
ASSEMBLY BILL NO. 42—COMMITTEE ON HEALTH
AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
CHILDREN, YOUTH AND FAMILIES)

PREFILED FEBRUARY 4, 2005

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes concerning certain child care facilities and protection of children from abuse and neglect. (BDR 38-670)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 children; making various changes relating to child care facilities that are operated by businesses as an auxiliary service provided for their customers; requiring an agency which provides child welfare services to train certain employees concerning the legal rights of persons who are responsible for a child's welfare; revising the provisions concerning the pamphlet developed and distributed to persons responsible for a child's welfare; requiring an agency which provides child welfare services to inform persons who are responsible for a child's welfare and who are the subject of an investigation of alleged abuse or neglect of a child of the allegations against them and their legal rights at the time of initial contact by the agency; establishing a presumption that it is in the best interests of a child who is in need of protection to be placed together with his siblings; authorizing a court to join a governmental entity which fails to provide certain legally required care, treatment or services to a child who is in need of protection as a party in a proceeding concerning the protection of the child to enforce such legal duties under certain circumstances;



requiring an agency which provides child welfare services to include with its report to the court concerning the placement of a child in need of protection certain information concerning the placement of the child in relation to his siblings; 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 432A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2, 3 and 4 of this
3 act.

4 **Sec. 2.** *“Accommodation facility” means a child care facility*
5 *which is operated:*

6 1. *By a business that is licensed to conduct a business other*
7 *than the provision of care to children; and*

8 2. *As an auxiliary service provided for the customers of the*
9 *primary business.*

10 **Sec. 3.** 1. *Except as otherwise provided in subsection 2 and*
11 *unless excused because of religious belief or medical condition, a*
12 *child may not be admitted to any accommodation facility within*
13 *this State, including an accommodation facility licensed by a*
14 *county or city, unless his parents or guardian submit to the*
15 *operator of the accommodation facility written documentation*
16 *stating that the child has been immunized and has received proper*
17 *boosters for that immunization or is complying with the schedules*
18 *established by regulation pursuant to NRS 439.550 for the*
19 *diseases set forth in subsection 1 of NRS 432A.230. The written*
20 *documentation required pursuant to this subsection must be:*

21 (a) *A letter signed by a licensed physician stating that the child*
22 *has been immunized and received boosters or is complying with*
23 *the schedules;*

24 (b) *A record from a public school or private school which*
25 *establishes that a child is enrolled in the school and has satisfied*
26 *the requirements for immunization for enrollment in the school*
27 *pursuant to NRS 392.435 or 394.192; or*

28 (c) *Any other documentation from a local health officer which*
29 *proves that the child has been immunized and received boosters or*
30 *is complying with the schedules.*

31 2. *A child whose parent or guardian has not established a*
32 *permanent residence in the county in which an accommodation*
33 *facility is located and whose history of immunization cannot be*
34 *immediately confirmed by the written documentation required*



1 pursuant to subsection 1 may enter the accommodation facility
2 conditionally if the parent or guardian:

3 (a) Agrees to submit within 15 days the documentation
4 required pursuant to subsection 1; and

5 (b) Submits proof that he has not established a permanent
6 residence in the county in which the facility is located.

7 3. If the documentation required pursuant to subsection 1 is
8 not submitted to the operator of the accommodation facility within
9 15 days after the child was conditionally admitted, the child must
10 be excluded from the facility.

11 4. Before December 31 of each year, each accommodation
12 facility shall report to the Health Division of the Department, on a
13 form furnished by the Division, the exact number of children who
14 have:

15 (a) Been admitted conditionally to the accommodation facility;
16 and

17 (b) Completed the immunizations required by this section.

18 5. To the extent that the Board or an agency for the licensing
19 of child care facilities established by a county or city requires a
20 child care facility to maintain proof of immunization of a child
21 admitted to the facility, the Board or agency shall authorize a
22 business which operates more than one accommodation facility to
23 maintain proof of immunization of a child admitted to any
24 accommodation facility of the business at a single location of the
25 business. The documentation must be accessible by each
26 accommodation facility of the business.

27 **Sec. 4. 1.** To the extent that the Board or an agency for the
28 licensing of child care facilities established by a county or city
29 requires a child care facility to make available a minimum amount
30 of space per child in the facility, an accommodation facility may
31 include the space occupied by any recreational toys that are used
32 in the accommodation facility in satisfying the requirement for the
33 minimum amount of space per child in the facility.

