the legislature.}~~

20 **Sec. 72.** NRS 432.027 is hereby amended to read as follows:

21 432.027 As soon as practicable after ~~{the division}~~ *an agency which*
22 *provides child welfare services* receives an application by a person to
23 receive the placement of a child, the ~~{division}~~ *agency which provides*
24 *child welfare services* shall notify the person in writing as to whether the
25 person will be considered for approval as an adoptive parent or as a
26 provider of foster care.

27 **Sec. 73.** NRS 432.030 is hereby amended to read as follows:

28 432.030 No employee of ~~{the division}~~ *an agency which provides*
29 *child welfare services* may provide maintenance and special services for
30 any child except as otherwise provided by specific statute or:

31 1. Upon the request of a child whom the ~~{division}~~ *agency which*
32 *provides child welfare services* determines to be emancipated;

33 2. Pursuant to court order or request; or

34 3. Upon referral of appropriate law enforcement officials for
35 emergency care.

36 **Sec. 74.** NRS 432.0305 is hereby amended to read as follows:

37 432.0305 The department of human resources, through the division,
38 shall:

39 1. Observe and study the changing nature and extent of the need for
40 child welfare *services* and develop through tests and demonstrations
41 effective ways of meeting those needs.

42 2. Cooperate with the Federal Government in adopting state plans, in
43 all matters of mutual concern, including the adoption of methods of
44 administration found by the Federal Government to be necessary for the
45 efficient operation of programs for child welfare, and in increasing the
46 efficiency of those programs by prompt and judicious use of new federal
47 grants which will assist the division in carrying out the provisions of NRS
48 432.010 to 432.085, inclusive. *The department shall consider any request*



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1 *for a change in the state plan submitted by an agency which provides*
2 *child welfare services.*

3 3. Enter into reciprocal agreements with other states relative to
4 services for child welfare and institutional care, when deemed necessary or
5 convenient by the administrator of the division.

6 4. *Enter into agreements with an agency which provides child*
7 *welfare services in a county whose population is 100,000 or more when*
8 *deemed necessary or convenient by the administrator of the division.*

9 5. *Accept money from and cooperate with the United States or any of*
10 *its agencies in carrying out the provisions of NRS 432.010 to 432.085,*
11 *inclusive, and of any federal acts pertaining to public child welfare and*
12 *youth services, insofar as authorized by the legislature.*

13 **Sec. 74.5** NRS 432.031 is hereby amended to read as follows:

14 432.031 1. The department of human resources, through the division,
15 shall act as the single state agency of the State of Nevada and its political
16 subdivisions in the administration of any federal money granted to the state
17 to aid in the furtherance of any services and activities for child welfare.

18 2. If the Congress of the United States passes any law increasing the
19 participation of the Federal Government in a Nevada program for child
20 welfare, either as relates to eligibility for assistance or otherwise, the
21 director of the department of human resources is authorized to accept, with
22 the approval of the governor, the increased benefits of that legislation. The
23 division may adopt such standards as are required by the Congress of the
24 United States as a condition to the acceptance of those benefits.

25 3. *An agency which provides child welfare services in a county*
26 *whose population is 100,000 or more shall enter into such agreements*
27 *with the division as are necessary to maximize the amount of money that*
28 *this state may obtain from the Federal Government for the provision of*
29 *child welfare services throughout this state.*

30 **Sec. 75.** NRS 432.032 is hereby amended to read as follows:

31 432.032 The division , *in consultation with each agency which*
32 *provides child welfare services*, shall adopt regulations for the
33 administration of NRS 432.010 to 432.085, inclusive, which are binding
34 upon all recipients and local units.

35 **Sec. 76.** NRS 432.033 is hereby amended to read as follows:

36 432.033 To secure accuracy, uniformity and completeness in statistics
37 and information, the division , *in consultation with each agency which*
38 *provides child welfare services*, may prescribe forms of reports and records
39 to be kept by *an agency which provides child welfare services and* all
40 persons subject to ~~its~~ supervision *by the division* or investigation pursuant
41 to NRS 432.010 to 432.085, inclusive.

42 **Sec. 77.** NRS 432.035 is hereby amended to read as follows:

43 432.035 1. To safeguard and restrict the use or disclosure of any
44 information concerning applicants for and recipients of services for child
45 welfare to purposes directly connected to the administration of NRS
46 432.010 to 432.085, inclusive, by the division, pursuant to the applicable
47 provisions of the Social Security Act, the division shall , *in consultation*
48 *with each agency which provides child welfare services*, establish and
49 enforce reasonable regulations governing the custody, use and preservation



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1 of the records, files and communications filed with the division ~~H~~ *and any*
2 *agency which provides child welfare services.*

3 2. Whenever, pursuant to the provisions of law or regulations of the
4 division, names and addresses of, or information concerning, applicants for
5 and recipients of services for child welfare are furnished to or held by *an*
6 *agency which provides child welfare services or* any other agency or
7 department of government, that agency or department shall comply with
8 the regulations of the division prohibiting the publication of information
9 and its use for purposes not directly connected with the administration of
10 NRS 432.010 to 432.085, inclusive, by the division.

11 3. Except for purposes directly connected with the administration of
12 NRS 432.010 to 432.085, inclusive, no person may publish, disclose, use
13 or permit or cause to be published, disclosed or used any confidential
14 information pertaining to a recipient of services under the provisions of
15 NRS 432.010 to 432.085, inclusive.

16 **Sec. 78.** NRS 432.037 is hereby amended to read as follows:

17 432.037 1. The trust fund for child welfare is hereby created. All
18 benefits for survivors or other awards payable to children receiving *child*
19 *welfare* services pursuant to NRS 432.010 to 432.085, inclusive, *in a*
20 *county whose population is less than 100,000* must be deposited in the
21 state treasury for credit to the fund.

22 2. The division shall:

23 (a) Keep a separate account for each child who receives money.

24 (b) Deduct from the account any services to the child provided by
25 public money. Any surplus remaining may be expended for extraordinary
26 items deemed beneficial to the child.

27 (c) Remit any surplus balance to the parent or legal guardian of the
28 child, or to the child if he is emancipated or has reached the age of 18
29 years, when the division is no longer legally responsible for him.

30 3. The division shall pay interest to each child's separate account
31 maintained in the trust fund for child welfare at the end of each interest
32 period. Interest must be paid at a rate equal to the average of the interest
33 rates quoted by at least three banking institutions for interest-bearing
34 savings accounts of \$3,000 or less on the first day of each interest period.
35 Interest must be paid on the child's account commencing with the first
36 interest period that the division is legally responsible for the child. Interest
37 must not be paid for the interest period during which the child ceases to be
38 the legal responsibility of the division.

39 4. *All benefits for survivors or other awards payable to children*
40 *receiving child welfare services in a county whose population is 100,000*
41 *or more pursuant to NRS 432.010 to 432.085, inclusive, must be*
42 *deposited in the trust fund for child welfare established in the county*
43 *treasury. A disbursement from the benefits for survivors or other awards*
44 *of a child which is deposited in the fund may be made to the agency*
45 *which provides child welfare services for any child welfare services*
46 *provided to the child with public money.*

47 5. As used in this section, "interest period" means that period not less
48 frequent than quarterly, as determined by the state treasurer, for which
49 interest must be paid.



1 **Sec. 79.** NRS 432.038 is hereby amended to read as follows:
2 432.038 **1.** Subject to the approval and regulations of the state board
3 of examiners, the division may maintain an account in a bank or credit
4 union for the purchase of birth certificates, death certificates and other
5 records of vital statistics necessary to perform eligibility and other case-
6 work functions of the division *in a county whose population is less than*
7 *100,000* pursuant to NRS 432.010 to 432.085, inclusive.

8 **2.** *Subject to the approval of the board of county commissioners of*
9 *the county, an agency that provides child welfare services in a county*
10 *whose population is 100,000 or more may maintain an account in a bank*
11 *or credit union for the purchase of birth certificates, death certificates*
12 *and other records of vital statistics necessary to perform eligibility and*
13 *other case-work functions of the agency pursuant to NRS 432.010 to*
14 *432.085, inclusive.*

15 **Sec. 80.** NRS 432.039 is hereby amended to read as follows:

16 432.039 **1.** When in the judgment of the court it is in the best
17 interests of a child in the lawful custody of ~~the division, the division~~ *an*
18 *agency which provides child welfare services, such an agency* may
19 petition for appointment as guardian of the person and estate of the child in
20 the manner provided by chapter 159 of NRS.

21 **2.** The clerk of the district court, county clerk, county recorder or other
22 county officer shall not require the payment of any fees or charges by the
23 ~~division~~ *agency which provides child welfare services* for appointment
24 as guardian pursuant to this section and the district court shall waive the
25 furnishing of a bond by the ~~division~~ *agency which provides child welfare*
26 *services* if it is appointed guardian.

27 **3.** Except as otherwise provided in this section, the ~~division~~ *agency*
28 *which provides child welfare services* shall comply with all applicable
29 provisions of chapter 159 of NRS.

