
ASSEMBLY BILL NO. 188—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DIVISION OF CHILD AND FAMILY SERVICES)

FEBRUARY 27, 2007

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes to provisions governing the licensing of certain child care facilities. (BDR 38-599)

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; clarifying that certain institutions that provide care and shelter to children are included within the term “child care facility” for purposes of licensing; requiring certain child care facilities to be licensed by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services rather than by a city or county licensing agency; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Sections 1, 3 and 4** of this bill provide that certain types of child care facilities,
2 defined as institutions that provide care and shelter during the day and night and
3 provide developmental guidance to 16 or more children who do not routinely return
4 to the homes of their parents or guardians, may not be licensed by the licensing
5 agency established by a city or county. (NRS 432A.131) Rather, **section 4** provides
6 that such child care institutions must be licensed by the Bureau of Services for
7 Child Care of the Division of Child and Family Services of the Department of
8 Health and Human Services.



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

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

“Child care institution” means a facility which provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

1. Education to the children according to a curriculum approved by the Department of Education;

2. Services to children who have been diagnosed as severely emotionally disturbed as defined in NRS 433B.080, including, without limitation, services relating to mental health and education; or

3. Emergency shelter to children who have been placed in protective custody pursuant to chapter 432B of NRS.

Sec. 2. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.028, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 432A.024 is hereby amended to read as follows:

432A.024 1. “Child care facility” means:

(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;

(b) An on-site child care facility; ~~for~~

(c) *A child care institution; or*

(d) An outdoor youth program.

2. “Child care facility” does not include:

(a) The home of a natural parent or guardian, foster home as defined in chapter 424 of NRS or maternity home;

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility; or

(c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity.

Sec. 4. NRS 432A.131 is hereby amended to read as follows:

432A.131 1. Child care facilities , *other than child care institutions*, in any county or incorporated city where the governing



body has established an agency for the licensing of child care facilities and enacted an ordinance requiring that child care facilities be licensed by the county or city need not be licensed by the Bureau. The licensing agency shall adopt such standards and other regulations as may be necessary for the licensing of child care facilities, and the standards and regulations:

(a) Must be not less restrictive than those adopted by the Board; and

(b) Take effect only upon their approval by the Bureau.

2. An agency for the licensing of child care facilities established by a city or county may waive compliance with a particular standard or other regulation by a child care facility if:

(a) The agency finds that the practices and policies of that facility are substantially equivalent to those required by the agency in its standards and other regulations; and

(b) The waiver does not allow a practice which violates a regulation adopted by the Board.

3. A governing body may adopt such standards and other regulations as may be necessary for the regulation of facilities which provide care for fewer than five children. If the standards so adopted are less restrictive than the standards for the licensure of child care facilities which have been adopted by the Board, the governing body shall not issue a license to the smaller facilities, but may register them in accordance with the standards which are less restrictive.

4. If a governing body intends to amend or repeal an ordinance providing for the licensing of child care facilities and the effect of that action will be the discontinuance of the governing body's licensure of child care facilities, the governing body shall notify the Bureau of its intention to do so at least 12 months before the amendment or repeal becomes effective.

5. A child care institution must be licensed by the Bureau.

