

Amendment No. 429

Assembly Amendment to Assembly Bill No. 42

(BDR 38-670)

Proposed by: Committee on Health and Human Services**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

| ASSEMBLY ACTION | Initial and Date | SENATE ACTION | Initial and Date |
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| Adopted <input type="checkbox"/> Lost <input type="checkbox"/> | _____ | Adopted <input type="checkbox"/> Lost <input type="checkbox"/> | _____ |
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Amend the bill as a whole by renumbering sections 1 through 3 as sections 3 through 5 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“**Section 1.** Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

If a person or 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, custody, maintenance, support or other service otherwise ordered by the court to a child who the court determines is in need of protection and the person or governmental entity fails to provide such care, treatment or service, the court may issue an order to join the person or governmental entity as a party in any proceeding concerning the protection of the child to enforce the legal obligation if, before issuing the order, the court:

YMG/LH

Date: 4/25/2005

A.B. No. 42—Makes various changes concerning protection of children from abuse and neglect.



- 1. Provides notice and an opportunity to be heard to the person or governmental entity; and*
- 2. Determines that the child is eligible for such care, treatment or service.*

Sec. 2. 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 ~~[]~~, ***and section 1 of this act.***”.

Amend the title of the bill, fourth line, after “siblings;” by inserting:

“authorizing a court to join a person or governmental entity who 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;”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Under existing law, if a court determines that a child is in need of protection, it may place the child in the custody of a relative or other suitable person or place the child in the custody of a public or private agency or institution. In determining the placement of the child, the court must give preference to placing the child with certain relatives and, if practicable, together with his siblings. (NRS 432B.550) The court may also order the child to undergo any medical, psychiatric, psychological or other care or treatment as the court determines to be in the best interests of the child. (NRS 432B.560) Existing law requires an agency which provides child welfare services to submit a report to any court reviewing the placement of a child. The report must include an evaluation of the progress of the child and his family and any recommendations for further supervision, treatment or rehabilitation. (NRS 432B.580)

This bill establishes a presumption that it is in the best interests of a child who is in need of protection to place the child together with his siblings. This bill authorizes a court to enforce a legal obligation of a person or governmental entity to provide certain medical or psychological care or other care, treatment or services to a child under certain circumstances. This bill makes changes to the requirements for the report submitted to a reviewing court by an agency which provides child welfare services. The report must include information concerning the placement of the child with his siblings. If the child has not been placed with his siblings, the agency must include in the report the reasons for the separation and a plan for the child to visit his siblings. If the plan is approved by the

court, the agency must request a court order for the visitation. If a person fails to comply with the court order, he may be punished for being in contempt of court.