

Amendment No. 68

Assembly Amendment to Assembly Bill No. 76

(BDR 38-332)

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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 dashed underlining*** is newly added transitory language.

RBL/BJE



Date: 4/1/2009

A.B. No. 76—Revises provisions governing the placement of children who are in the custody of an agency which provides child welfare services.
(BDR 38-332)



ASSEMBLY BILL NO. 76—COMMITTEE ON
HEALTH AND HUMAN SERVICES

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

PREFILED DECEMBER 15, 2008

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the placement of children who are in the custody of an agency which provides child welfare services. (BDR 38-332)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; exempting certain relatives from licensure as foster care providers as a condition to placing a child in their custody in certain circumstances; revising provisions governing the background check required for obtaining a license as a foster care provider; ~~and for placing a child who is in the custody of an agency which provides child welfare services in a home in an emergency situation;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the licensing authority for foster homes to obtain fingerprints from applicants for a license to conduct a foster home, prospective employees of the applicant or of a licensee and from any resident of the foster home who is 18 years of age or older for the purpose of conducting a criminal background check. (NRS 424.033) Existing law similarly requires such a background check of any adult resident of a home in which an agency which provides child welfare services wishes to place a child in an emergency situation. (NRS 432B.391) In addition, the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, amended title IV of the Social Security Act to require fingerprint-based checks of the national crime information databases and to require checks of any state registry of child abuse and neglect before placing a child in a prospective foster home or with adoptive parents. To comply with this federal Act, **section 1** of this bill requires the licensing authority for foster homes to ~~conduct a preliminary name based check of the records of criminal history for~~ **obtain permission from** each applicant for a license to conduct a foster home, each prospective employee of the applicant or of a licensee and any resident of the foster home who is 18 years of age or older ~~[(NRS 424.033) Section 1 further requires the licensing authority to obtain permission from each such person]~~ to conduct a child abuse and neglect screening in every state in which the person has resided during the last 5 years and then to conduct such a screening. In addition, **section 1** requires ~~each licensing authority~~ **the Division of Child and Family Services of the Department of Health and Human Services** to assist the licensing authorities of other states in conducting a child abuse and neglect screening of a person who has resided in this State if the person has signed a written

permission authorizing the screening. ~~Section 3 of this bill imposes the same requirements on an agency which provides child welfare services before placing a child in a home in an emergency situation and requires such cooperation by an agency which provides child welfare services with agencies in other states that are conducting a screening of a person who has resided in this State if the person has signed a written permission authorizing the screening. (NRS 432B.391)) and authorizes the Division to charge a fee for providing such information in an amount not to exceed the actual cost to the Division to provide the information.~~

Existing law requires each foster home to be licensed. (NRS 424.030) "Foster home" includes a family home in which one to six children under the age of 18 are cared for by a person who is not related within the first degree of consanguinity or affinity with or without compensation. (NRS 424.013, 424.014) **Section 2** of this bill expands the exemptions from the provisions governing licensure of foster homes so that those provisions do not apply to a person who ~~voluntarily~~ provides care to a minor child who is in the custody of an agency which provides child welfare services if the caregiver is related to the child within the ~~third~~ fifth degree of consanguinity and the caregiver has not applied for a license. (NRS 424.090)

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

Section 1. NRS 424.033 is hereby amended to read as follows:

424.033 1. Each applicant for a license to conduct a foster home, prospective employee of that applicant or of a person who is licensed to conduct a foster home, or resident of a foster home who is 18 years of age or older must submit to the licensing authority or its approved designee ~~to~~ :

(a) A complete set of his fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to NRS 424.031 ~~to~~ ;
and

(b) *Written permission to conduct a child abuse and neglect screening.*

2. *For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall ~~to~~*

~~(a) Conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history; and~~

~~(b) Conduct~~ conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

~~[3.] 4. [Each licensing authority in this State] The Division shall assist the licensing authority of another state that is conducting a child abuse and neglect screening of a person who has resided in this State by providing information which is necessary to conduct the screening if the person who is the subject of the screening has signed a written permission authorizing the licensing authority to conduct a child abuse and neglect screening. The Division may charge a fee for providing such information in an amount which does not exceed the actual cost to the Division to provide the information.~~

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

1 **Sec. 2.** NRS 424.090 is hereby amended to read as follows:

2 424.090 The provisions of this chapter do not apply to homes in which:

3 1. Care is provided only for a neighbor's or friend's child on an irregular or
4 occasional basis for a brief period, not to exceed 90 days.

