

Amendment No. 223

Assembly Amendment to Assembly Bill No. 305

(BDR 17-871)

Proposed by: Assembly Committee on Health and Human Services**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

RBL



Date: 4/10/2007

A.B. No. 305—Revises provisions relating to the protection of children.

(BDR 17-871)



ASSEMBLY BILL NO. 305—COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND
CONSTITUTIONAL AMENDMENTS

(ON BEHALF OF THE SUBCOMMITTEE TO OVERSEE THE
CONSULTANT TO STUDY THE HEALTH, SAFETY, WELFARE
AND CIVIL AND OTHER RIGHTS OF CHILDREN IN THE CARE OF
CERTAIN GOVERNMENTAL ENTITIES OR PRIVATE FACILITIES)

MARCH 14, 2007

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the protection of children.
(BDR 17-871)

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; creating the Legislative Committee on the Health, Welfare, Safety and Protection of Children; creating the position of Child Welfare Specialist to audit and survey certain governmental and private facilities that have custody of children pursuant to a court order; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-12 of this bill create a Legislative Committee on the Health, Welfare, Safety and Protection of Children to study various issues relating to children in this State, including, without limitation, issues relating to child welfare services, children placed in governmental and private facilities for children pursuant to a court order, juvenile justice and other matters relating to children.

Sections 13-20 of this bill provide for the Legislative Auditor to employ or enter into a contract with an auditor to serve as a Child Welfare Specialist. The Child Welfare Specialist is charged with various duties, including conducting performance audits of certain governmental facilities that have custody of children pursuant to a court order and to inspect, review and survey governmental and private facilities that have custody of children pursuant to a court order to determine whether such facilities adequately protect the health, safety and welfare of the children in the facilities and whether the facilities respect the civil and other rights of the children in their care. The Child Welfare Specialist is required to report to the Legislative Committee on the Health, Welfare, Safety and Protection of Children and to follow directions from the Committee.

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

1 **Section 1.** Chapter 218 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 20, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to 12, inclusive, of this act, unless the context*
4 *otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of*
5 *this act have the meanings ascribed to them in those sections.*

6 **Sec. 3.** *“Abuse or neglect of a child” has the meaning ascribed to it in*
7 *NRS 432B.020.*

8 **Sec. 4.** *“Child Welfare Specialist” means the auditor selected to serve in*
9 *that position pursuant to section 18 of this act.*

10 **Sec. 5.** *“Committee” means the Legislative Committee on the Health,*
11 *Welfare, Safety and Protection of Children created by section 8 of this act.*

12 **Sec. 6.** *“Governmental facility for children” has the meaning ascribed to it*
13 *in section 15 of this act.*

14 **Sec. 7.** *“Private facility for children” has the meaning ascribed to it in*
15 *section 17 of this act.*

16 **Sec. 8.** 1. *There is hereby created the Legislative Committee on the*
17 *Health, Welfare, Safety and Protection of Children consisting of three members*
18 *appointed by the Majority Leader of the Senate and three members appointed by*
19 *the Speaker of the Assembly.*

20 2. *The Committee shall elect a Chairman and a Vice Chairman from*
21 *among its members. The Chairman must be elected from one House of the*
22 *Legislature and the Vice Chairman from the other House. The chairmanship of*
23 *the Committee must alternate each biennium between the Houses of the*
24 *Legislature. After the initial election, the Chairman and Vice Chairman shall*
25 *hold office for a term of 2 years commencing on July 1 of each odd-numbered*
26 *year. If a vacancy occurs in the chairmanship or vice chairmanship, the members*
27 *of the Committee shall elect a Chairman or Vice Chairman, as applicable, from*
28 *among its members to serve in that position for the remainder of the unexpired*
29 *term.*

30 3. *Any member of the Committee who is not a candidate for reelection or*
31 *who is defeated for reelection continues to serve until the convening of the next*
32 *session of the Legislature.*

33 4. *Vacancies on the Committee must be filled in the same manner as the*
34 *original appointments.*

35 **Sec. 9.** 1. *The Committee shall meet throughout each year at the times*
36 *and places as are specified by a call of the Chairman or a majority of the*
37 *Committee.*

38 2. *The Director of the Legislative Counsel Bureau or a person he has*
39 *designated shall act as the nonvoting recording Secretary.*

40 3. *The Committee shall prescribe regulations for its own management and*
41 *government.*

42 4. *Except as otherwise provided in subsection 5, four members of the*
43 *Committee constitute a quorum, and a quorum may exercise all the power and*
44 *authority conferred on the Committee.*

45 5. *Any recommended legislation proposed by the Committee must be*
46 *approved by a majority of the members of the Senate and by a majority of the*
47 *members of the Assembly appointed to the Committee.*

