

ASSEMBLY BILL NO. 532—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMISSION'S
COMMITTEE TO STUDY GROUP HOMES)

MARCH 28, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing certain facilities for juveniles. (BDR 38-672)

FISCAL NOTE: Effect on Local Government: No.
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 juveniles; requiring an agency which licenses or supervises the operation of a facility for juveniles to monitor and inspect the facility to determine whether the facility is being operated in accordance with the laws of this State; requiring such an agency to submit an annual report to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes various requirements with respect to the training of persons employed at facilities for the care or detention of children and juveniles. (NRS 62B.250, 63.190, 424.0365, 432A.177, 433B.175) Existing law also provides for the oversight and correction of agencies which provide child welfare services, (NRS 432B.180) and provides for legislative oversight and auditing of certain entities that provide services for children. (NRS 218E.715, 218G.575)

This bill requires that each agency which licenses or supervises the operation of a facility for juveniles: (1) monitor and inspect the facility to determine whether the facility is being operated in accordance with state law; (2) if it determines that the facility is not being operated in accordance with state law, take such remedial action as is necessary to bring about compliance; and (3) submit to the Legislature, or to the Legislative Commission if the Legislature is not in session, an annual report describing the agency's monitoring and inspections and detailing any remedial action that it has taken against a facility during the immediately preceding 12-month period.



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

Section 1. NRS 424.0365 is hereby amended to read as follows:

424.0365 1. A licensee that operates a specialized foster home or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment , ~~and~~ annually thereafter ~~and~~ *and as may be required pursuant to section 2 of this act.* Such training must include, without limitation, instruction concerning:

- (a) Controlling the behavior of children;
- (b) Policies and procedures concerning the use of force and restraint on children;
- (c) The rights of children in the home;
- (d) Suicide awareness and prevention;
- (e) The administration of medication to children;
- (f) Applicable state and federal constitutional and statutory rights of children in the home;
- (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and
- (h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 2. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each agency which licenses or supervises the operation of a facility for juveniles shall, on an ongoing basis:

(a) Monitor and inspect the facility to determine whether the facility is being operated in accordance with the laws of this State; and

(b) If it determines that the facility is not being operated in accordance with the laws of this State, take such remedial action as is necessary to bring the operation of the facility into compliance with those laws, including, without limitation:

- (1) Training or retraining the employees of the facility; or*
- (2) Causing the employees of the facility to be trained or retrained.*

2. Each agency which licenses or supervises the operation of a facility for juveniles shall, on or before March 1 of each year, submit to the Legislature, or if the Legislature is not in session, to the Legislative Commission, a report that includes a description of the manner in which the agency carries out the monitoring and



1 *inspections required by this section and explains the details of any*
2 *remedial action that the agency took against such a facility*
3 *pursuant to paragraph (b) of subsection 1 during the immediately*
4 *preceding 12-month period.*

5 3. *The Division shall adopt regulations necessary to carry out*
6 *the provisions of this section.*

7 4. *As used in this section:*

8 (a) *“Agency” means an agency, bureau, board, commission,*
9 *department or division of the State of Nevada or a political*
10 *subdivision of the State of Nevada.*

11 (b) *“Facility for juveniles” means a home, center, camp or*
12 *other facility that houses more than six unrelated juveniles*
13 *overnight in a setting away from their families, whether for*
14 *purposes of care, detention or protection. The term includes,*
15 *without limitation:*

16 (1) *A facility for the detention of children;*

17 (2) *A group foster home, as that term is defined in NRS*
18 *424.015; and*

19 (3) *A child care institution, as that term is defined in*
20 *NRS 432A.0245.*

21 ➔ *The term does not include a hospital, hotel, inn, jail, motel or*
22 *prison, or a child care facility, as that term is defined in NRS*
23 *432A.024, which furnishes care to children only during the day.*

24 (c) *“Juvenile” includes:*

25 (1) *A person who has not attained 18 years of age; and*

26 (2) *A person of any age who is subject to the jurisdiction of*
27 *the juvenile court.*

28 **Sec. 3.** *NRS 432A.177 is hereby amended to read as follows:*

29 432A.177 1. A licensee that operates a child care facility
30 which occasionally or regularly has physical custody of children
31 pursuant to the order of a court, including, without limitation, an
32 emergency shelter, shall ensure that each employee who comes into
33 direct contact with children in the facility receives training within 30
34 days after employment , ~~[and]~~ annually thereafter ~~[]~~ *and as may be*
35 *required pursuant to section 2 of this act.* Such training must
36 include, without limitation, instruction concerning:

37 (a) Controlling the behavior of children;

38 (b) Policies and procedures concerning the use of force and
39 restraint on children;

40 (c) The rights of children in the facility;

41 (d) Suicide awareness and prevention;

42 (e) The administration of medication to children;

43 (f) Applicable state and federal constitutional and statutory
44 rights of children in the facility;



(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; and

(h) Such other matters as required by the Board.

2. The Board shall adopt regulations necessary to carry out the provisions of this section.

Sec. 4. NRS 62B.250 is hereby amended to read as follows:

62B.250 1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall ensure that each employee who comes into direct contact with children who are in custody receives training within 30 days after employment , ~~and~~ annually thereafter ~~and~~ *and as may be required pursuant to section 2 of this act.* Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the institution or agency;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the institution or agency;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the institution or agency; and

(h) Such other matters as required by the Division of Child and Family Services.

2. The Division of Child and Family Services shall adopt regulations necessary to carry out the provisions of this section.

Sec. 5. NRS 63.190 is hereby amended to read as follows:

63.190 1. The superintendent of a facility shall ensure that each employee who comes into direct contact with children in the facility receives training within 30 days after employment , ~~and~~ annually thereafter ~~and~~ *and as may be required pursuant to section 2 of this act.* Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;



(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; and

(h) Such other matters as required by the Administrator of the Division of Child and Family Services.

2. The Administrator of the Division of Child and Family Services shall provide direction to the superintendent of each facility concerning the manner in which to carry out the provisions of this section.

Sec. 6. NRS 433B.175 is hereby amended to read as follows:

433B.175 1. The Administrator shall ensure that each employee who comes into direct contact with children at any treatment facility and any other division facility into which a child may be committed by a court order receives training within 30 days after employment , ~~and~~ annually thereafter ~~and~~ *and as may be required pursuant to section 2 of this act.* Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the facility;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; and

(h) Such other matters as required by the Board.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 7. The Division of Child and Family Services of the Department of Health and Human Services shall adopt the regulations necessary to implement the provisions of this act.

Sec. 8. This act becomes effective on July 1, 2011.

