

SENATE BILL NO. 356—SENATOR HORSFORD

MARCH 19, 2007

JOINT SPONSOR: ASSEMBLYWOMAN KIRKPATRICK

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions relating to the protection of children from abuse and neglect. (BDR 38-1059)

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 the protection of children; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations establishing uniform standards for determining whether immediate action is necessary to protect a child; requiring the Legislative Commission to appoint a subcommittee to conduct a study relating to the placement of children in foster care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 2** of this bill requires the Division of Child and Family Services of the
- 2 Department of Health and Human Services to adopt regulations establishing
- 3 reasonable and uniform standards for determining whether immediate action is
- 4 necessary to protect a child from injury, abuse or neglect. (NRS 432B.190)
- 5 **Section 4** of this bill requires the Legislative Commission to appoint a
- 6 subcommittee to conduct a study of issues relating to the placement of children in
- 7 foster care and methods for reducing the number of children placed in foster care.

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

- 1 **Section 1.** (Deleted by amendment.)



Sec. 2. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

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

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

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

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

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

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

(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:

(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

(3) The state and federal legal rights of:

(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



1 to be informed of any allegation of abuse or neglect of a child which
2 is made against the person at the initial time of contact with the
3 person by the agency; and

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

7 (I) Making the necessary inquiries required pursuant to NRS
8 432B.397 to determine whether a child is an Indian child. ~~{-and}~~

9 2. *Regulations, which are applicable to any person who is*
10 *authorized to place a child in protective custody without the*
11 *consent of the person responsible for the child's welfare, setting*
12 *forth reasonable and uniform standards for establishing whether*
13 *immediate action is necessary to protect the child from injury,*
14 *abuse or neglect for the purposes of determining whether to place*
15 *the child into protective custody pursuant to NRS 432B.390. Such*
16 *standards must consider the potential harm to the child in*
17 *remaining in his home, including, without limitation:*

18 (a) *Circumstances in which a threat of harm suggests that a*
19 *child is in imminent danger of serious harm.*

20 (b) *The conditions or behaviors of the child's family which*
21 *threaten the safety of the child who is unable to protect himself*
22 *and who is dependent on others for protection, including, without*
23 *limitation, conditions or behaviors that are beyond the control of*
24 *the caregiver of the child and create an imminent threat of serious*
25 *harm to the child.*

26 *↪ The Division of Child and Family Services shall ensure that the*
27 *appropriate persons or entities to whom the regulations adopted*
28 *pursuant to this subsection apply are provided with a copy of such*
29 *regulations. As used in this subsection, "serious harm" includes*
30 *the threat or evidence of serious physical injury, sexual abuse,*
31 *significant pain or mental suffering, extreme fear or terror,*
32 *extreme impairment or disability, death, substantial impairment or*
33 *risk of substantial impairment to the child's mental or physical*
34 *health or development.*

35 3. Such other regulations as are necessary for the
36 administration of NRS 432B.010 to 432B.606, inclusive.

37 **Sec. 3.** (Deleted by amendment.)

38 **Sec. 4.** 1. The Legislative Commission shall appoint a
39 subcommittee, consisting of three members of the Senate and three
40 members of the Assembly, to conduct a study during the 2007-2009
41 interim concerning the placement of children in foster care.

42 2. The subcommittee appointed pursuant to subsection 1 shall,
43 without limitation:

44 (a) Study the procedures and standards used in this State for
45 placing children in foster care;



(b) Review the procedures and standards used in other states for placing children in foster care;

(c) Review and evaluate the standard for determining when to place a child in protective custody pursuant to NRS 432B.390;

(d) Address methods to reduce the number of foster care placements in this State, including, without limitation, the placement of children in group foster homes, family foster homes, child welfare facilities and other facilities which house children who have been placed in foster care; and

(e) Study other issues relating to the placement of children in foster care.

3. Any recommendations for legislation proposed by the subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee.

4. The Legislative Commission shall submit a copy of the final written report of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 5. 1. This section and section 4 of this act become effective on July 1, 2007.

2. Section 2 of this act becomes effective on October 1, 2007.

