
ASSEMBLY BILL NO. 43—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—Establishes certain rights for children who are placed
in foster homes. (BDR 38-672)

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.

AN ACT relating to the protection of children; establishing certain
rights for children who are placed in foster homes; and
providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law prohibits a person from establishing a family or group foster home
2 without receiving a license from the appropriate licensing authority. (NRS 424.030)
3 Under existing law, if the licensing authority finds that a child in a foster home is
4 subject to undesirable influences or lacks proper or wise care and management, the
5 licensing authority must order the child to be removed from the home.
6 (NRS 424.060)
7 This bill establishes a “bill of rights” for children who are placed in foster
8 homes. These rights address various aspects of the life and activities of foster
9 children, including the treatment of a child, contact with family members, choice of
10 religious activities, financial management, education, confidentiality of his records
11 privacy and protection from discrimination. Foster children are also given the right
12 to confidentially contact an agency which provides child welfare services
13 concerning a violation of the rights set forth in this bill without being threatened or
14 punished.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Every child placed in a foster home has the right to:

(a) Live in a safe, healthy and comfortable environment.

(b) Be treated with respect.

(c) Be free from:

(1) Abuse or neglect, as defined in NRS 432B.020; and

(2) Corporal punishment, as defined in NRS 388.5225.

(d) Receive adequate and healthy food and adequate clothing.

(e) If the child resides in a group foster home, receive an allowance.

(f) Receive medical care, including, without limitation, dental, vision and mental health services.

(g) Be free from the administration of medication or chemical substances, unless authorized by a physician.

(h) Except as otherwise prohibited by a court order:

(1) Contact a family member, social worker, attorney, advocate for children receiving foster care services, counsel or guardian ad litem appointed by a court and probation officer;

(2) Contact and visit his siblings;

(3) Make and receive confidential telephone calls; and

(4) Send and receive unopened mail.

(i) Confidentially contact and communicate with an agency which provides child welfare services concerning any alleged violation of the rights set forth in this section without being threatened or punished.

(j) Attend religious services and activities of his choice.

(k) Maintain a bank account and manage personal income, consistent with the age and developmental level of the child, unless otherwise prohibited by an agency which provides child welfare services.

(l) Not be locked in any room, building or premises.

(m) Receive an education as required by law.

(n) Participate in extracurricular, cultural and personal enrichment activities which are consistent with the age and developmental level of the child.

(o) Work and develop job skills, to the extent authorized by law.

(p) Have social contacts with persons outside the foster care system, including, without limitation, teachers, members of a church, mentors and friends.



1 (q) Attend a class or program concerning independent living
2 for which he is qualified.

3 (r) Attend and participate in a court hearing which affects the
4 child, to the extent authorized by law.

5 (s) Have storage space for private use.

6 (t) Review any plan adopted for his permanent placement
7 pursuant to NRS 432B.553 if the child is over 12 years of age.

8 (u) Receive information concerning his placement and any
9 plan adopted for his permanent placement pursuant to NRS
10 432B.553 and be informed of any changes concerning his
11 placement and of any changes made to the plan for permanent
12 placement.

13 (v) Be free from unreasonable searches of his personal
14 belongings.

15 (w) Maintain the confidentiality of any of his juvenile court
16 records, to the extent authorized by law.

17 (x) Have fair and equal access to services, placement, care,
18 treatment and benefits and not be discriminated against or
19 harassed on the basis of his actual or perceived race, ethnicity,
20 ancestry, national origin, color, religion, sex, sexual orientation,
21 gender identity, mental or physical disability, or exposure to the
22 human immunodeficiency virus.

23 2. As used in this section, "agency which provides child
24 welfare services" has the meaning ascribed to it in NRS 432B.030.