34 2. To the extent that the Board or an agency for the licensing
35 of child care facilities established by a county or city requires a
36 child care facility to make available a minimum number of toilets
37 per child in the facility, the Board or agency shall adjust the
38 number of toilets per child required in an accommodation facility
39 to a number that is appropriate for accommodation facilities,
40 taking into account the unique nature of such facilities.

41 3. An accommodation facility shall permit each parent or
42 guardian of a child who is receiving care in the accommodation
43 facility to attend to the needs of the child if the parent or guardian
44 does so in an area of a bathroom facility that is designated for use
45 by one person.



1 **Sec. 5.** NRS 432A.020 is hereby amended to read as follows:
2 432A.020 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 432A.021 to
4 432A.028, inclusive, *and section 2 of this act* have the meanings
5 ascribed to them in those sections.

6 **Sec. 6.** NRS 432A.220 is hereby amended to read as follows:
7 432A.220 Any person who operates a child care facility
8 without a license issued pursuant to NRS 432A.131 to 432A.220,
9 inclusive, *and section 4 of this act* is guilty of a misdemeanor.

10 **Sec. 7.** NRS 432A.230 is hereby amended to read as follows:
11 432A.230 *Except as otherwise provided in section 3 of this*
12 *act for accommodation facilities:*

13 1. Except as otherwise provided in subsection 3 and unless
14 excused because of religious belief or medical condition, a child
15 may not be admitted to any child care facility within this State,
16 including a facility licensed by a county or city, unless his parents or
17 guardian submit to the operator of the facility a certificate stating
18 that the child has been immunized and has received proper boosters
19 for that immunization or is complying with the schedules
20 established by regulation pursuant to NRS 439.550 for the following
21 diseases:

22 (a) Diphtheria;
23 (b) Tetanus;
24 (c) Pertussis if the child is under 6 years of age;
25 (d) Poliomyelitis;
26 (e) Rubella;
27 (f) Rubeola; and
28 (g) Such other diseases as the local board of health or the State
29 Board of Health may determine.

30 2. The certificate must show that the required vaccines and
31 boosters were given and must bear the signature of a licensed
32 physician or his designee or a registered nurse or his designee,
33 attesting that the certificate accurately reflects the child's record of
34 immunization.

35 3. A child whose parent or guardian has not established a
36 permanent residence in the county in which a child care facility is
37 located and whose history of immunization cannot be immediately
38 confirmed by a physician in this State or a local health officer, may
39 enter the child care facility conditionally if the parent or guardian:

40 (a) Agrees to submit within 15 days a certificate from a
41 physician or local health officer that the child has received or is
42 receiving the required immunizations; and

43 (b) Submits proof that he has not established a permanent
44 residence in the county in which the facility is located.



4. If a certificate from the physician or local health officer showing that the child has received or is receiving the required immunizations is not submitted to the operator of the child care facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

5. Before December 31 of each year, each child care facility shall report to the Health Division of the Department, on a form furnished by the Division, the exact number of children who have:

- (a) Been admitted conditionally to the child care facility; and
- (b) Completed the immunizations required by this section.

Sec. 8. NRS 432A.240 is hereby amended to read as follows:

432A.240 If the religious belief of a child's parents or guardian prohibits the immunization of the child as required by NRS 432A.230 ~~§~~ *or section 3 of this act*, a written statement of this fact signed by the parents or guardian and presented to the operator of the facility exempts the child from the provisions of that section for purposes of admission.

Sec. 9. NRS 432A.250 is hereby amended to read as follows:

432A.250 If the medical condition of a child will not permit him to be immunized to the extent required by NRS 432A.230 ~~§~~ *or section 3 of this act*, a written statement of this fact signed by a licensed physician and presented to the operator of the facility by the parents or guardian of such child exempts such child from all or part of the provisions of NRS 432A.230 ~~§~~ *or section 3 of this act*, as the case may be, for purposes of admission.

Sec. 10. NRS 432A.260 is hereby amended to read as follows:

432A.260 If, after a child has been admitted to a child care facility, including a facility licensed by a county or city, additional immunization requirements are provided by law, the child's parents or guardian shall submit an additional certificate or certificates *or, if the facility is an accommodation facility, additional written documentation in a form authorized pursuant to section 3 of this act* to the operator of the facility stating that such child has met the new immunization requirements.

Sec. 11. NRS 432A.280 is hereby amended to read as follows:

432A.280 Any parent or guardian who refuses to remove his child from the child care facility to which he has been admitted when retention in the facility is prohibited under the provisions of NRS 432A.230, 432A.260 or 432A.270 *or section 3 of this act* is guilty of a misdemeanor.