5 2. Care is provided by the legal guardian.

6 3. Care is provided for an exchange student.

7 4. Care is provided to enable a child to take advantage of educational facilities
8 that are not available in his home community.

9 5. Any child or children are received, cared for and maintained pending
10 completion of proceedings for adoption of such child or children, except as
11 otherwise provided in regulations adopted by the Division.

12 6. Except as otherwise provided in regulations adopted by the Division, care
13 is voluntarily provided to a minor child who is:

14 (a) Related to the ~~caretaker~~ **caregiver** by blood, adoption or marriage; and

15 (b) Not in the custody of an agency which provides child welfare services.

16 7. ~~Care is voluntarily provided to a minor child who is in the custody of an~~
17 ~~agency which provides child welfare services pursuant to chapter 432B of NRS if:~~

18 (a) ~~The caregiver is related to the child within the third degree of~~ **fifth degree of**
19 ~~consanguinity; and~~

20 (b) ~~The caregiver has not applied for licensure~~ **is not licensed pursuant to**
21 **the provisions of this chapter.**

22 **Sec. 3.** ~~NRS 432B.291 is hereby amended to read as follows:~~

23 ~~432B.291 1. An agency which provides child welfare services or its~~
24 ~~approved designee [may.] shall, in accordance with the procedures set forth in 28~~
25 ~~C.F.R. §§ 901 et. seq., conduct a preliminary Federal Bureau of Investigation~~
26 ~~Interstate Identification Index name-based check of the records of criminal history~~
27 ~~of a resident who is 18 years of age or older of a home in which the agency which~~
28 ~~provides child welfare services wishes to place a child in an emergency situation to~~
29 ~~determine whether the person investigated has been arrested for or convicted of any~~
30 ~~crime.~~

31 ~~2. Upon request of an agency which provides child welfare services that~~
32 ~~wishes to place a child in a home in an emergency situation, or upon request of the~~
33 ~~approved designee of the agency which provides child welfare services, a resident~~
34 ~~who is 18 years of age or older of the home in which the agency which provides~~
35 ~~child welfare services wishes to place the child must submit to the agency which~~
36 ~~provides child welfare services or its approved designee [a]:~~

37 ~~(a) A complete set of his fingerprints and written permission authorizing the~~
38 ~~agency which provides child welfare services or its approved designee to forward~~
39 ~~those fingerprints to the Central Repository for Nevada Records of Criminal~~
40 ~~History for submission to the Federal Bureau of Investigation for its report. The~~
41 ~~agency which provides child welfare services or its approved designee shall~~
42 ~~forward the fingerprints to the Central Repository for Nevada Records of Criminal~~
43 ~~History within the time set forth in federal law or regulation [.] ; and~~

44 ~~(b) Written permission to conduct a child abuse and neglect screening. The~~
45 ~~agency which provides child welfare services or its approved designee shall~~
46 ~~conduct a child abuse and neglect screening of the person in every state in which~~
47 ~~the person has resided during the immediately preceding 5 years.~~

48 ~~3. If a resident who is 18 years of age or older of a home in which an agency~~
49 ~~which provides child welfare services places a child in an emergency situation~~
50 ~~refuses to provide a complete set of fingerprints or written permission to conduct a~~
51 ~~child abuse and neglect screening to the agency which provides child welfare~~
52 ~~services or its approved designee upon request pursuant to subsection 2, the agency~~

1 which provides child welfare services must immediately remove the child from the
2 home.

3 ~~4. An agency which provides child welfare services shall assist an agency~~
4 ~~which provides child welfare services of another state and which is conducting a~~
5 ~~child abuse and neglect screening of a person who has resided in this State by~~
6 ~~providing information which is necessary to conduct the screening if the person~~
7 ~~who is the subject of the screening has signed a written permission authorizing~~
8 ~~the agency to conduct a child abuse and neglect screening.~~ (Deleted by
9 amendment.)