30 **Sec. 81.** NRS 432.040 is hereby amended to read as follows:

31 432.040 **1.** The ~~nonfederal share of all expenses for special services~~
32 ~~and maintenance provided to children and unmarried mothers pursuant to~~
33 ~~NRS 432.010 to 432.085, inclusive, must be paid from money which may~~
34 ~~be provided to the division by direct legislative appropriation.~~ *division, in*
35 *consultation with each agency which provides child welfare services,*
36 *shall adopt regulations to distribute federal and nonfederal money for*
37 *the provision of child welfare services throughout this state. The*
38 *regulations must include a formula for the distribution of such money*
39 *that provides for:*

40 **(a)** *Predictability regarding the allocation of such money between the*
41 *division and the agencies which provide child welfare services;*

42 **(b)** *Shared fiscal responsibility for the costs of providing child welfare*
43 *services between the division and the agencies which provide child*
44 *welfare services; and*

45 **(c)** *Incentives for increasing the amount of such money that is*
46 *available to an agency which provides child welfare services.*

47 **2.** *An agency which provides child welfare services in a county*
48 *whose population is 100,000 or more shall account separately for the*
49 *money that is distributed to that agency pursuant to this section.*



1 **Sec. 82.** NRS 432.050 is hereby amended to read as follows:
2 432.050 All money appropriated by the legislature ~~pursuant to the~~
3 ~~provisions of NRS 432.040~~ *for the expenses of providing special services*
4 *and maintenance pursuant to NRS 432.010 to 432.085, inclusive,* must be
5 accounted for in the state child welfare services account, and all money
6 received from the United States pursuant to Parts B and E of Title IV of the
7 Social Security Act, or for programs of child welfare administered by the
8 division pursuant to NRS 432.010 to 432.085, inclusive, must be deposited
9 in the state treasury and credited to the account, out of which must be paid
10 the expenses incurred in providing maintenance and special services under
11 the provisions of NRS 432.010 to 432.085, inclusive ~~+~~, *pursuant to the*
12 *formula adopted by regulation pursuant to section 81 of this act.*

13 **Sec. 83.** NRS 432.070 is hereby amended to read as follows:
14 432.070 1. The administrator shall furnish to the state controller a
15 full, true and correct list of claimants in each county *whose population is*
16 *less than 100,000 who are* entitled to payment for the care and services
17 provided for in NRS 432.010 to 432.085, inclusive, and of the amount to
18 be paid to each of them from the state child welfare services account,
19 certified to by him as being a full, true and correct list of such claimants in
20 that county and the amount to which each of them is entitled ~~under~~
21 *pursuant to* NRS 432.010 to 432.085, inclusive. The list is subject to
22 revision by the administrator to make it conform to such changes as may be
23 made pursuant to the terms of NRS 432.010 to 432.085, inclusive.

24 2. Upon receiving the certified list the state controller shall promptly
25 draw his warrant upon the state child welfare services account payable to
26 each claimant in the amount to which he is entitled, and the state treasurer
27 shall pay the same. Every warrant must be for the total amount of federal
28 and state money to which each claimant is entitled ~~under~~ *pursuant to* the
29 provisions of NRS 432.010 to 432.085, inclusive.

30 3. Immediately after the warrants have been drawn, the state controller
31 shall deliver or mail them to the division. Immediately thereafter the
32 division shall mail them to the individual recipients. The facilities of the
33 central mailing room must be used.

34 **Sec. 84.** NRS 432.080 is hereby amended to read as follows:
35 432.080 All administrative expenses incurred by the division in
36 carrying out the provisions of NRS 432.010 to 432.085, inclusive, must be
37 paid out of money which may be appropriated by the legislature from the
38 state general fund, *money received from an agency which provides child*
39 *welfare services in a county whose population is 100,000 or more* and out
40 of such other money as may be made available to the division for the
41 payment of administrative expenses. Disbursements must be made upon
42 claims filed, audited and allowed in the same manner as other money in the
43 state treasury is disbursed. All claims must be approved by the
44 administrator before they are paid.

45 **Sec. 85.** NRS 432.085 is hereby amended to read as follows:
46 432.085 1. The parents of a child placed in the custody of ~~the~~
47 ~~division~~ *an agency which provides child welfare services* pursuant to the
48 provisions of NRS 62.880 or 432.010 to 432.085, inclusive, or chapter
49 432B of NRS are liable to the ~~division~~ *agency which provides child*



1 *welfare services* for the cost of maintenance and special services provided
2 to the child.

3 2. The division shall ~~[- in accordance with NRS 232.464,]~~ establish *by*
4 *regulation* reasonable schedules for the repayment of money owed by
5 parents pursuant to subsection 1.

6 3. ~~[The division]~~ *An agency which provides child welfare services*
7 may waive all or any part of the amount due pursuant to this section if it
8 determines that the parents of the child do not have the ability to pay the
9 amount.

10 4. If a parent refuses to pay ~~[the division]~~ *an agency which provides*
11 *child welfare services* for money owed under this section, the ~~[division]~~
12 *agency which provides child welfare services* may bring a civil action to
13 recover all money owed with interest thereon at the rate of 7 percent per
14 year commencing 30 days after an itemized statement of the amount owed
15 is submitted to the parents.

16 5. All money collected pursuant to this section must be deposited :

17 (a) *In a county whose population is less than 100,000*, with the state
18 treasurer for credit to the state child welfare services account.

19 (b) *In a county whose population is 100,000 or more, with the county*
20 *treasurer for credit to a fund or account established by the board of*
21 *county commissioners.*

22 **Sec. 86.** NRS 432.095 is hereby amended to read as follows:

23 432.095 1. There is hereby created the placement prevention
24 revolving account in the amount of \$25,000 to be used for the payment of
25 claims *in a county whose population is less than 100,000* of recipients of
26 goods or services from the division and vendors providing goods or
27 services to those recipients pursuant to procedures established by the
28 division.

29 2. Upon written request from the administrator, the state controller
30 shall draw his warrant from money already authorized for the use of the
31 division in the sum of \$25,000. When the warrant is paid, the administrator
32 shall deposit the money in a financial institution qualified to receive
33 deposits of public money. All money deposited in the placement
34 prevention revolving account pursuant to this section must be secured with
35 a depository bond that is satisfactory to the state board of examiners, unless
36 it is otherwise secured by the Federal Deposit Insurance Corporation, the
37 National Credit Union Share Insurance Fund or a private insurer approved
38 pursuant to NRS 678.755.

39 3. After an expenditure of money from the placement prevention
40 revolving account, the administrator shall present a claim to the state board
41 of examiners to maintain a balance of \$25,000. If the claim is approved by
42 the state board of examiners, the state controller shall draw his warrant
43 from money already authorized for the use of the division in the amount of
44 the claim in favor of the placement prevention revolving account, and the
45 state treasurer shall pay the warrant.

46 4. Money in the placement prevention revolving account *created*
47 *pursuant to subsection 1* does not revert to the state general fund at the end
48 of the fiscal year, and the balance in the account must be carried forward.



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1 5. Purchases made by the division pursuant to this section are exempt
2 from the State Purchasing Act.

3 6. *The board of county commissioners of a county whose population*
4 *is 100,000 or more may establish a fund or account to be used for the*
5 *payment of claims of recipients of goods or services from the agency*
6 *which provides child welfare services and vendors providing goods or*
7 *services to those recipients pursuant to procedures established by the*
8 *agency which provides child welfare services.*

9 **Sec. 87.** Chapter 432B of NRS is hereby amended by adding thereto a
10 new section to read as follows:

11 *“Child welfare services” includes, without limitation:*

12 1. *Protective services, including, without limitation, investigations of*
13 *abuse or neglect and assessments;*

14 2. *Foster care services, including, without limitation, maintenance*
15 *and special services, as defined in NRS 432.010; and*

16 3. *Services related to adoption.*

17 **Sec. 88.** NRS 432B.030 is hereby amended to read as follows:

18 432B.030 “Agency which provides ~~{protective}~~ *child welfare*
19 *services*” means:

20 1. ~~{The}~~ *In a county whose population is less than 100,000, the* local
21 office of the division of child and family services; or

22 2. ~~{An}~~ *In a county whose population is 100,000 or more, the* agency
23 of ~~{a county authorized by the court to receive and investigate reports of~~
24 ~~abuse or neglect,}~~ *the county,*

25 which provides or arranges for necessary *child welfare* services.

26 **Sec. 89.** NRS 432B.130 is hereby amended to read as follows:

27 432B.130 A person is responsible for a child’s welfare under the
28 provisions of this chapter if he is the child’s parent, guardian, ~~{or foster~~
29 ~~parent,}~~ a stepparent with whom the child lives, an adult person continually
30 or regularly found in the same household as the child, or a person directly
31 responsible or serving as a volunteer for or employed in a public or private
32 home, institution or facility where the child actually resides or is receiving
33 child care outside of his home for a portion of the day.

34 **Sec. 90.** NRS 432B.160 is hereby amended to read as follows:

35 432B.160 1. Immunity from civil or criminal liability extends to
36 every person who in good faith:

37 (a) Makes a report pursuant to NRS 432B.220;

38 (b) Conducts an interview or allows an interview to be taken pursuant to
39 NRS 432B.270;

40 (c) Allows or takes photographs or X-rays pursuant to NRS 432B.270;

41 (d) Causes a medical test to be performed pursuant to NRS 432B.270;

42 (e) Provides a record, or a copy thereof, of a medical test performed
43 pursuant to NRS 432B.270 to an agency ~~{that provides protective}~~ *which*
44 *provides child welfare* services to the child, a law enforcement agency that
45 participated in the investigation of the report of abuse or neglect of the
46 child or the prosecuting attorney’s office;

47 (f) Holds a child pursuant to NRS 432B.400 or places a child in
48 protective custody;



1 (g) Refers a case or recommends the filing of a petition pursuant to
2 NRS 432B.380; or

3 (h) Participates in a judicial proceeding resulting from a referral or
4 recommendation.

5 2. In any proceeding to impose liability against a person for:

6 (a) Making a report pursuant to NRS 432B.220; or

7 (b) Any of the acts set forth in paragraphs (b) to (h), inclusive, of
8 subsection 1,

9 there is a presumption that the person acted in good faith.

10 **Sec. 91.** NRS 432B.170 is hereby amended to read as follows:

11 432B.170 Nothing in the provisions of NRS 432.100 to 432.130,
12 inclusive, or this chapter prohibits an agency which provides ~~protective~~
13 *child welfare* services from sharing information with other state or local
14 agencies if:

15 1. The purpose for sharing the information is for the development of a
16 plan for the care, treatment or supervision of a child who has been abused
17 or neglected or of a person responsible for the child's welfare;

18 2. The other agency has standards for confidentiality equivalent to
19 those of the agency which provides ~~protective~~ *child welfare* services; and

20 3. Proper safeguards are taken to ensure the confidentiality of the
21 information.

