

ASSEMBLY BILL NO. 378—ASSEMBLYMEN LESLIE, CONKLIN,  
KOIVISTO, OHRENSCHALL, ATKINSON, BUCKLEY,  
MCCLAIN AND MCCLEARY

MARCH 17, 2003

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Referred to Committee on Health and Human Services

SUMMARY—Authorizes licensing authority and agency which provides child welfare services to obtain direct access to certain records of criminal history of Federal Bureau of Investigation for the placement of children in emergency situations. (BDR 38-1117)

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

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

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AN ACT relating to protection of children; authorizing a licensing authority and an agency which provides child welfare services to conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of certain persons for the placement of children in emergency situations; and providing other matters properly relating thereto.

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

- 1     **Section 1.** Chapter 424 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     ***1. A licensing authority or its approved designee may, in***  
4     ***accordance with the procedures set forth in 28 C.F.R. §§ 901 et.***  
5     ***seq., conduct a preliminary Federal Bureau of Investigation***  
6     ***Interstate Identification Index name-based check of the records of***  
7     ***criminal history of a resident who is 18 years of age or older of a***  
8     ***foster home in which the licensing authority wishes to place a***  
9     ***child in an emergency situation to determine whether the person***  
10    ***investigated has been arrested for or convicted of any crime.***



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1       2. Upon request of a licensing authority that wishes to place a  
2 child in a foster home in an emergency situation, or upon request  
3 of the approved designee of the licensing authority, a resident who  
4 is 18 years of age or older of the foster home in which the  
5 licensing authority wishes to place the child must submit to the  
6 licensing authority or its approved designee a complete set of his  
7 fingerprints and written permission authorizing the licensing  
8 authority or its approved designee to forward those fingerprints to  
9 the Central Repository for Nevada Records of Criminal History  
10 for submission to the Federal Bureau of Investigation for its  
11 report. The licensing authority or its approved designee shall  
12 forward the fingerprints to the Central Repository for Nevada  
13 Records of Criminal History within the time set forth in federal  
14 law or regulation.

15       3. If a resident who is 18 years of age or older of a foster  
16 home in which a licensing authority places a child in an  
17 emergency situation refuses to provide a complete set of  
18 fingerprints to the licensing authority or its approved designee  
19 upon request pursuant to subsection 2, the licensing authority  
20 must immediately remove the child from the foster home.

21       **Sec. 2.** Chapter 432B of NRS is hereby amended by adding  
22 thereto a new section to read as follows:

23       1. An agency which provides child welfare services or its  
24 approved designee may, in accordance with the procedures set  
25 forth in 28 C.F.R. §§ 901 et. seq., conduct a preliminary Federal  
26 Bureau of Investigation Interstate Identification Index name-  
27 based check of the records of criminal history of a resident who is  
28 18 years of age or older of a home in which the agency which  
29 provides child welfare services wishes to place a child in an  
30 emergency situation to determine whether the person investigated  
31 has been arrested for or convicted of any crime.

32       2. Upon request of an agency which provides child welfare  
33 services that wishes to place a child in a home in an emergency  
34 situation, or upon request of the approved designee of the agency  
35 which provides child welfare services, a resident who is 18 years of  
36 age or older of the home in which the agency which provides child  
37 welfare services wishes to place the child must submit to the  
38 agency which provides child welfare services or its approved  
39 designee a complete set of his fingerprints and written permission  
40 authorizing the agency which provides child welfare services or its  
41 approved designee to forward those fingerprints to the Central  
42 Repository for Nevada Records of Criminal History for submission  
43 to the Federal Bureau of Investigation for its report. The agency  
44 which provides child welfare services or its approved designee  
45 shall forward the fingerprints to the Central Repository for



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1 *Nevada Records of Criminal History within the time set forth in*  
2 *federal law or regulation.*

3 *3. If a resident who is 18 years of age or older of a home in*  
4 *which an agency which provides child welfare services places a*  
5 *child in an emergency situation refuses to provide a complete set*  
6 *of fingerprints to the agency which provides child welfare services*  
7 *or its approved designee upon request pursuant to subsection 2,*  
8 *the agency which provides child welfare services must immediately*  
9 *remove the child from the home.*

10 **Sec. 3.** NRS 432B.190 is hereby amended to read as follows:

11 432B.190 The Division of Child and Family Services shall, in  
12 consultation with each agency which provides child welfare  
13 services, adopt:

14 1. Regulations establishing reasonable and uniform standards  
15 for:

16 (a) Child welfare services provided in this state;

17 (b) Programs for the prevention of abuse or neglect of a child  
18 and the achievement of the permanent placement of a child;

19 (c) The development of local councils involving public and  
20 private organizations;

21 (d) Reports of abuse or neglect, records of these reports and the  
22 response to these reports;

23 (e) Carrying out the provisions of NRS 432B.260, including,  
24 without limitation, the qualifications of persons with whom agencies  
25 which provide child welfare services enter into agreements to  
26 provide services to children and families;

27 (f) The management and assessment of reported cases of abuse  
28 or neglect;

29 (g) The protection of the legal rights of parents and children;

30 (h) Emergency shelter for a child;

31 (i) The prevention, identification and correction of abuse or  
32 neglect of a child in residential institutions;

33 (j) Evaluating the development and contents of a plan submitted  
34 for approval pursuant to NRS 432B.395;

35 (k) Developing and distributing to persons who are responsible  
36 for a child's welfare a pamphlet that sets forth the procedures for  
37 taking a child for placement in protective custody and the legal  
38 rights of persons who are parties to a proceeding held pursuant to  
39 NRS 432B.410 to 432B.590, inclusive, during all stages of the  
40 proceeding; and

41 (l) Making the necessary inquiries required pursuant to NRS  
42 432B.397 to determine whether a child is an Indian child; and

43 2. Such other regulations as are necessary for the  
44 administration of NRS 432B.010 to 432B.606, inclusive ~~§~~, and  
45 *section 2 of this act.*



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1      **Sec. 4.** This act becomes effective on July 1, 2003.