Sec. 12. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. *If a governmental entity has a legally enforceable obligation to provide care or treatment to a child pursuant to subsection 1 of NRS 432B.560 or to provide any supervision,*



1 *custody, maintenance, support or other service otherwise ordered*
2 *by the court to a child who the court determines is in need of*
3 *protection and the governmental entity fails to provide such care,*
4 *treatment or service, the court may issue an order to join the*
5 *governmental entity as a party in any proceeding concerning the*
6 *protection of the child to enforce the legal obligation if, before*
7 *issuing the order, the court provides notice and an opportunity to*
8 *be heard to the governmental entity.*

9 **Sec. 14.** 1. *An agency which provides child welfare services*
10 *shall provide training to each person who is employed by the*
11 *agency and who provides child welfare services. Such training*
12 *must include, without limitation, instruction concerning the*
13 *applicable state and federal constitutional and statutory rights of a*
14 *person who is responsible for a child's welfare and who is:*

15 (a) *The subject of an investigation of alleged abuse or neglect*
16 *of a child; or*

17 (b) *A party to a proceeding concerning the alleged abuse or*
18 *neglect of a child pursuant to NRS 432B.410 to 432B.590,*
19 *inclusive.*

20 2. *Nothing in this section shall be construed as requiring or*
21 *authorizing a person who is employed by an agency which*
22 *provides child welfare services to offer legal advice, legal*
23 *assistance or legal interpretation of state or federal statutes or*
24 *laws.*

25 **Sec. 15.** NRS 432B.190 is hereby amended to read as follows:
26 432B.190 The Division of Child and Family Services shall, in
27 consultation with each agency which provides child welfare
28 services, adopt:

29 1. Regulations establishing reasonable and uniform standards
30 for:

31 (a) Child welfare services provided in this State;

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

34 (c) The development of local councils involving public and
35 private organizations;

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

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

42 (f) The management and assessment of reported cases of abuse
43 or neglect;

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

45 (h) Emergency shelter for a child;



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

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

(k) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that *is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State* and sets forth ~~[the]~~ :

(1) *Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;*

(2) *The* procedures for taking a child for placement in protective custody ~~[and the]~~ ; and

(3) *The state and federal* legal rights of ~~[persons]~~ :

(I) *A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and*

(II) *Persons* who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

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

2. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive ~~[]~~ , and *section 14 of this act.*

Sec. 16. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services



1 or a law enforcement agency shall immediately initiate an
2 investigation if the report indicates that:

- 3 (a) The child is 5 years of age or younger;
- 4 (b) There is a high risk of serious harm to the child; or
- 5 (c) The child is living in a household in which another child has
6 died, or the child is seriously injured or has visible signs of physical
7 abuse.

8 3. Except as otherwise provided in subsection 2, upon receipt
9 of a report concerning the possible abuse or neglect of a child or
10 notification from a law enforcement agency that the law
11 enforcement agency has received such a report, an agency which
12 provides child welfare services shall conduct an evaluation not later
13 than 3 days after the report or notification was received to determine
14 whether an investigation is warranted. For the purposes of this
15 subsection, an investigation is not warranted if:

- 16 (a) The child is not in imminent danger of harm;
- 17 (b) The child is not vulnerable as the result of any untreated
18 injury, illness or other physical, mental or emotional condition that
19 threatens his immediate health or safety;
- 20 (c) The alleged abuse or neglect could be eliminated if the child
21 and his family receive or participate in social or health services
22 offered in the community, or both; or
- 23 (d) The agency determines that the:

24 (1) Alleged abuse or neglect was the result of the reasonable
25 exercise of discipline by a parent or guardian of the child involving
26 the use of corporal punishment, including, without limitation,
27 spanking or paddling; and

28 (2) Corporal punishment so administered was not so
29 excessive as to constitute abuse or neglect as described in
30 NRS 432B.150.

31 4. If the agency determines that an investigation is warranted,
32 the agency shall initiate the investigation not later than 3 days after
33 the evaluation is completed.

34 5. *If an agency which provides child welfare services*
35 *investigates a report of alleged abuse or neglect of a child*
36 *pursuant to NRS 432B.010 to 432B.400, inclusive, the agency*
37 *shall inform the person responsible for the child's welfare who is*
38 *named in the report as allegedly causing the abuse or neglect of*
39 *the child of any allegation which is made against the person at the*
40 *initial time of contact with the person by the agency. The agency*
41 *shall not identify the person responsible for reporting the alleged*
42 *abuse or neglect.*

43 6. Except as otherwise provided in this subsection, if the
44 agency determines that an investigation is not warranted, the agency
45 may, as appropriate:



(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

➤ If an agency determines that an investigation is not warranted for the reason set forth in paragraph (d) of subsection 3, the agency shall take no further action in regard to the matter and shall expunge all references to the matter from its records.