22 **Sec. 92.** NRS 432B.180 is hereby amended to read as follows:

23 432B.180 The division of child and family services shall:

24 1. Administer any money granted to the state by the Federal
25 Government. ~~under 42 U.S.C. § 5103;~~

26 ~~— 2. Plan and coordinate all protective~~

27 *2. Plan, coordinate and monitor the delivery of child welfare* services
28 provided throughout the state. ~~;~~

29 3. Provide ~~directly or arrange for other persons or governmental~~
30 ~~organizations to provide protective services;~~ *child welfare services*
31 *directly or arrange for the provision of those services in a county whose*
32 *population is less than 100,000.*

33 4. Coordinate its activities with and assist the efforts of any law
34 enforcement agency, a court of competent jurisdiction, *an agency which*
35 *provides child welfare services* and any public or private organization
36 which provides social services for the prevention, identification and
37 treatment of abuse or neglect of children ~~;~~ *and for permanent placement*
38 *of children.*

39 5. Involve communities in the improvement of ~~protective service;~~
40 *child welfare services.*

41 6. Evaluate all ~~protective~~ *child welfare* services provided throughout
42 the state and withhold money from ~~for revoke the license of~~ any agency
43 providing ~~protective~~ *child welfare* services which is not complying with
44 the regulations adopted by the division of child and family services. ~~;~~ *and*

45 7. Evaluate the plans submitted for approval pursuant to NRS
46 432B.395.

47 *8. In consultation with each agency which provides child welfare*
48 *services, request sufficient money for the provision of child welfare*
49 *services throughout this state.*



1 **Sec. 93.** NRS 432B.190 is hereby amended to read as follows:
2 432B.190 The division of child and family services shall , *in*
3 *consultation with each agency which provides child welfare services,*
4 adopt regulations establishing reasonable and uniform standards for:
5 1. ~~{Protective}~~ *Child welfare* services provided in this state;
6 2. Programs for the prevention of abuse or neglect of a *child and the*
7 *achievement of the permanent placement of a* child;
8 3. The development of local councils involving public and private
9 organizations;
10 4. Reports of abuse or neglect, records of these reports and the
11 response to these reports;
12 5. The management and assessment of reported cases of abuse or
13 neglect;
14 6. The protection of the legal rights of parents and children;
15 7. Emergency shelter for a child;
16 8. The prevention, identification and correction of abuse or neglect of
17 a child in residential institutions;
18 9. Evaluating the development and contents of a plan submitted for
19 approval pursuant to NRS 432B.395;
20 10. Developing and distributing to persons who are responsible for a
21 child's welfare a pamphlet that sets forth the procedures for taking a child
22 for placement in protective custody and the legal rights of persons who are
23 parties to a proceeding held pursuant to NRS 432B.410 to 432B.590,
24 inclusive, during all stages of the proceeding; and
25 11. Making the necessary inquiries required pursuant to NRS
26 432B.397 to determine whether a child is an Indian child.

27 **Sec. 94.** NRS 432B.200 is hereby amended to read as follows:
28 432B.200 The division of child and family services shall establish and
29 maintain a center with a toll-free telephone number to receive reports of
30 abuse or neglect of a child in this state 24 hours a day, 7 days a week. Any
31 reports made to this center must be promptly transmitted to the agency
32 ~~{providing protective}~~ *which provides child welfare* services in the
33 community where the child is located.

34 **Sec. 95.** NRS 432B.210 is hereby amended to read as follows:
35 432B.210 An agency which provides ~~{protective}~~ *child welfare*
36 services must receive from the state, any of its political subdivisions or any
37 agency of either, any cooperation, assistance and information it requests in
38 order to fulfill its responsibilities under NRS 432.100 to 432.130,
39 inclusive, and this chapter.

40 **Sec. 96.** NRS 432B.215 is hereby amended to read as follows:
41 432B.215 1. An agency which provides ~~{protective services and the~~
42 ~~division of child and family}~~ *child welfare* services may request the
43 division of parole and probation of the department of motor vehicles and
44 public safety for information concerning a probationer or parolee that may
45 assist the agency ~~{for the division of child and family services}~~ in carrying
46 out the provisions of this chapter. The division of parole and probation
47 shall provide such information upon request.

48 2. The agency which provides ~~{protective services or the division of~~
49 ~~child and family}~~ *child welfare* services may use the information obtained



1 pursuant to subsection 1 only for the limited purpose of carrying out the
2 provisions of this chapter.

3 **Sec. 97.** NRS 432B.220 is hereby amended to read as follows:

4 432B.220 1. Any person who is described in subsection 3 and who,
5 in his professional or occupational capacity, knows or has reasonable cause
6 to believe that a child has been abused or neglected shall:

7 (a) Except as otherwise provided in subsection 2, report the abuse or
8 neglect of the child to an agency which provides ~~protective~~ *child welfare*
9 services or to a law enforcement agency; and

10 (b) Make such a report as soon as reasonably practicable but not later
11 than 24 hours after the person knows or has reasonable cause to believe
12 that the child has been abused or neglected.

13 2. If a person who is required to make a report pursuant to subsection 1
14 knows or has reasonable cause to believe that the abuse or neglect of the
15 child involves an act or omission of:

16 (a) A person directly responsible or serving as a volunteer for or an
17 employee of a public or private home, institution or facility where the child
18 is receiving child care outside of his home for a portion of the day, the
19 person shall make the report to a law enforcement agency.

20 (b) An agency which provides ~~protective~~ *child welfare* services or a
21 law enforcement agency, the person shall make the report to an agency
22 other than the one alleged to have committed the act or omission, and the
23 investigation of the abuse or neglect of the child must be made by an
24 agency other than the one alleged to have committed the act or omission.

25 3. A report must be made pursuant to subsection 1 by the following
26 persons:

27 (a) A physician, dentist, dental hygienist, chiropractor, optometrist,
28 podiatric physician, medical examiner, resident, intern, professional or
29 practical nurse, physician's assistant, psychiatrist, psychologist, marriage
30 and family therapist, alcohol or drug abuse counselor, advanced emergency
31 medical technician or other person providing medical services licensed or
32 certified in this state;

33 (b) Any personnel of a hospital or similar institution engaged in the
34 admission, examination, care or treatment of persons or an administrator,
35 manager or other person in charge of a hospital or similar institution upon
36 notification of suspected abuse or neglect of a child by a member of the
37 staff of the hospital;

38 (c) A coroner;

39 (d) A clergyman, practitioner of Christian Science or religious healer,
40 unless he has acquired the knowledge of the abuse or neglect from the
41 offender during a confession;

42 (e) A social worker and an administrator, teacher, librarian or counselor
43 of a school;

44 (f) Any person who maintains or is employed by a facility or
45 establishment that provides care for children, children's camp or other
46 public or private facility, institution or agency furnishing care to a child;

47 (g) Any person licensed to conduct a foster home;

48 (h) Any officer or employee of a law enforcement agency or an adult or
49 juvenile probation officer;



1 (i) An attorney, unless he has acquired the knowledge of the abuse or
2 neglect from a client who is or may be accused of the abuse or neglect; and

3 (j) Any person who maintains, is employed by or serves as a volunteer
4 for an agency or service which advises persons regarding abuse or neglect
5 of a child and refers them to persons and agencies where their requests and
6 needs can be met.

7 4. A report may be made by any other person.

8 5. If a person who is required to make a report pursuant to subsection 1
9 knows or has reasonable cause to believe that a child has died as a result of
10 abuse or neglect, the person shall, as soon as reasonably practicable, report
11 this belief to the appropriate medical examiner or coroner, who shall
12 investigate the report and submit to an agency which provides ~~protective~~
13 *child welfare* services his written findings. The written findings must
14 include, if obtainable, the information required pursuant to the provisions
15 of subsection 2 of NRS 432B.230.

16 **Sec. 98.** NRS 432B.230 is hereby amended to read as follows:

17 432B.230 1. A person may make a report pursuant to NRS 432B.220
18 by telephone or, in light of all the surrounding facts and circumstances
19 which are known or which reasonably should be known to the person at the
20 time, by any other means of oral, written or electronic communication that
21 a reasonable person would believe, under those facts and circumstances, is
22 a reliable and swift means of communicating information to the person
23 who receives the report. If the report is made orally, the person who
24 receives the report must reduce it to writing as soon as reasonably
25 practicable.

26 2. The report must contain the following information, if obtainable:

27 (a) The name, address, age and sex of the child;

28 (b) The name and address of the child's parents or other person
29 responsible for his care;

30 (c) The nature and extent of the abuse or neglect of the child;

31 (d) Any evidence of previously known or suspected abuse or neglect of
32 the child or the child's siblings;

33 (e) The name, address and relationship, if known, of the person who is
34 alleged to have abused or neglected the child; and

35 (f) Any other information known to the person making the report that
36 the agency which provides ~~protective~~ *child welfare* services considers
37 necessary.

38 **Sec. 99.** NRS 432B.250 is hereby amended to read as follows:

39 432B.250 Any person who is required to make a report pursuant to
40 NRS 432B.220 may not invoke any of the privileges set forth in chapter 49
41 of NRS:

42 1. For his failure to make a report pursuant to NRS 432B.220;

43 2. In cooperating with an agency which provides ~~protective~~ *child*
44 *welfare* services or a guardian ad litem for a child; or

45 3. In any proceeding held pursuant to NRS 432B.410 to 432B.590,
46 inclusive.



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1 **Sec. 100.** NRS 432B.260 is hereby amended to read as follows:

2 432B.260 1. Upon receipt of a report concerning the possible abuse
3 or neglect of a child, an agency which provides ~~protective~~ *child welfare*
4 services or a law enforcement agency shall promptly notify the appropriate
5 licensing authority, if any, and, within 3 working days, initiate an
6 investigation. A law enforcement agency shall promptly notify an agency
7 which provides ~~protective~~ *child welfare* services of any report it receives.

8 2. An agency which provides ~~protective~~ *child welfare* services and a
9 law enforcement agency shall cooperate in the investigation, if any, of a
10 report of abuse or neglect of a child.

11 3. If an agency which provides ~~protective~~ *child welfare* services or a
12 law enforcement agency determines pursuant to an investigation initiated
13 pursuant to this section that the:

14 (a) Alleged abuse or neglect was the result of the reasonable exercise of
15 discipline by a parent or guardian of the child involving the use of corporal
16 punishment, including, without limitation, spanking or paddling; and

17 (b) Corporal punishment so administered was not so excessive as to
18 constitute abuse or neglect as described in NRS 432B.150,
19 the agency which provides ~~protective~~ *child welfare* services or the law
20 enforcement agency shall take no further action in regard to the matter and
21 shall expunge all references to the matter from its records.