48 6. *Except during a regular or special session of the Legislature, the*
49 *members of the Committee are entitled to receive the:*

1 (a) *Compensation provided for a majority of the members of the Legislature*
2 *during the first 60 days of the preceding regular session;*

3 (b) *Per diem allowance provided for state officers and employees generally;*
4 *and*

5 (c) *Travel expenses provided pursuant to NRS 218.2207 for each day or*
6 *portion of a day of attendance at a meeting of the Committee and while engaged*
7 *in the business of the Committee.*

8 ➤ *The compensation, per diem allowances and travel expenses paid pursuant to*
9 *this subsection must be paid from the Legislative Fund.*

10 **Sec. 10. The Committee may:**

11 1. *Study various issues relating to the provision of child welfare services in*
12 *this State, including, without limitation:*

13 (a) *Programs for the provision of child welfare services;*

14 (b) *Licensing and reimbursement of providers of foster care;*

15 (c) *The availability and provision of mental health services;*

16 (d) *Compliance with any federal requirements in the provision of services;*

17 (e) *The quality of care provided to children in the child welfare system;*

18 (f) *The manner in which cases of alleged abuse or neglect of a child are*
19 *handled and reported; and*

20 (g) *Other related issues.*

21 2. *Study issues relating to the health, safety, welfare, and civil and other*
22 *rights of children placed in governmental and private facilities for children*
23 *pursuant to a court order.*

24 3. *Study issues relating to juvenile justice.*

25 4. *Review and consider any other matter relating to the health, safety,*
26 *welfare or protection of children in this State.*

27 5. *Conduct investigations and hold hearings.*

28 6. *Contract with a consultant to obtain assistance and advice.*

29 **Sec. 11. The Committee shall:**

30 1. *Receive reports from and provide direction to the Child Welfare*
31 *Specialist selected pursuant to section 18 of this act.*

32 2. *Make any appropriate recommendations for legislation to the*
33 *Legislature.*

34 **Sec. 12. 1. In conducting the investigations and hearings of the**
35 **Committee:**

36 (a) *The Secretary of the Committee or, in his absence, any member of the*
37 *Committee may administer oaths.*

38 (b) *The Secretary or Chairman of the Committee may cause the deposition of*
39 *witnesses, residing either within or outside the State, to be taken in the manner*
40 *prescribed by rule of court for taking depositions in civil actions in the district*
41 *courts.*

42 (c) *The Chairman may issue subpoenas to compel the attendance of*
43 *witnesses and the production of books and papers.*

44 2. *If any witness refuses to attend or testify or produce any books and*
45 *papers as required by the subpoena, the Chairman may report to the district court*
46 *by petition setting forth that:*

47 (a) *Due notice has been given of the time and place of attendance of the*
48 *witness or the production of the books and papers;*

49 (b) *The witness has been subpoenaed by the Committee pursuant to this*
50 *section; and*

51 (c) *The witness has failed or refused to attend or produce the books and*
52 *papers required by the subpoena before the Committee which is named in the*
53 *subpoena, or has refused to answer questions propounded to him,*

1 ~~and asking for an order of the court compelling the witness to attend and~~
2 ~~testify or produce the books and papers before the Committee.~~

3 3. ~~Upon such petition, the court shall enter an order directing the witness to~~
4 ~~appear before the court at a time and place to be fixed by the court in its order,~~
5 ~~the time to be not more than 10 days after the date of the order, and to show~~
6 ~~cause why he has not attended or testified or produced the books or papers before~~
7 ~~the Committee. A certified copy of the order must be served upon the witness.~~

8 4. ~~If it appears to the court that the subpoena was regularly issued by the~~
9 ~~Committee, the court shall enter an order that the witness appear before the~~
10 ~~Committee at the time and place fixed in the order and testify or produce~~
11 ~~the required books or papers. Failure to obey the order constitutes contempt of~~
12 ~~court.~~

13 Sec. 13. ~~As used in sections 13 to 20, inclusive, of this act, unless the~~
14 ~~context otherwise requires, the words and terms defined in sections 14 to 17,~~
15 ~~inclusive, of this act have the meanings ascribed to them in those sections.~~

16 Sec. 14. ~~“Child Welfare Specialist” means the person selected to serve in~~
17 ~~that position pursuant to section 18 of this act.~~

18 Sec. 15. ~~“Governmental facility for children” means any facility, detention~~
19 ~~center, treatment center, hospital, institution, group shelter or other~~
20 ~~establishment which is owned or operated by a governmental entity and which~~
21 ~~has physical custody of children pursuant to the order of a court.~~

