

ASSEMBLY BILL NO. 566—COMMITTEE ON WAYS AND MEANS

MAY 23, 2005

Referred to Committee on Ways and Means

SUMMARY—Requires Legislative Commission to contract with consultant to carry out certain duties and prepare report concerning health, safety, welfare, and civil and other rights of children who are under care of certain governmental entities or private facilities. (BDR S-1472)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

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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 protection of children; requiring the Legislative Commission to contract with a consultant to carry out certain duties and prepare a report concerning the health, safety, welfare, and civil and other rights of children in this State who are under the care of certain governmental entities and private facilities; requiring the Legislative Commission to appoint a subcommittee to oversee the consultant; making an appropriation; 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.** 1. On or before September 1, 2005, the
2 Legislative Commission shall enter into a contract with a qualified,
3 independent consultant to carry out the duties set forth in this
4 section, including reviewing, evaluating, receiving and investigating
5 complaints that are filed by or on behalf of any child concerning the
6 health, safety, welfare, or civil or other rights of a child who is
7 under the care of a governmental entity or private facility, and to
8 prepare a written report as required pursuant to section 2 of this act.



2. The independent consultant to whom the contract is awarded pursuant to subsection 1 shall:

(a) Receive and review copies of all guidelines used by governmental entities and private facilities concerning the health, safety, welfare, civil rights and treatment of children;

(b) Receive and review copies of and investigate complaints that are filed by any child or any other person on behalf of a child who is under the care of a governmental entity or private facility concerning the health, safety, welfare, or civil or other rights of the child during the period of the contract with the consultant;

(c) Perform unannounced site visits and on-site inspections of governmental and private facilities;

(d) Review reports and other documents prepared by governmental entities and private facilities concerning the disposition of any complaints which were filed by a child or any other person on behalf of a child concerning the health, safety, welfare, or civil or other rights of the child for the period beginning January 1, 2000, and ending on September 30, 2006;

(e) Review practices, policies and procedures of governmental entities and private facilities for filing and investigating complaints made by a child under their care or by any other person on behalf of such a child concerning the health, safety, welfare, or civil or other rights of the child; and

(f) Perform such other duties as directed by the subcommittee appointed pursuant to section 2 of this act.

3. Each governmental entity and private facility shall:

(a) Cooperate fully with the consultant to whom the contract is awarded pursuant to subsection 1;

(b) Allow the consultant to enter the governmental entity or private facility, as applicable, and any area within the entity or facility with or without prior notice;

(c) Allow the consultant to interview children and staff;

(d) Allow the consultant to inspect, review and copy any records, reports and other documents relevant to the duties of the consultant;

(e) Post information in a conspicuous place within the governmental entity or private facility, as applicable, concerning the role of the consultant to whom a contract is awarded pursuant to subsection 1 and the manner in which a child or other person may contact the consultant to file a complaint or provide other information; and

(f) Forward to the consultant copies of any complaint that is filed by a child under the care of a governmental entity or private facility or by any other person on behalf of such a child concerning the health, safety, welfare, or civil or other rights of the child during



1 the period beginning September 1, 2005, and ending on
2 September 30, 2006.

3 4. As used in this section:

4 (a) "Agency which provides child welfare services" has the
5 meaning ascribed to it in NRS 432B.030.

6 (b) "Governmental entity" includes, without limitation, a local,
7 regional or state facility for the detention of children, a public
8 agency or institution authorized to care for children, a treatment
9 facility of the Division of Child and Family Services of the
10 Department of Human Resources which provides services for the
11 mental health of children pursuant to NRS 433B.310, any other
12 governmental agency, facility or institution which has physical
13 custody of children pursuant to an order of a court of competent
14 jurisdiction and a public entity which provides care and supervision
15 of children. The term does not include a foster home.

16 (c) "Local facility for the detention of children" has the meaning
17 ascribed to it in NRS 62A.190.

18 (d) "Private facility" means a private agency, facility or
19 institution licensed by the Department of Human Resources or a
20 county which has physical custody of children pursuant to any order
21 of a court of competent jurisdiction and which receives funding
22 from a state or local government. The term does not include a foster
23 home.

24 (e) "Regional facility for the detention of children" has the
25 meaning ascribed to it in NRS 62A.280.

26 (f) "State facility for the detention of children" has the meaning
27 ascribed to it in NRS 62A.330.

28 **Sec. 2.** 1. The Legislative Commission shall appoint a
29 subcommittee to oversee the independent consultant to whom the
30 contract is awarded pursuant to section 1 of this act.

31 2. The independent consultant shall provide to the
32 subcommittee periodic reports of his activities at least quarterly and
33 at such other times as may be requested by the subcommittee.

34 3. On or before December 15, 2006, the independent consultant
35 shall submit a final written report to the subcommittee which must
36 include:

37 (a) A description of the work that the consultant has completed;

38 (b) A summary of the information that the consultant has
39 compiled;

40 (c) An analysis of the health, safety, welfare, and civil and other
41 rights of children placed under the care of governmental entities and
42 private facilities in this State;

43 (d) Any conclusions and recommendations of the consultant;
44 and

45 (e) Such other information as directed by the subcommittee.



1 4. The Director of the Legislative Counsel Bureau shall
2 provide such staff and other support as is necessary for the
3 subcommittee to perform its duty.

4 5. Upon acceptance of the final report, the subcommittee shall
5 forward a copy of the final report of the consultant to the Legislative
6 Commission. On or before February 5, 2007, the Legislative
7 Commission shall submit a copy of the final written report and any
8 recommendations for legislation to the Director of the Legislative
9 Counsel Bureau for transmission to the 74th Session of the Nevada
10 Legislature.

11 **Sec. 3.** There is hereby appropriated from the State General
12 Fund to the Legislative Fund created by NRS 218.085 the sum of
13 \$200,000 for use by the Legislative Commission to contract with a
14 qualified, independent consultant to conduct the evaluation and
15 review described in sections 1 and 2 of this act.

16 **Sec. 4.** This act becomes effective upon passage and approval.