22 **Sec. 101.** NRS 432B.270 is hereby amended to read as follows:

23 432B.270 1. A designee of an agency investigating a report of abuse
24 or neglect of a child may, without the consent of and outside the presence
25 of any person responsible for the child's welfare, interview a child
26 concerning any possible abuse or neglect. The child may be interviewed at
27 any place where he is found. The designee shall, immediately after the
28 conclusion of the interview, if reasonably possible, notify a person
29 responsible for the child's welfare that the child was interviewed, unless
30 the designee determines that such notification would endanger the child.

31 2. A designee of an agency investigating a report of abuse or neglect of
32 a child may, without the consent of the person responsible for a child's
33 welfare:

34 (a) Take or cause to be taken photographs of the child's body, including
35 the areas of trauma; and

36 (b) If indicated after consultation with a physician, cause X-rays or
37 medical tests to be performed on a child.

38 3. Upon the taking of any photographs or X-rays or the performance of
39 any medical tests pursuant to subsection 2, the person responsible for the
40 child's welfare must be notified immediately, if reasonably possible, unless
41 the designee determines that the notification would endanger the child. The
42 reasonable cost of these photographs, X-rays or medical tests must be paid
43 by the agency providing protective services if money is not otherwise
44 available.

45 4. Any photographs or X-rays taken or records of any medical tests
46 performed pursuant to subsection 2, or any medical records relating to the
47 examination or treatment of a child pursuant to this section, or copies
48 thereof, must be sent to the agency ~~providing protective~~ *which provides*
49 *child welfare* services, the law enforcement agency participating in the



1 investigation of the report and the prosecuting attorney's office. Each
2 photograph, X-ray, result of a medical test or other medical record:
3 (a) Must be accompanied by a statement or certificate signed by the
4 custodian of medical records of the health care facility where the
5 photograph or X-ray was taken or the treatment, examination or medical
6 test was performed, indicating:
7 (1) The name of the child;
8 (2) The name and address of the person who took the photograph or
9 X-ray, performed the medical test, or examined or treated the child; and
10 (3) The date on which the photograph or X-ray was taken or the
11 treatment, examination or medical test was performed;
12 (b) Is admissible in any proceeding relating to the abuse or neglect of
13 the child; and
14 (c) May be given to the child's parent or guardian if he pays the cost of
15 duplicating them.
16 5. As used in this section, "medical test" means any test performed by
17 or caused to be performed by a provider of health care, including, without
18 limitation, a computerized axial tomography scan and magnetic resonance
19 imaging.
20 **Sec. 102.** NRS 432B.290 is hereby amended to read as follows:
21 432B.290 1. Except as otherwise provided in subsections 2 and 3,
22 data or information concerning reports and investigations thereof made
23 pursuant to this chapter may be made available only to:
24 (a) A physician, if the physician has before him a child who he has
25 reasonable cause to believe has been abused or neglected;
26 (b) A person authorized to place a child in protective custody, if the
27 person has before him a child who he has reasonable cause to believe has
28 been abused or neglected and the person requires the information to
29 determine whether to place the child in protective custody;
30 (c) An agency, including, without limitation, an agency in another
31 jurisdiction, responsible for or authorized to undertake the care, treatment
32 or supervision of:
33 (1) The child; or
34 (2) The person responsible for the welfare of the child;
35 (d) A district attorney or other law enforcement officer who requires the
36 information in connection with an investigation or prosecution of the abuse
37 or neglect of a child;
38 (e) A court, for in camera inspection only, unless the court determines
39 that public disclosure of the information is necessary for the determination
40 of an issue before it;
41 (f) A person engaged in bona fide research or an audit, but information
42 identifying the subjects of a report must not be made available to him;
43 (g) The attorney and the guardian ad litem of the child;
44 (h) A grand jury upon its determination that access to these records is
45 necessary in the conduct of its official business;
46 (i) A federal, state or local governmental entity, or an agency of such an
47 entity, that needs access to the information to carry out its legal
48 responsibilities to protect children from abuse and neglect;



- 1 (j) A team organized pursuant to NRS 432B.350 for the protection of a
2 child;
- 3 (k) A team organized pursuant to NRS 432B.405 to review the death of
4 a child;
- 5 (l) A parent or legal guardian of the child, if the identity of the person
6 responsible for reporting the alleged abuse or neglect of the child to a
7 public agency is kept confidential;
- 8 (m) The persons who are the subject of a report;
- 9 (n) An agency that is authorized by law to license foster homes or
10 facilities for children or to investigate persons applying for approval to
11 adopt a child, if the agency has before it an application for that license or is
12 investigating an applicant to adopt a child;
- 13 (o) Upon written consent of the parent, any officer of this state or a city
14 or county thereof or legislator authorized, by the agency or department
15 having jurisdiction or by the legislature, acting within its jurisdiction, to
16 investigate the activities or programs of an agency ~~that provides~~
17 ~~protective~~ *which provides child welfare* services if:
- 18 (1) The identity of the person making the report is kept confidential;
19 and
- 20 (2) The officer, legislator or a member of his family is not the person
21 alleged to have committed the abuse or neglect;
- 22 (p) The division of parole and probation of the department of motor
23 vehicles and public safety for use pursuant to NRS 176.135 in making a
24 presentence investigation and report to the district court or pursuant to
25 NRS 176.151 in making a general investigation and report;
- 26 (q) The rural advisory board to expedite proceedings for the placement
27 of children created pursuant to NRS 432B.602 or a local advisory board to
28 expedite proceedings for the placement of children created pursuant to
29 NRS 432B.604; or
- 30 (r) The panel established pursuant to NRS 432B.396 to evaluate
31 agencies which provide ~~protective~~ *child welfare* services.
- 32 2. An agency investigating a report of the abuse or neglect of a child
33 shall, upon request, provide to a person named in the report as allegedly
34 causing the abuse or neglect of the child:
- 35 (a) A copy of:
- 36 (1) Any statement made in writing to an investigator for the agency
37 by the person named in the report as allegedly causing the abuse or neglect
38 of the child; or
- 39 (2) Any recording made by the agency of any statement made orally
40 to an investigator for the agency by the person named in the report as
41 allegedly causing the abuse or neglect of the child; or
- 42 (b) A written summary of the allegations made against the person who
43 is named in the report as allegedly causing the abuse or neglect of the
44 child. The summary must not identify the person responsible for reporting
45 the alleged abuse or neglect.
- 46 3. An agency which provides ~~protective~~ *child welfare* services shall
47 disclose the identity of a person who makes a report or otherwise initiates
48 an investigation pursuant to this chapter if a court, after reviewing the



1 record in camera and determining that there is reason to believe that the
2 person knowingly made a false report, orders the disclosure.

3 4. Any person, except for:

4 (a) The subject of a report;

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

7 (c) An employee of the division of parole and probation of the
8 department of motor vehicles and public safety making a presentence
9 investigation and report to the district court pursuant to NRS 176.135 or
10 making a general investigation and report pursuant to NRS 176.151,
11 who is given access, pursuant to subsection 1, to information identifying
12 the subjects of a report and who makes this information public is guilty of a
13 misdemeanor.

14 5. The division of child and family services shall adopt regulations to
15 carry out the provisions of this section.

16 **Sec. 103.** NRS 432B.300 is hereby amended to read as follows:

17 432B.300 Each agency which provides ~~protective~~ *child welfare*
18 services shall investigate each report of abuse or neglect received or
19 referred to it to determine:

20 1. The composition of the family, household or facility, including the
21 name, address, age, sex and race of each child named in the report, any
22 siblings or other children in the same place or under the care of the same
23 person, the persons responsible for the children's welfare and any other
24 adult living or working in the same household or facility;

25 2. Whether there is reasonable cause to believe any child is abused or
26 neglected or threatened with abuse or neglect, the nature and extent of
27 existing or previous injuries, abuse or neglect and any evidence thereof,
28 and the person apparently responsible;

29 3. If there is reasonable cause to believe that a child is abused or
30 neglected, the immediate and long-term risk to the child if he remains in
31 the same environment; and

32 4. The treatment and services which appear necessary to help prevent
33 further abuse or neglect and to improve his environment and the ability of
34 the person responsible for the child's welfare to care adequately for him.

35 **Sec. 104.** NRS 432B.320 is hereby amended to read as follows:

36 432B.320 1. An agency which provides ~~protective~~ *child welfare*
37 services may waive a full investigation of a report of abuse or neglect of a
38 child made by another agency or a person if, after assessing the
39 circumstances, it is satisfied that:

40 (a) The person or other agency who made the report can provide
41 services to meet the needs of the child and the family, and this person or
42 agency agrees to do so; and

43 (b) The person or other agency agrees in writing to report periodically
44 on the child and to report immediately any threat or harm to the child's
45 welfare.

46 2. The agency which provides ~~protective~~ *child welfare* services shall
47 supervise for a reasonable period the services provided by the person or
48 other agency pursuant to subsection 1.



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1 **Sec. 105.** NRS 432B.340 is hereby amended to read as follows:
2 432B.340 1. If the agency which provides ~~protective~~ *child welfare*
3 services determines that a child needs protection, but is not in imminent
4 danger from abuse or neglect, it may:

5 (a) Offer to the parents or guardian a plan for services and inform him
6 that the agency has no legal authority to compel him to accept the plan but
7 that it has the authority to petition the court pursuant to NRS 432B.490 or
8 to refer the case to the district attorney or a law enforcement agency; or

9 (b) File a petition pursuant to NRS 432B.490 and, if a child is
10 adjudicated in need of protection, request that the child be removed from
11 the custody of his parents or guardian or that he remain at home with or
12 without the supervision of the court or of any person or agency designated
13 by the court.

14 2. If the parent or guardian accepts the conditions of the plan offered
15 by the agency pursuant to paragraph (a) of subsection 1, the agency may
16 elect not to file a petition and may arrange for appropriate services,
17 including medical care, care of the child during the day, management of the
18 home or supervision of the child, his parents or guardian.

