

CHAPTER.....

AN ACT relating to children; requiring the Legislative Auditor to conduct performance audits of governmental facilities for children as directed by the Legislative Commission; requiring the Legislative Auditor or his designee to inspect, review and survey governmental facilities for children and private facilities for children to determine whether such facilities adequately protect the health, safety and welfare of the children in the facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacted in the 2007 Legislative Session appropriated \$250,000 for the Legislative Auditor to employ or contract with an auditor to serve as the Child Welfare Specialist during the 2007-2009 biennium. (Section 6 of chapter 348, Statutes of Nevada 2007, p. 1659) The law set out the duties of the Child Welfare Specialist, which included conducting such performance audits of governmental facilities for children as assigned by the Legislative Auditor and inspecting, reviewing and surveying other governmental and private facilities for children 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.

This bill effectively transfers the duties of the Child Welfare Specialist to the Legislative Auditor and codifies those duties in NRS as continuing duties of the Legislative Auditor. **Section 6** of this bill requires the Legislative Auditor, as directed by the Legislative Commission, to conduct performance audits of governmental facilities for children. **Sections 7 and 8** of this bill require the Legislative Auditor or his designee to inspect, review and survey governmental facilities for children and private facilities for children 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. **Section 9** of this bill requires each governmental facility for children and private facility for children to cooperate fully with the Legislative Auditor or his designee in the performance of his duties, allow the Legislative Auditor or his designee to enter the facility and any area within the facility with or without prior notice, interview children and staff at the facility and inspect, review and copy any records, reports and other documents relevant to his duties. **Section 9** also requires such a facility to forward to the Legislative Auditor or his designee copies of any complaint that is filed by a child under the care or custody of the facility or by any other person on behalf of such a child concerning the health, safety, welfare, and civil and other rights of the child.



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

Section 1. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *“Family foster home” has the meaning ascribed to it in NRS 424.013.*

Sec. 3. 1. *“Governmental facility for children” means any facility, detention center, treatment center, hospital, institution, group shelter or other establishment which is owned or operated by a governmental entity and which has physical custody of children pursuant to the order of a court.*

2. The term does not include any facility, detention center, treatment center, hospital, institution, group shelter or other establishment which is licensed as a family foster home or group foster home, except one which provides emergency shelter care or which is capable of handling children who require special care for physical, mental or emotional reasons.

Sec. 4. *“Group foster home” has the meaning ascribed to it in NRS 424.015.*

Sec. 5. 1. *“Private facility for children” means any facility, detention center, treatment center, hospital, institution, group shelter or other establishment which is owned or operated by a person and which has physical custody of children pursuant to the order of a court.*

2. The term does not include any facility, detention center, treatment center, hospital, institution, group shelter or other establishment which is licensed as a family foster home or group foster home, except one which provides emergency shelter care or which is capable of handling children who require special care for physical, mental or emotional reasons.

Sec. 6. *The Legislative Auditor, as directed by the Legislative Commission pursuant to NRS 218.850, shall conduct performance audits of governmental facilities for children.*

Sec. 7. *The Legislative Auditor or his designee shall inspect, review and survey governmental facilities for children and private facilities for children 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.*

Sec. 8. *The Legislative Auditor or his designee, in performing his duties pursuant to section 7 of this act, shall:*



1. Receive and review copies of all guidelines used by governmental facilities for children and private facilities for children concerning the health, safety, welfare, and civil and other rights of children;

2. Receive and review copies of each complaint that is filed by any child or other person on behalf of a child who is under the care of a governmental facility for children or private facility for children concerning the health, safety, welfare, and civil and other rights of the child;

3. Perform unannounced site visits and on-site inspections of governmental facilities for children and private facilities for children;

4. Review reports and other documents prepared by governmental facilities for children and private facilities for children concerning the disposition of any complaint which was filed by any child or other person on behalf of a child concerning the health, safety, welfare, and civil and other rights of the child;

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

6. Receive, review and evaluate all information and reports from a governmental facility for children or private facility for children relating to a child who suffers a fatality or near fatality while under the care or custody of the facility.

Sec. 9. Each governmental facility for children and private facility for children shall:

1. Cooperate fully with the Legislative Auditor or his designee in the performance of his duties pursuant to sections 7 and 8 of this act;

2. Allow the Legislative Auditor or his designee to enter the facility and any area within the facility with or without prior notice;

3. Allow the Legislative Auditor or his designee to interview children and staff at the facility;

4. Allow the Legislative Auditor or his designee to inspect, review and copy any records, reports and other documents relevant to his duties; and

5. Forward to the Legislative Auditor or his designee copies of any complaint that is filed by a child under the care or custody of a governmental facility for children or private facility for



children or by any other person on behalf of such a child concerning the health, safety, welfare, and civil and other rights of the child.

Sec. 10. NRS 218.862 is hereby amended to read as follows:

218.862 As used in NRS 218.862 to 218.867, inclusive, *and sections 2 to 9, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 218.863, 218.864 and 218.865 *and sections 2 to 5, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 11. This act becomes effective on July 1, 2009.