22 Sec. 16. ~~“Near fatality” means an act that ~~is as certified by a physician,~~~~
23 ~~places a child in serious or critical condition ~~is as verified orally or in writing by~~~~
24 ~~a physician, a registered nurse or other licensed provider of health care. Such~~
25 ~~verification may be given in person or by telephone, mail, electronic mail or~~
26 ~~facsimile.~~

27 Sec. 17. ~~“Private facility for children” means any facility, detention center,~~
28 ~~treatment center, hospital, institution, group shelter or other establishment which~~
29 ~~is owned or operated by a person or entity which has physical custody of children~~
30 ~~pursuant to the order of a court.~~

31 Sec. 18. 1. ~~The Legislative Auditor shall employ or contract with an~~
32 ~~auditor to serve as the Child Welfare Specialist. The Child Welfare Specialist~~
33 ~~shall:~~

34 (a) ~~Conduct such performance audits of governmental facilities for children~~
35 ~~as assigned by the Legislative Committee on the Health, Welfare, Safety and~~
36 ~~Protection of Children created by section 8 of this act; and~~

37 (b) ~~Inspect, review and survey other governmental and private facilities for~~
38 ~~children to determine whether such facilities adequately protect the health, safety~~
39 ~~and welfare of the children in the facilities and whether the facilities respect the~~
40 ~~civil and other rights of the children in their care.~~

41 2. ~~In performing its duties pursuant to this section, the Child Welfare~~
42 ~~Specialist shall:~~

43 (a) ~~Receive and review copies of all guidelines used by governmental and~~
44 ~~private facilities for children concerning the health, safety, welfare, and civil and~~
45 ~~other rights of children;~~

46 (b) ~~Receive and review copies of each complaint that is filed by any child or~~
47 ~~other person on behalf of a child who is under the care of a governmental or~~
48 ~~private facility for children concerning the health, safety, welfare, and civil and~~
49 ~~other rights of the child;~~

50 (c) ~~Perform unannounced site visits and on-site inspections of governmental~~
51 ~~and private facilities for children;~~

52 (d) ~~Review reports and other documents prepared by governmental and~~
53 ~~private facilities for children concerning the disposition of any complaint which~~

1 was filed by a child or any other person on behalf of a child concerning the
2 health, safety, welfare, and civil and other rights of the child;

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

7 (f) Receive, review and evaluate all information and reports from
8 governmental and private facilities for children relating to a child who suffers a
9 fatality or near fatality while under the care or custody of a governmental or
10 private facility for children;

11 (g) Report periodically to the Legislative Committee on the Health, Welfare,
12 Safety and Protection of Children created by section 8 of this act; and

13 (h) Perform such other duties as directed by the Legislative Committee on
14 the Health, Welfare, Safety and Protection of Children.

15 **Sec. 19.** Each governmental and private facility for children shall:

16 1. Cooperate fully with the Child Welfare Specialist;

17 2. Allow the Child Welfare Specialist to enter the facility and any area
18 within the facility with or without prior notice;

19 3. Allow the Child Welfare Specialist to interview children and staff at the
20 facility;

21 4. Allow the Child Welfare Specialist to inspect, review and copy any
22 records, reports and other documents relevant to the duties of the Child Welfare
23 Specialist; and

24 5. Forward to the Child Welfare Specialist copies of any complaint that is
25 filed by a child under the care or custody of a governmental or private facility for
26 children or by any other person on behalf of such a child concerning the health,
27 safety, welfare, and civil and other rights of the child.

28 **Sec. 20.** 1. When conducting any performance audit pursuant to section
29 18 of this act, the Child Welfare Specialist shall carry out his duties in
30 accordance with the provisions of NRS 218.737 to 218.893, inclusive, except that
31 the Legislative Committee on the Health, Welfare, Safety and Protection of
32 Children created by section 8 of this act replaces any reference to the Legislative
33 Commission in those sections.

34 2. The Legislative Auditor and the Child Welfare Specialist shall keep or
35 cause to be kept a complete file of copies of all reports of audits, examinations,
36 investigations and all other reports or releases issued by him.

37 3. All working papers from an audit are confidential and may be destroyed
38 by the Legislative Auditor or the Child Welfare Specialist 5 years after the report
39 is issued, except that the Legislative Auditor or the Child Welfare Specialist:

40 (a) Shall release such working papers when subpoenaed by a court; and

41 (b) May make such working papers available for inspection by an authorized
42 representative of any other governmental entity for a matter officially before him
43 or by any other person authorized by the Legislative Committee on the Health,
44 Welfare, Safety and Protection of Children.

45 **Sec. 21.** This act becomes effective on July 1, 2007.