19 **Sec. 106.** NRS 432B.350 is hereby amended to read as follows:

20 432B.350 An agency which provides ~~protective service~~ *child welfare*
21 *services* may organize one or more teams for protection of a child to assist
22 the agency in the evaluation and investigation of reports of abuse or neglect
23 of a child, diagnosis and treatment of abuse or neglect and the coordination
24 of responsibilities. Members of the team serve at the invitation of the
25 agency and must include representatives of other organizations concerned
26 with education, law enforcement or physical or mental health.

27 **Sec. 107.** NRS 432B.360 is hereby amended to read as follows:

28 432B.360 1. A parent or guardian of a child who is in need of
29 protection may place the child with a public agency authorized to care for
30 children or a private institution or agency licensed by the department of
31 human resources *or a county whose population is 100,000 or more* to care
32 for such children if:

33 (a) Efforts to keep the child in his own home have failed; and

34 (b) The parents or guardian and the agency or institution voluntarily
35 sign a written agreement for placement of the child which sets forth the
36 rights and responsibilities of each of the parties to the agreement.

37 2. If a child is placed with an agency or institution pursuant to
38 subsection 1, the parent or guardian shall:

39 (a) If able, contribute to the support of the child during his temporary
40 placement;

41 (b) Inform the agency or institution of any change in his address or
42 circumstances; and

43 (c) Meet with a representative of the agency or institution and
44 participate in developing and carrying out a plan for the possible return of
45 the child to his custody, the placement of the child with a relative or the
46 eventual adoption of the child.

47 3. A parent or guardian who voluntarily agrees to place a child with an
48 agency or institution pursuant to subsection 1 is entitled to have the child
49 returned to his physical custody within 48 hours of a written request to that



1 agency or institution. If that agency or institution determines that it would
2 be detrimental to the best interests of the child to return him to the custody
3 of his parent or guardian, it shall cause a petition to be filed pursuant to
4 NRS 432B.490.

5 4. If the child has remained in temporary placement for 6 consecutive
6 months, the agency or institution shall:

7 (a) Immediately return the child to the physical custody of his parent or
8 guardian; or

9 (b) Cause a petition to be filed pursuant to NRS 432B.490.

10 5. The division of child and family services shall adopt regulations to
11 carry out the provisions of this section.

12 **Sec. 108.** NRS 432B.370 is hereby amended to read as follows:

13 432B.370 If an agency which provides ~~protective~~ *child welfare*
14 services determines that there is no reasonable cause to believe that a child
15 is in need of protection, it shall proceed no further in that matter.

16 **Sec. 109.** NRS 432B.380 is hereby amended to read as follows:

17 432B.380 If the agency which provides ~~protective~~ *child welfare*
18 services determines that further action is necessary to protect a child who is
19 in need of protection, as well as any other child under the same care who
20 may be in need of protection, it may refer the case to the district attorney
21 for criminal prosecution and may recommend the filing of a petition
22 pursuant to NRS 432B.490.

23 **Sec. 110.** NRS 432B.390 is hereby amended to read as follows:

24 432B.390 1. An agent or officer of a law enforcement agency, an
25 officer of the local juvenile probation department or the local department
26 of juvenile services or a designee of an agency which provides ~~protective~~
27 *child welfare* services:

28 (a) May place a child in protective custody without the consent of the
29 person responsible for the child's welfare if he has reasonable cause to
30 believe that immediate action is necessary to protect the child from injury,
31 abuse or neglect.

32 (b) Shall place a child in protective custody upon the death of a parent
33 of the child, without the consent of the person responsible for the welfare
34 of the child, if the agent, officer or designee has reasonable cause to
35 believe that the death of the parent of the child is or may be the result of an
36 act by the other parent that constitutes domestic violence pursuant to NRS
37 33.018.

38 2. If there is reasonable cause to believe that the death of a parent of
39 the child is or may be the result of an act by the other parent that
40 constitutes domestic violence pursuant to NRS 33.018, a protective custody
41 hearing must be held pursuant to NRS 432B.470, whether the child was
42 placed in protective custody or with a relative. If an agency other than an
43 agency which provides ~~protective~~ *child welfare* services becomes aware
44 that there is reasonable cause to believe that the death of a parent of the
45 child is or may be the result of an act by the other parent that constitutes
46 domestic violence pursuant to NRS 33.018, that agency shall immediately
47 notify the agency which provides ~~protective~~ *child welfare* services and a
48 protective custody hearing must be scheduled.



- 1 3. An agency which provides ~~protective~~ *child welfare* services shall
2 request the assistance of a law enforcement agency in the removal of the
3 child if it has reasonable cause to believe that the child or the person
4 placing the child in protective custody may be threatened with harm.
- 5 4. Before taking a child for placement in protective custody, the person
6 taking the child shall show his identification to any person who is
7 responsible for the child and is present at the time the child is taken. If a
8 person who is responsible for the child is not present at the time the child is
9 taken, the person taking the child shall show his identification to any other
10 person upon request. The identification required by this subsection must be
11 a single card that contains a photograph of the person taking the child and
12 identifies him as a person authorized pursuant to subsection 1 to place a
13 child in protective custody.
- 14 5. A child placed in protective custody pending an investigation and a
15 hearing held pursuant to NRS 432B.470 must be placed in a hospital, if the
16 child needs hospitalization, or in a shelter, which may include a foster
17 home or other home or facility which provides care for those children, but
18 the child must not be placed in a jail or other place for detention,
19 incarceration or residential care of persons convicted of a crime or children
20 charged with delinquent acts.
- 21 6. A person placing a child in protective custody shall:
- 22 (a) Immediately take steps to protect all other children remaining in the
23 home or facility, if necessary;
- 24 (b) Immediately make a reasonable effort to inform the person
25 responsible for the child's welfare that the child has been placed in
26 protective custody;
- 27 (c) Give preference in placement of the child to any person related
28 within the third degree of consanguinity to the child who is suitable and
29 able to provide proper care and guidance for the child, regardless of
30 whether the relative resides within this state; and
- 31 (d) As soon as practicable, inform the agency which provides
32 ~~protective~~ *child welfare* services and the appropriate law enforcement
33 agency.
- 34 7. If a child is placed with any person who resides outside this state,
35 the placement must be in accordance with NRS 127.330.
- 36 **Sec. 111.** NRS 432B.393 is hereby amended to read as follows:
- 37 432B.393 1. Except as otherwise provided in this section, an agency
38 which provides ~~protective~~ *child welfare* services shall make reasonable
39 efforts to preserve and reunify the family of a child to prevent or eliminate
40 the need for his removal from his home and to make it possible for his safe
41 return to his home.
- 42 2. In determining the reasonable efforts required by subsection 1, the
43 health and safety of the child must be the paramount concern. The agency
44 which provides ~~protective~~ *child welfare* services may make reasonable
45 efforts to place the child for adoption or with a legal guardian concurrently
46 with making the reasonable efforts required pursuant to subsection 1. If the
47 court determines that continuation of the reasonable efforts required by
48 subsection 1 is inconsistent with the plan for the permanent placement of
49 the child, the agency which provides ~~protective~~ *child welfare* services



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1 shall make reasonable efforts to place the child in a timely manner in
2 accordance with that plan and to complete whatever actions are necessary
3 to finalize the permanent placement of the child.

4 3. An agency which provides ~~protective~~ *child welfare* services is not
5 required to make the reasonable efforts required by subsection 1 if the
6 court finds that:

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

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

10 (2) Caused the abuse or neglect of the child, or of another child of the
11 parent or primary caretaker, which resulted in substantial bodily harm to
12 the abused or neglected child;

13 (3) Caused the abuse or neglect of the child, a sibling of the child or
14 another child in the household, and the abuse or neglect was so extreme or
15 repetitious as to indicate that any plan to return the child to his home would
16 result in an unacceptable risk to the health or welfare of the child; or

17 (4) Abandoned the child for 60 or more days, and the identity of the
18 parent of the child is unknown and cannot be ascertained through
19 reasonable efforts;

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

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

27 (d) The child or a sibling of the child was previously removed from his
28 home, adjudicated to have been abused or neglected, returned to his home
29 and subsequently removed from his home as a result of additional abuse or
30 neglect; or

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

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

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

38 **Sec. 112.** NRS 432B.395 is hereby amended to read as follows:

39 432B.395 An agency which provides ~~protective~~ *child welfare*
40 services shall submit annually to the division of child and family services
41 for its approval a plan to ensure that the reasonable efforts required by
42 subsection 1 of NRS 432B.393 are made by that agency.

43 **Sec. 113.** NRS 432B.396 is hereby amended to read as follows:

44 432B.396 The division of child and family services shall:

45 1. Establish a panel comprised of volunteer members to evaluate the
46 extent to which agencies which provide ~~protective~~ *child welfare* services
47 are effectively discharging their responsibilities for the protection of
48 children.



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

Sec. 114. NRS 432B.397 is hereby amended to read as follows:

432B.397 1. The agency ~~providing protective~~ *which provides child welfare* services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries to determine whether the child is an Indian child. The agency shall report that determination to the court.

2. An agency ~~that provides protective~~ *which provides child welfare* services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act.

Sec. 115. NRS 432B.400 is hereby amended to read as follows:

432B.400 A physician treating a child or a person in charge of a hospital or similar institution may hold a child for no more than 24 hours if there is reasonable cause to believe that the child has been abused or neglected and that he is in danger of further harm if released. The physician or other person shall immediately notify a law enforcement agency or an agency which provides ~~protective~~ *child welfare* services that he is holding the child.

Sec. 116. NRS 432B.405 is hereby amended to read as follows:

432B.405 1. An agency which provides ~~protective~~ *child welfare* services:

(a) May organize one or more multidisciplinary teams to review the death of a child; and

(b) Shall organize one or more multidisciplinary teams to review the death of a child upon receiving a written request from an adult related to the child within the third degree of consanguinity, if the request is received by the agency within 1 year after the date of death of the child.

2. Members of a team organized pursuant to subsection 1 serve at the invitation of the agency and must include representatives of other organizations concerned with education, law enforcement or physical or mental health.

3. Each organization represented on such a team may share with other members of the team information in its possession concerning the child who is the subject of the review, siblings of the child, any person who was responsible for the welfare of the child and any other information deemed by the organization to be pertinent to the review.