~~[6-]~~ 7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or his family pursuant to subsection ~~[5-]~~ 6, the agency shall require the person to notify the agency if the child or his family refuse or fail to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

~~[7-]~~ 8. An agency which provides child welfare services that determines that an investigation is not warranted may, at any time, reverse that determination and initiate an investigation.

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

Sec. 17. NRS 432B.310 is hereby amended to read as follows:

432B.310 Except as otherwise provided in subsection ~~[5-]~~ 6 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

1. Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

2. The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted and the severity of the injuries; and

3. The disposition of the case.

Sec. 18. NRS 432B.440 is hereby amended to read as follows:

432B.440 The agency which provides child welfare services shall assist the court during all stages of any proceeding in accordance with NRS 432B.410 to 432B.590, inclusive ~~[4-]~~, and *section 13 of this act.*



Sec. 19. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

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

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

(c) Place him in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Human Resources or a county whose population is 100,000 or more to care for such a child; or

(d) Commit him to the custody of the Superintendent of the Northern Nevada Children's Home or the Superintendent of the Southern Nevada Children's Home, in accordance with chapter 423 of NRS.

➤ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159 of NRS, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

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

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

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

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

4. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal



1 guardian. If the child was delivered to a provider of emergency
2 services pursuant to NRS 432B.630 and the location of the parent is
3 unknown, the report need not be sent to that parent.

4 5. In determining the placement of a child pursuant to this
5 section, if the child is not permitted to remain in the custody of his
6 parents or guardian ~~[(preference)]~~ :

7 *(a) It must be presumed to be in the best interests of the child*
8 *to be placed together with his siblings.*

9 *(b) Preference* must be given to placing the child ~~[(~~:

10 ~~—(a) With]~~ *with* any person related within the third degree of
11 consanguinity to the child who is suitable and able to provide proper
12 care and guidance for the child, regardless of whether the relative
13 resides within this State.

14 ~~[(b) If practicable, together with his siblings.]~~

15 ➔ Any search for a relative with whom to place a child pursuant to
16 this section must be completed within 1 year after the initial
17 placement of the child outside of his home. If a child is placed with
18 any person who resides outside of this State, the placement must be
19 in accordance with NRS 127.330.

20 6. Within 60 days after the removal of a child from his home,
21 the court shall:

22 (a) Determine whether:

23 (1) The agency which provides child welfare services has
24 made the reasonable efforts required by paragraph (a) of subsection
25 1 of NRS 432B.393; or

26 (2) No such efforts are required in the particular case; and

27 (b) Prepare an explicit statement of the facts upon which its
28 determination is based.

29 **Sec. 20.** NRS 432B.580 is hereby amended to read as follows:

30 432B.580 1. Except as otherwise provided in this section and
31 NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other
32 than with a parent, the placement must be reviewed by the court at
33 least semiannually, and within 90 days after a request by a party to
34 any of the prior proceedings. Unless the parent, guardian or the
35 custodian objects to the referral, the court may enter an order
36 directing that the placement be reviewed by a panel appointed
37 pursuant to NRS 432B.585.

38 2. An agency acting as the custodian of the child shall, before
39 any hearing for review of the placement of a child, submit a report
40 to the court, or to the panel if it has been designated to review the
41 matter, which includes ~~[an]~~ :

42 *(a) An* evaluation of the progress of the child and his family and
43 any recommendations for further supervision, treatment or
44 rehabilitation ~~[(~~; *and*



1 ***(b) Information concerning the placement of the child in***
2 ***relation to his siblings, including, without limitation:***

3 ***(1) Whether the child was placed together with his siblings;***

4 ***(2) Any efforts made by the agency to have the child placed***
5 ***together with his siblings;***

6 ***(3) Any actions taken by the agency to ensure that the child***
7 ***has contact with his siblings; and***

8 ***(4) If the child is not placed together with his siblings:***

9 ***(I) The reasons why the child is not placed together with***
10 ***his siblings; and***

11 ***(II) A plan for the child to visit his siblings, which must***
12 ***be approved by the court.***

13 ***3.*** Except as otherwise provided in this subsection, a copy of
14 the report ***submitted pursuant to subsection 2*** must be given to the
15 parents, the guardian ad litem and the attorney, if any, representing
16 the parent or the child. If the child was delivered to a provider of
17 emergency services pursuant to NRS 432B.630 and the parent has
18 not appeared in the action, the report need not be sent to that parent.

