

ASSEMBLY BILL NO. 472—COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 28, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to youth shelters.
(BDR 20-1134)

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 youth shelters; repealing provisions relating to the approval of youth shelters by a county; revising provisions relating to immunity from civil liability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a county may enact an ordinance to designate a youth shelter as an approved youth shelter if the youth shelter meets certain requirements. (NRS 244.428) An approved youth shelter and its director, employees, agents or volunteers are then immune from civil liability for certain acts or omissions relating to runaway or homeless youth. (NRS 244.429)

Section 4 of this bill repeals the authority of a county to approve youth shelters. **Section 2** of this bill grants immunity from civil liability for certain acts or omissions relating to runaway or homeless youth to a youth shelter and to its director, employees, agents or volunteers.

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

Section 1. NRS 244.421 is hereby amended to read as follows:
244.421 As used in NRS 244.421 to 244.429, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[244.422]~~ **244.423** to 244.427, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 244.429 is hereby amended to read as follows:
244.429 ~~If a county designates a youth shelter as an approved youth shelter pursuant to an ordinance adopted pursuant to~~



~~NRS 244.428, the approved~~ A youth shelter and its director, employees, agents or volunteers are immune from civil liability based upon any act or failure to act while admitting, releasing or caring for a runaway or homeless youth, unless the act or failure to act was the result of the gross negligence or intentional or reckless misconduct of the ~~approved~~ youth shelter or its director, employees, agents or volunteers.

Sec. 3. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency



1 which provides child welfare services pursuant to this subsection
2 shall not be construed to require prosecution for any illegal action.

3 4. A report must be made pursuant to subsection 1 by the
4 following persons:

5 (a) A physician, dentist, dental hygienist, chiropractor,
6 optometrist, podiatric physician, medical examiner, resident, intern,
7 professional or practical nurse, physician assistant licensed pursuant
8 to chapter 630 or 633 of NRS, perfusionist, psychiatrist,
9 psychologist, marriage and family therapist, clinical professional
10 counselor, clinical alcohol and drug abuse counselor, alcohol and
11 drug abuse counselor, clinical social worker, athletic trainer,
12 advanced emergency medical technician or other person providing
13 medical services licensed or certified in this State.

14 (b) Any personnel of a hospital or similar institution engaged in
15 the admission, examination, care or treatment of persons or an
16 administrator, manager or other person in charge of a hospital or
17 similar institution upon notification of suspected abuse or neglect of
18 a child by a member of the staff of the hospital.

19 (c) A coroner.

20 (d) A member of the clergy, practitioner of Christian Science or
21 religious healer, unless the person has acquired the knowledge of the
22 abuse or neglect from the offender during a confession.

23 (e) A social worker and an administrator, teacher, librarian or
24 counselor of a school.

25 (f) Any person who maintains or is employed by a facility or
26 establishment that provides care for children, children's camp or
27 other public or private facility, institution or agency furnishing care
28 to a child.

29 (g) Any person licensed to conduct a foster home.

30 (h) Any officer or employee of a law enforcement agency or an
31 adult or juvenile probation officer.

32 (i) An attorney, unless the attorney has acquired the knowledge
33 of the abuse or neglect from a client who is or may be accused of the
34 abuse or neglect.

35 (j) Any person who maintains, is employed by or serves as a
36 volunteer for an agency or service which advises persons regarding
37 abuse or neglect of a child and refers them to persons and agencies
38 where their requests and needs can be met.

39 (k) Any person who is employed by or serves as a volunteer for
40 ~~an approved~~ a youth shelter. As used in this paragraph,
41 ~~an approved~~ "youth shelter" has the meaning ascribed to it in NRS
42 ~~[244.422.] 244.427.~~

43 (l) Any adult person who is employed by an entity that provides
44 organized activities for children.

45 5. A report may be made by any other person.