4. Before establishing any child death review team, an agency shall adopt a written protocol describing its objectives and the structure of such a team.

Sec. 117. NRS 432B.440 is hereby amended to read as follows:

432B.440 The agency which provides ~~protective~~ *child welfare* services shall assist the court during all stages of any proceeding in accordance with NRS 432B.410 to 432B.590, inclusive.



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1 **Sec. 118.** NRS 432B.490 is hereby amended to read as follows:
2 432B.490 1. An agency which provides ~~protective~~ *child welfare*
3 services:

4 (a) In cases where the death of a parent of the child is or may be the
5 result of an act by the other parent that constitutes domestic violence
6 pursuant to NRS 33.018, shall within 10 days after the hearing on
7 protective custody initiate a proceeding in court by filing a petition which
8 meets the requirements set forth in NRS 432B.510;

9 (b) In other cases where a hearing on protective custody is held, shall
10 within 10 days after the hearing on protective custody, unless good cause
11 exists, initiate a proceeding in court by filing a petition which meets the
12 requirements set forth in NRS 432B.510 or recommend against any further
13 action in court; or

14 (c) If a child is not placed in protective custody, may, after an
15 investigation is made under NRS 432B.010 to 432B.400, inclusive, file a
16 petition which meets the requirements set forth in NRS 432B.510.

17 2. If the agency recommends against further action, the court may, on
18 its own motion, initiate proceedings when it finds that it is in the best
19 interests of the child.

20 3. If a child has been placed in protective custody and if further action
21 in court is taken, an agency which provides ~~protective~~ *child welfare*
22 services shall make recommendations to the court concerning whether the
23 child should be returned to the person responsible for his welfare pending
24 further action in court.

25 **Sec. 119.** NRS 432B.500 is hereby amended to read as follows:

26 432B.500 1. After a petition is filed that a child is in need of
27 protection pursuant to NRS 432B.490, the court shall appoint a guardian ad
28 litem for the child. The person so appointed:

29 (a) Must meet the requirements of NRS 432B.505 or, if such a person is
30 not available, a representative of an agency which provides ~~protective~~
31 *child welfare* services, a juvenile probation officer, an officer of the court
32 or another volunteer.

33 (b) Must not be a parent or other person responsible for the child's
34 welfare.

35 2. No compensation may be allowed a person serving as a guardian ad
36 litem pursuant to this section.

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

38 (a) Represent and protect the best interests of the child until excused by
39 the court;

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

43 (c) Meet with the child wherever the child is placed as often as is
44 necessary to determine that the child is safe and to ascertain the best
45 interests of the child;

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

48 (e) Participate in the development and negotiation of any plans for and
49 orders regarding the child, and monitor the implementation of those plans



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1 and orders to determine whether services are being provided in an
2 appropriate and timely manner;

3 (f) Appear at all proceedings regarding the child;

4 (g) Inform the court of the desires of the child, but exercise his
5 independent judgment regarding the best interests of the child;

6 (h) Present recommendations to the court and provide reasons in
7 support of those recommendations;

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

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

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

13 **Sec. 120.** NRS 432B.510 is hereby amended to read as follows:

14 432B.510 1. A petition alleging that a child is in need of protection
15 may be signed only by:

16 (a) A representative of an agency which provides ~~protective~~ *child*
17 *welfare* services;

18 (b) A law enforcement officer or probation officer; or

19 (c) The district attorney.

20 2. The district attorney shall countersign every petition alleging need
21 of protection, and shall represent the petitioner in all proceedings. If the
22 district attorney fails or refuses to countersign the petition, the petitioner
23 may seek a review by the attorney general. If the attorney general
24 determines that a petition should be filed, he shall countersign the petition
25 and shall represent the petitioner in all subsequent proceedings.

26 3. Every petition must be entitled, "In the Matter of, a
27 child," and must be verified by the person who signs it.

28 4. Every petition must set forth specifically:

29 (a) The facts which bring the child within the jurisdiction of the court as
30 indicated in NRS 432B.410.

31 (b) The name, date of birth and address of the residence of the child.

32 (c) The names and addresses of the residences of his parents and any
33 other person responsible for the child's welfare, and spouse if any. If his
34 parents or other person responsible for his welfare do not reside in this
35 state or cannot be found within the state, or if their addresses are unknown,
36 the petition must state the name of any known adult relative residing within
37 the state, or if there is none, the known adult relative residing nearest to the
38 court.

39 (d) Whether the child is in protective custody, and if so, the agency
40 responsible for placing the child in protective custody and the reasons
41 therefor.

42 5. When any of the facts required by subsection 4 are not known, the
43 petition must so state.

44 **Sec. 121.** NRS 432B.520 is hereby amended to read as follows:

45 432B.520 1. After a petition has been filed, the court shall direct the
46 clerk to issue a summons requiring the person who has custody or control
47 of the child to appear personally and bring the child before the court at a
48 time and place stated in the summons. If the person so summoned is other
49 than a parent or guardian of the child, then the parent or guardian, or both,



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1 must also be notified by a similar summons of the pendency of the hearing
2 and of the time and place appointed.

3 2. Summons may be issued requiring the appearance of any other
4 person whose presence, in the opinion of the court, is necessary.

5 3. Each summons must include notice of the right of parties to counsel
6 at the adjudicatory hearing. A copy of the petition must be attached to each
7 summons.

8 4. If the person summoned resides in this state, the summons must be
9 served personally. If the person summoned cannot be found within this
10 state or does not reside in this state, the summons must be mailed by
11 registered or certified mail to his last known address.

12 5. If it appears that the child is in such condition or surroundings that
13 his welfare requires that his custody be immediately assumed by the court,
14 the court may order, by endorsement upon the summons, that the person
15 serving it shall at once deliver the child to an agency which provides
16 ~~protective~~ child welfare services in whose custody the child must remain
17 until the further order of the court.

18 6. If the summons cannot be served or the person who has custody or
19 control of the child fails to obey it, or:

20 (a) In the judge's opinion, the service will be ineffectual or the welfare
21 of the child requires that he be brought forthwith into the custody of the
22 court; or

23 (b) A person responsible for the child's welfare has absconded with him
24 or concealed him from a representative of an agency which provides
25 ~~protective~~ child welfare services,
26 the court may issue a writ for the attachment of the child's person,
27 commanding a law enforcement officer or a representative of an agency
28 which provides ~~protective~~ child welfare services to place the child in
29 protective custody.

30 **Sec. 122.** NRS 432B.540 is hereby amended to read as follows:

31 432B.540 1. If the court finds that the allegations of the petition are
32 true, it shall order that a report be made in writing by an agency which
33 provides ~~protective~~ child welfare services, concerning the conditions in
34 the child's place of residence, the child's record in school, the mental,
35 physical and social background of his family, its financial situation and
36 other matters relevant to the case.

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

42 (a) A description of the type, safety and appropriateness of the home or
43 institution in which the child could be placed, a plan for ensuring that he
44 would receive safe and proper care and a description of his needs;

45 (b) A description of the services to be provided to the child and to a
46 parent to facilitate the return of the child to the custody of his parent or to
47 ensure his permanent placement;

48 (c) The appropriateness of the services to be provided under the plan;
49 and



1 (d) A description of how the order of the court will be carried out.
2 3. If the child is not residing in his home, the agency shall include as a
3 part of the plan for the permanent placement of the child, established
4 pursuant to NRS 432B.590, a recommendation to terminate parental rights
5 unless it determines that initiating a petition for the termination of parental
6 rights is not in the best interests of the child. If the agency conclusively
7 determines that initiating a petition for the termination of parental rights is
8 not in the best interests of the child, it shall include a full explanation of the
9 basis for the determination as part of the plan.

10 **Sec. 123.** NRS 432B.550 is hereby amended to read as follows:

11 432B.550 1. If the court finds that a child is in need of protection, it
12 shall determine whether the agency which provides ~~protective~~ *child*
13 *welfare* services has made the reasonable efforts required by subsection 1
14 of NRS 432B.393. The court may, by its order, after receipt and review of
15 the report from the agency which provides ~~protective~~ *child welfare*
16 services:

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

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

25 (c) Place him in the temporary custody of a public agency or institution
26 authorized to care for children, the local juvenile probation department, the
27 local department of juvenile services or a private agency or institution
28 licensed by the department of human resources *or a county whose*
29 *population is 100,000 or more* to care for such a child; or

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

33 In carrying out this subsection, the court may, in its sole discretion,
34 consider an application pursuant to chapter 159 of NRS for the
35 guardianship of the child. If the court grants such an application, it may
36 retain jurisdiction of the case or transfer the case to another court of
37 competent jurisdiction.

38 2. If, pursuant to subsection 1, a child is placed other than with a
39 parent:

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

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

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



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1 4. A copy of the report prepared for the court by the agency which
2 provides ~~protective~~ *child welfare* services must be sent to the custodian
3 and the parent or legal guardian.

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

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

10 (b) If practicable, together with his siblings.

11 Any search for a relative with whom to place a child pursuant to this
12 section must be completed within 1 year after the initial placement of the
13 child outside of his home. If a child is placed with any person who resides
14 outside of this state, the placement must be in accordance with NRS
15 127.330.

16 **Sec. 124.** Chapter 433B of NRS is hereby amended by adding thereto
17 the provisions set forth as sections 125 and 126 of this act.