19 ~~***3-1***~~ ***4.*** ***After a plan for visitation between a child and his***
20 ***siblings submitted pursuant to subparagraph (4) of paragraph (b)***
21 ***of subsection 2 has been approved by the court, the agency which***
22 ***provides child welfare services must request the court to issue an***
23 ***order requiring the visitation set forth in the plan for visitation. If***
24 ***a person refuses to comply with or disobeys an order issued***
25 ***pursuant to this subsection, he may be punished as for a contempt***
26 ***of court.***

27 ***5.*** The court or the panel shall hold a hearing to review the
28 placement, unless the parent, guardian or custodian files a motion
29 with the court to dispense with the hearing. If the motion is granted,
30 the court or panel may make its determination from any report,
31 statement or other information submitted to it.

32 ~~***4-1***~~ ***6.*** Except as otherwise provided in this subsection and
33 paragraph (c) of subsection 4 of NRS 432B.520, notice of the
34 hearing must be given by registered or certified mail to:

35 (a) All the parties to any of the prior proceedings; and

36 (b) Any persons planning to adopt the child, relatives of the
37 child or providers of foster care who are currently providing care to
38 the child.

39 ➤ Notice of the hearing need not be given to a parent whose rights
40 have been terminated pursuant to chapter 128 of NRS or who has
41 voluntarily relinquished the child for adoption pursuant to
42 NRS 127.040.

43 ~~***5-1***~~ ***7.*** The court or panel may require the presence of the child
44 at the hearing and shall provide to each person to whom notice was



1 given pursuant to subsection ~~[4]~~ 6 an opportunity to be heard at the
2 hearing.

3 ~~[6-]~~ 8. The court or panel shall review:

4 (a) The continuing necessity for and appropriateness of the
5 placement;

6 (b) The extent of compliance with the plan submitted pursuant
7 to subsection 2 of NRS 432B.540;

8 (c) Any progress which has been made in alleviating the
9 problem which resulted in the placement of the child; and

10 (d) The date the child may be returned to, and safely maintained
11 in, his home or placed for adoption or under a legal guardianship.

12 ~~[7-]~~ 9. The provision of notice and an opportunity to be heard
13 pursuant to this section does not cause any person planning to adopt
14 the child, or any relative or provider of foster care to become a party
15 to the hearing.

16 **Sec. 21.** NRS 432B.590 is hereby amended to read as follows:
17 432B.590 1. Except as otherwise provided in NRS 432B.513,
18 the court shall hold a hearing concerning the permanent placement
19 of a child:

20 (a) Not later than 12 months after the initial removal of the child
21 from his home and annually thereafter.

22 (b) Within 30 days after making any of the findings set forth in
23 subsection 3 of NRS 432B.393.

24 ➤ Notice of this hearing must be given by registered or certified
25 mail to all the persons to whom notice must be given pursuant to
26 subsection ~~[4]~~ 6 of NRS 432B.580.

27 2. The court may require the presence of the child at the
28 hearing and shall provide to each person to whom notice was given
29 pursuant to subsection 1 an opportunity to be heard at the hearing.

30 3. At the hearing, the court shall review any plan for the
31 permanent placement of the child adopted pursuant to NRS
32 432B.553 and determine:

33 (a) Whether the agency with legal custody of the child has made
34 the reasonable efforts required by subsection 1 of NRS 432B.553;
35 and

36 (b) Whether, and if applicable when:

37 (1) The child should be returned to his parents or placed with
38 other relatives;

39 (2) It is in the best interests of the child to:

40 (I) Initiate proceedings to terminate parental rights
41 pursuant to chapter 128 of NRS so that the child can be placed for
42 adoption;

43 (II) Initiate proceedings to establish a guardianship
44 pursuant to chapter 159 of NRS; or



(III) Establish a guardianship in accordance with NRS 432B.466 to 432B.468, inclusive; or

(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for the placement of the child in another permanent living arrangement.

➤ The court shall prepare an explicit statement of the facts upon which each of its determinations is based. If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures. The provisions of this subsection do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

4. If a child has been placed outside of his home and has resided outside of his home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

5. This hearing may take the place of the hearing for review required by NRS 432B.580.

6. The provision of notice and an opportunity to be heard pursuant to this section does not cause any person planning to adopt the child, or any relative or provider of foster care to become a party to the hearing.

Sec. 22. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 13, inclusive, and 16 to 21, inclusive, of this act become effective on October 1, 2005.

3. Sections 14 and 15 of this act become effective upon passage and approval for the purpose of adopting regulations and on July 1, 2006, for all other purposes.