- 1 6. If a person who is required to make a report pursuant to
2 subsection 1 knows or has reasonable cause to believe that a child
3 has died as a result of abuse or neglect, the person shall, as soon as
4 reasonably practicable, report this belief to an agency which
5 provides child welfare services or a law enforcement agency. If such
6 a report is made to a law enforcement agency, the law enforcement
7 agency shall notify an agency which provides child welfare services
8 and the appropriate medical examiner or coroner of the report. If
9 such a report is made to an agency which provides child welfare
10 services, the agency which provides child welfare services shall
11 notify the appropriate medical examiner or coroner of the report.
12 The medical examiner or coroner who is notified of a report
13 pursuant to this subsection shall investigate the report and submit
14 his or her written findings to the appropriate agency which provides
15 child welfare services, the appropriate district attorney and a law
16 enforcement agency. The written findings must include, if
17 obtainable, the information required pursuant to the provisions of
18 subsection 2 of NRS 432B.230.
- 19 **Sec. 4.** NRS 244.422 and 244.428 are hereby repealed.
- 20 **Sec. 5.** This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTIONS

244.422 “Approved youth shelter” defined. “Approved youth shelter” means a youth shelter that has been designated as approved by a county pursuant to an ordinance adopted pursuant to NRS 244.428.

244.428 Designation by ordinance; contents of ordinance; regulations.

1. The board of county commissioners of any county may provide by ordinance for the designation of a youth shelter operated within the county as an approved youth shelter.

2. If a board of county commissioners has adopted an ordinance pursuant to subsection 1, a youth shelter that is located in that county and seeking to be designated as an approved youth shelter may apply to the board of county commissioners for such a designation.

3. An ordinance adopted by a board of county commissioners pursuant to subsection 1 must:

(a) Prescribe the requirements for designation of a youth shelter as an approved youth shelter, including, without limitation:



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(1) A requirement that the youth shelter provide necessary services;

(2) The form and manner of the application for designation or renewal of a designation as an approved youth shelter;

(3) An application fee in an amount not to exceed the actual cost to the county for reviewing the application; and

(4) A requirement that an applicant must comply with the provisions of an ordinance adopted pursuant to this section and with all applicable federal, state and local laws and ordinances pertaining to shelters for the homeless.

(b) Provide for reasonable inspections of an approved youth shelter to confirm that the youth shelter is complying with the provisions of an ordinance adopted to carry out the provisions of this section.

(c) Provide for the revocation of a designation as an approved youth shelter for failure to comply with the provisions of an ordinance adopted to carry out the provisions of this section.

(d) Require an approved youth shelter to conduct an interview to determine whether a youth is a runaway or homeless youth and is qualified to receive the necessary services of the approved youth shelter.

(e) Upon admission of a runaway or homeless youth to a shelter, require:

(1) A reasonable, bona fide attempt to notify the parent, guardian or custodian of the runaway or homeless youth concerning the whereabouts of the runaway or homeless youth as soon as practicable, except in circumstances of suspected abuse or neglect;

(2) The notification of state and local law enforcement agencies concerning the whereabouts of the runaway or homeless youth; and

(3) A licensed professional to perform an evaluation of the youth to determine:

(I) The reasons why the youth is a runaway or homeless youth;

(II) Whether the youth is a victim of abuse or neglect; and

(III) Whether the youth needs immediate medical care or counseling.

(f) Require an approved youth shelter to return or facilitate the return of a runaway or homeless youth to the parent, guardian or custodian who was notified of the whereabouts of the runaway or homeless youth pursuant to subparagraph (1) of paragraph (e) if the parent, guardian or custodian so requests.

(g) Provide for the liability of a parent, guardian or custodian of a runaway or homeless youth for any expenses or costs incurred by the approved youth shelter for providing services to the runaway or



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homeless youth only if the services of the shelter were obtained through fraud or misrepresentation.

(h) Except as otherwise provided in NRS 239.0115, require the information or records obtained by an approved youth shelter to remain confidential, unless the use or disclosure of the information or records is necessary to:

(1) Locate a parent, guardian or custodian of a runaway or homeless youth;

(2) Comply with the duty to report abuse or neglect of a child pursuant to NRS 432B.220;

(3) Notify state and local law enforcement agencies or the clearinghouse; or

(4) Seek appropriate assistance for a runaway or homeless youth from public and private agencies.

4. In a county where the board of county commissioners has adopted an ordinance pursuant to subsection 1, the board of county commissioners may establish, by ordinance, other regulations as are necessary to carry out the provisions of this section.

5. As used in this section:

(a) "Abuse or neglect" means abuse or neglect of a child as defined in NRS 432B.020.

(b) "Clearinghouse" has the meaning ascribed to it in NRS 432.150.

(c) "Licensed professional" includes, without limitation:

(1) A social worker;

(2) A registered nurse;

(3) A physician;

(4) A psychologist;

(5) A teacher; or

(6) Any other class of persons who are identified in an ordinance adopted by a county who hold a professional license in this State and who are trained to recognize indications of abuse or neglect.