18 **Sec. 125. 1. *A mental health consortium is hereby established in***
19 ***each of the following jurisdictions:***

20 (a) *A county whose population is 100,000 or more; and*

21 (b) *The region consisting of all counties whose population are less*
22 *than 100,000.*

23 2. *In a county whose population is 100,000 or more, such a*
24 *consortium must consist of at least the following persons:*

25 (a) *A representative of the division;*

26 (b) *A representative of the agency which provides child welfare*
27 *services;*

28 (c) *A representative of the division of health care financing and policy*
29 *of the department;*

30 (d) *A representative of the board of trustees of the school district in*
31 *the county;*

32 (e) *A representative of the local juvenile probation department;*

33 (f) *A representative of the local chamber of commerce or business*
34 *community;*

35 (g) *A private provider of mental health care;*

36 (h) *A provider of foster care; and*

37 (i) *A parent of an emotionally disturbed child.*

38 3. *In the region consisting of counties whose population are less*
39 *than 100,000, such a consortium must consist of at least the following:*

40 (a) *A representative of the division of mental health and*
41 *developmental services of the department;*

42 (b) *A representative of the agency which provides child welfare*
43 *services in the region;*

44 (c) *A representative of the division of health care financing and policy*
45 *of the department;*

46 (d) *A representative of the boards of trustees of the school districts in*
47 *the region;*

48 (e) *A representative of the local juvenile probation departments;*



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1 (f) A representative of the chambers of commerce or business
2 community in the region;

3 (g) A private provider of mental health care;

4 (h) A provider of foster care; and

5 (i) A parent of an emotionally disturbed child.

6 **Sec. 126.** 1. On or before January 1 of each year, each mental
7 health consortium established pursuant to section 125 of this act shall
8 prepare a recommended plan for the provision of mental health services
9 to emotionally disturbed children in the jurisdiction of the consortium.

10 2. In preparing the recommended plan, each mental health
11 consortium must be guided by the following principles:

12 (a) The system of mental health services set forth in the plan must be
13 centered on emotionally disturbed children and their families, with the
14 needs and strengths of those children and their family dictating the types
15 and mix of services provided.

16 (b) The families of emotionally disturbed children, including, without
17 limitation, foster parents, should be active participants in all aspects of
18 planning, selecting and delivering mental health services at the local
19 level.

20 (c) The system of mental health services must be community-based
21 and flexible, with accountability and the focus of the services at the local
22 level.

23 (d) The system of mental health services should provide timely access
24 to a comprehensive array of cost-effective mental health services.

25 (e) Children and their families who are in need of mental health
26 services should be identified as early as possible through screening,
27 assessment processes, treatment and systems of support.

28 (f) Comprehensive mental health services should be made available in
29 the least restrictive but clinically appropriate environment.

30 (g) The family of an emotionally disturbed child should be eligible to
31 receive mental health services from the system.

32 (h) Mental health services must be provided to emotionally disturbed
33 children in a sensitive manner that is responsive to cultural and gender-
34 based differences and the special needs of the children.

35 3. The plan prepared pursuant to this section must include:

36 (a) An assessment of the need for mental health services in the
37 jurisdiction of the consortium;

38 (b) A description of the types of services to be offered to emotionally
39 disturbed children based on the amount of money available to pay the
40 costs of such mental health services within the jurisdiction of the
41 consortium;

42 (c) Criteria for eligibility for those services;

43 (d) A description of the manner in which those services may be
44 obtained by eligible children;

45 (e) The manner in which the costs for those services will be allocated;

46 (f) The mechanisms to manage the money provided for those services;

47 (g) Documentation of the number of emotionally disturbed children
48 who are not currently being provided services, the costs to provide



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1 *services to those children, the obstacles to providing services to those*
2 *children and recommendations for removing those obstacles;*

3 *(h) Methods for obtaining additional money and services for*
4 *emotionally disturbed children from private and public entities; and*

5 *(i) The manner in which family members of eligible children and*
6 *other persons may be involved in the treatment of the children.*

7 4. *On or before January 15 of each year, each mental health*
8 *consortium shall submit the recommended plan prepared pursuant to this*
9 *section to the department. If the department disapproves the plan, the*
10 *department shall submit the plan to the consortium for revision and*
11 *resubmission to the department.*

12 5. *Each mental health consortium shall submit the plan prepared*
13 *pursuant to this section to the legislative committee on children, youth*
14 *and families established pursuant to section 37 of this act on or before*
15 *January 15 of each year and shall submit progress reports to that*
16 *committee regarding its activities at the end of each calendar quarter.*

17 **Sec. 127.** NRS 442.400 is hereby amended to read as follows:

18 442.400 The ~~{division of child and family services of the department}~~
19 *agency which provides child welfare services* or a licensed child-placing
20 agency shall inquire, during its initial contact with a natural parent of a
21 child who is to be placed for adoption, about consumption of alcohol or
22 substance abuse by the mother of the child during pregnancy. The
23 information obtained from the inquiry must be:

24 1. Included in the report provided to the adopting parents of the child
25 pursuant to NRS 127.152; and

26 2. Reported to the health division on a form prescribed by the health
27 division. The report must not contain any identifying information and may
28 be used only for statistical purposes.

29 **Sec. 128.** NRS 442.405 is hereby amended to read as follows:

30 442.405 1. The ~~{division of child and family services of the~~
31 ~~department}~~ *agency which provides child welfare services* shall inquire,
32 during its initial contact with a natural parent of a child who is to be placed
33 in a family foster home, about consumption of alcohol or substance abuse
34 by the mother of the child during pregnancy. The information obtained
35 from the inquiry must be:

36 (a) Provided to the provider of family foster care pursuant to NRS
37 424.038; and

38 (b) Reported to the health division on a form prescribed by the health
39 division. The report must not contain any identifying information and may
40 be used only for statistical purposes.

41 2. As used in this section, “family foster home” has the meaning
42 ascribed to it in NRS 424.013.

43 **Sec. 129.** NRS 442.410 is hereby amended to read as follows:

44 442.410 An agency which provides ~~{protective}~~ *child welfare* services
45 shall inquire, during its initial contact with a natural parent of a child whom
46 a court has determined must be kept in temporary or permanent custody,
47 about consumption of alcohol or substance abuse by the mother of the child
48 during pregnancy. The information obtained from the inquiry must be:



1 1. Included in the report the agency is required to make pursuant to
2 NRS 432B.540; and

3 2. Reported to the health division on a form prescribed by the health
4 division. The report must not contain any identifying information and may
5 be used only for statistical purposes.

6 **Sec. 130.** NRS 641B.210 is hereby amended to read as follows:

7 641B.210 1. The board shall ~~not~~ grant a license to engage in social
8 work as an associate in social work to any ~~person on or after June 19,~~

9 ~~1995.~~ *applicant who:*

10 *(a) Possesses the preliminary qualifications set forth in NRS*
11 *641B.200; and*

12 *(b) Is employed by an agency which provides child welfare services in*
13 *a county whose population is 100,000 or more as a social worker,*
14 *supervisor of social work or administrator of social work on September 1,*
15 *2002.*

16 2. The board shall renew the license of any person who was granted a
17 license to engage in social work as an associate in social work if he
18 complies with the provisions of NRS 641B.280.

19 3. A person who is granted a license to engage in social work as an
20 associate in social work *pursuant to subsection 1* may supervise another
21 person engaged in the practice of social work.

22 4. The provisions of this section do not prohibit a social worker,
23 supervisor of social work or administrator of social work who is employed
24 by a public employer on July 1, 1988, and who is granted a license to
25 engage in social work as an associate in social work ~~to~~ *pursuant to*
26 *subsection 1*, from being promoted to any position for which he would
27 qualify but for the provisions of this chapter.

28 *5. As used in this section, "agency which provides child welfare*
29 *services" has the meaning ascribed to it in NRS 432B.030.*

30 **Sec. 131.** Section 126 of this act is hereby amended to read as follows:

31 Sec. 126. 1. On or before January 1 of each year, each mental
32 health consortium established pursuant to section 125 of this act shall
33 prepare a recommended plan for the provision of mental health
34 services to emotionally disturbed children in the jurisdiction of the
35 consortium.

36 2. In preparing the recommended plan, each mental health
37 consortium must be guided by the following principles:

38 (a) The system of mental health services set forth in the plan must
39 be centered on emotionally disturbed children and their families, with
40 the needs and strengths of those children and their family dictating the
41 types and mix of services provided.

42 (b) The families of emotionally disturbed children, including,
43 without limitation, foster parents, should be active participants in all
44 aspects of planning, selecting and delivering mental health services at
45 the local level.

46 (c) The system of mental health services must be community-based
47 and flexible, with accountability and the focus of the services at the
48 local level.



1 (d) The system of mental health services should provide timely
2 access to a comprehensive array of cost-effective mental health
3 services.

4 (e) Children and their families who are in need of mental health
5 services should be identified as early as possible through screening,
6 assessment processes, treatment and systems of support.

7 (f) Comprehensive mental health services should be made
8 available in the least restrictive but clinically appropriate
9 environment.

10 (g) The family of an emotionally disturbed child should be eligible
11 to receive mental health services from the system.

12 (h) Mental health services must be provided to emotionally
13 disturbed children in a sensitive manner that is responsive to cultural
14 and gender-based differences and special needs of the children.

15 3. The plan prepared pursuant to this section must include:

16 (a) An assessment of the need for mental health services in the
17 jurisdiction of the consortium;

18 (b) A description of the types of services to be offered to
19 emotionally disturbed children based on the amount of money
20 available to pay the costs of such mental health services within the
21 jurisdiction of the consortium;

22 (c) Criteria for eligibility for those services;

23 (d) A description of the manner in which those services may be
24 obtained by eligible children;

25 (e) The manner in which the costs for those services will be
26 allocated;

27 (f) The mechanisms to manage the money provided for those
28 services;

29 (g) Documentation of the number of emotionally disturbed
30 children who are not currently being provided services, the costs to
31 provide services to those children, the obstacles to providing services
32 to those children and recommendations for removing those obstacles;

33 (h) Methods for obtaining additional money and services for
34 emotionally disturbed children from private and public entities; and

35 (i) The manner in which family members of eligible children and
36 other persons may be involved in the treatment of the children.

37 4. On or before January 15 of each year, each mental health
38 consortium shall submit the recommended plan prepared pursuant to
39 this section to the department. If the department disapproves the plan,
40 the department shall submit the plan to the consortium for revision
41 and resubmission to the department.

42 ~~15. Each mental health consortium shall submit the plan prepared~~
43 ~~pursuant to this section to the legislative committee on children, youth~~
44 ~~and families established pursuant to section 37 of this act on or before~~
45 ~~January 15 of each year and shall submit progress reports to that~~
46 ~~committee regarding its activities at the end of each calendar quarter.~~



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1 **Sec. 131.5** Section 3 of chapter 508, Statutes of Nevada 1999, at page
2 2612, is hereby amended to read as follows:

3 Sec. 3. This act becomes effective on July 1, 1999, and expires
4 by limitation on June 30, ~~12001~~ 2003.

5 **Sec. 132.** NRS 424.035 is hereby repealed.

6 **Sec. 133.** The legislative committee on children, youth and families
7 established pursuant to section 37 of this act shall monitor the transfer of
8 duties relating to the provision of child welfare services from the division
9 of child and family services of the department of human resources to each
10 agency which provides child welfare services in a county whose population
11 is 100,000 or more, including, without limitation, the fiscal effects
12 resulting from the transfer of such duties.

13 **Sec. 134.** 1. Notwithstanding the provisions of chapter 284 of NRS
14 and any regulations adopted pursuant thereto to the contrary:

15 (a) The positions in the division of child and family services of the
16 department of human resources that are to be abolished must be determined
17 jointly by the division and each agency which provides child welfare
18 services in a county whose population is 100,000 or more based on the
19 necessity of the positions to carry out the provisions of this act.

20 (b) The abolishment of positions pursuant to paragraph (a) must not
21 affect employees of the division who are employed in positions that will
22 not be abolished.

23 2. The agency which provides child welfare services in a county in
24 which a position in the division of child and family services of the
25 department of human resources which is being abolished is located shall
26 make an offer of employment in a comparable position to the employee of
27 the division who had filled that position immediately preceding its
28 abolishment.

29 3. An employee of the division of child and family services of the
30 department of human resources who accepts an offer of employment made
31 pursuant to subsection 2 from an agency which provides child welfare
32 services in a county whose population is 100,000 or more may:

33 (a) Transfer all of his accrued sick leave as of the effective date of the
34 abolishment of his position to his sick leave account with the agency with
35 which he accepted employment pursuant to subsection 2. If an employee of
36 the division transfers his sick leave pursuant to this paragraph, he may only
37 use that sick leave after he has exhausted the sick leave that he accrues at
38 the county agency. The employee may not receive any payment for that
39 sick leave after the sick leave has been transferred pursuant to this
40 paragraph; or

41 (b) Receive payment for his unused sick leave, exclusive of any unused
42 sick leave accrued but not carried forward, as of the effective date of the
43 abolishment of his position, according to his number of years of public
44 service, except service with a political subdivision of the state, as follows:

45 (1) For less than 10 years of service, not more than \$1,500.

46 (2) For 10 years of service or more but less than 15 years, not more
47 than \$2,500.

48 (3) For 15 years of service or more but less than 20 years, not more
49 than \$4,000.



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1 (4) For 20 years of service or more but less than 25 years, not more
2 than \$6,000.

3 (5) For 25 years of service or more, not more than \$8,000.

4 If the payment provided pursuant to this paragraph does not compensate
5 the employee fully for the unused sick leave that the employee has accrued
6 and carried forward, the remaining balance of the employee's unused sick
7 leave must be transferred to his sick leave account with the agency with
8 which he accepted employment pursuant to subsection 2. If sick leave is
9 transferred to the employee's sick leave account with the county agency
10 pursuant to this paragraph, the employee may only use that sick leave after
11 he has exhausted the sick leave that he accrues at the county agency. The
12 employee may not receive any payment for sick leave that is transferred
13 pursuant to this paragraph.

14 4. Notwithstanding any provision to the contrary, an employee of the
15 division of child and family services of the department of human resources
16 who accepted an offer of employment made pursuant to subsection 2 with
17 an agency which provides child welfare services in a county whose
18 population is 100,000 or more shall receive payment for all of the annual
19 leave that he had accrued as of the date of the abolishment of his position.
20 After his acceptance of employment with the county agency, the employee
21 must accrue annual leave at a rate that is based on his years of state service
22 and county service.

23 5. An employee of the division of child and family services of the
24 department of human resources who is licensed to engage in social work
25 pursuant to chapter 641B of NRS must be classified and continued as a
26 social worker after accepting employment with the county agency pursuant
27 to subsection 2. Persons hired by the county agency on or after October 1,
28 2001, in the capacity of social worker, supervisor of social work or
29 administrator of social work must be licensed pursuant to chapter 641B of
30 NRS.

31 6. Notwithstanding any county ordinance or regulation to the contrary,
32 an employee of the division of child and family services of the department
33 of human resources who is a permanent employee of the division at the
34 time at which he accepts employment offered pursuant to subsection 2 with
35 an agency which provides child welfare services in a county whose
36 population is 100,000 or more must not be subject to any probationary
37 period otherwise applicable to his initial employment with the county
38 agency. An employee of the division of child and family services of the
39 department of human resources who is not a permanent employee of the
40 division at the time at which he accepts employment offered pursuant to
41 subsection 2 with an agency which provides child welfare services in a
42 county whose population is 100,000 or more may be subject to a
43 probationary period between 6 months and 2 years, as determined by the
44 county agency. If such an employee completes his probationary period
45 successfully, the employee must be given permanent status.

46 7. If an employee of the division of child and family services of the
47 department of human resources accepts an offer of employment made
48 pursuant to subsection 2 with an agency which provides child welfare



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1 services in a county whose population is 100,000 or more, the base salary
2 for the new position with the county agency:

3 (a) Must be in a range of salary such that the employee will not
4 experience any reduction in his annual net salary.

5 (b) Must be adjusted to include any merit increase that the employee
6 would have been eligible to receive within the 1-year period after his
7 acceptance of an offer pursuant to subsection 2 if the employee had
8 remained employed by the division of child and family services of the
9 department of human resources. Such an increase must not commence until
10 the date on which the employee would have received the merit increase if
11 the employee had remained employed by the division of child and family
12 services.

13 (c) Must include any increases that had been provided to the employee
14 pursuant to NRS 284.177 before the abolishment of his position. After
15 acceptance of an offer of employment made pursuant to subsection 2 with
16 the county agency, any increase in the employee's salary based on
17 longevity must be based only on the employee's years of service with the
18 county agency.

19 (d) Must be increased by 5 percent more than the base salary of the
20 corresponding position that he occupied at the division which was
21 abolished if the employee is fluent in a language spoken by 10 percent or
22 more of the clients of the agency.

23 8. Notwithstanding any provision of the law, county ordinance or
24 collective bargaining agreement entered into pursuant to chapter 288 of
25 NRS to the contrary, an agency which provides child welfare services in a
26 county whose population is 100,000 or more shall pay to the public
27 employees' benefits program the premiums or contributions for each
28 employee of the division of child and family services of the department of
29 human resources who:

30 (a) Accepts an offer of employment made pursuant to subsection 2 by
31 the agency; and

32 (b) Participated in the public employees' benefits program,
33 from the date on which the position of the employee was abolished until
34 the employee is eligible for coverage for health benefits by the county
35 agency. The coverage of the employee under the public employees'
36 benefits program must be continuous until his coverage for health benefits
37 commences with the county agency.

38 9. An agency which provides child welfare services in a county whose
39 population is 100,000 or more shall recognize the results of any
40 background investigation or drug screening performed regarding an
41 employee of the division of child and family services of the department of
42 human resources who accepts an offer of employment made pursuant to
43 subsection 2 with that agency.

44 10. Notwithstanding any provision of the law, county ordinance or
45 collective bargaining agreement entered into pursuant to chapter 288 of
46 NRS to the contrary, an employee of the division of child and family
47 services of the department of human resources who accepts an offer of
48 employment made pursuant to subsection 2 is entitled to the same rights as
49 a county employee in the case of a layoff at the county agency. For the



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1 purposes of a layoff at the county agency, the number of years of state
2 service of such an employee of the division of child and family services
3 must be considered in addition to his years of service with the county
4 agency.

5 **Sec. 134.5** Notwithstanding any provision of chapter 284 of NRS or
6 any regulations adopted pursuant thereto to the contrary, an employee of
7 the division of child and family services of the department of human
8 resources whose position is or will be abolished may request that his name
9 be placed on the appropriate reemployment list before or after his position
10 is abolished and is entitled to all related rights and privileges as if he had
11 been laid off on the date on which his position was abolished.

12 **Sec. 135.** Notwithstanding the amendatory provisions of this act, the
13 division of child and family services of the department of human resources
14 shall, except as otherwise provided in NRS 432B.325, provide child
15 welfare services in a county whose population is 100,000 or more as
16 necessary until the division and the board of county commissioners of the
17 county agree that an agency in the county is fully capable of providing
18 child welfare services. Any dispute regarding the capability of the agency
19 to provide child welfare services must be determined by the legislative
20 committee on children, youth and families established pursuant to section
21 37 of this act.

22 **Sec. 136.** 1. This section and sections 131.5, 134.5 and 137 of this
23 act become effective upon passage and approval.

24 2. Sections 35 to 41, inclusive, of this act become effective on July 1,
25 2001.

26 3. Sections 1 to 34, inclusive, 42 to 130, inclusive, 132, 133, 134 and
27 135 of this act become effective on October 1, 2001.

28 4. Sections 35 to 41, inclusive, and 126 of this act expire by limitation
29 on June 30, 2005.

30 5. Section 130 of this act expires by limitation on January 1, 2005.

31 6. Section 131 of this act becomes effective on July 1, 2005.

32 **Sec. 137.** The Legislative Counsel shall:

33 1. In preparing the reprint and supplements to the Nevada Revised
34 Statutes, appropriately change any references to “agency which provides
35 protective services” to “agency which provides child welfare services.”

36 2. In preparing supplements to the Nevada Administrative Code,
37 appropriately change any references to “agency which provides protective
38 services” to “agency which provides child welfare services.”

TEXT OF REPEALED SECTION

424.035 Delegation of authority to issue provisional licenses: Regulations.

1. The division may provide by regulation for the delegation of its
authority to issue provisional licenses to foster homes if the situation
requires the issuance of a provisional license immediately.



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2. In the regulations adopted pursuant to this section, the division shall specify:

- (a) The classes of persons to whom the authority will be delegated;
- (b) The procedure for applying for authority to issue provisional licenses;
- (c) The conditions under which a provisional license may be issued by a person to whom authority has been delegated pursuant to this section; and
- (d) Procedures which the person who has issued a provisional license must follow after doing so.

