

Amendment No. 491

Assembly Amendment to Assembly Bill No. 154 First Reprint (BDR 38-802)

Proposed by: Assemblyman Frierson

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

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 underlining* is newly added transitory language.

RBL



Date: 4/22/2011

A.B. No. 154—Enacts provisions which guarantee certain rights to children placed in foster homes in this State. (BDR 38-802)



ASSEMBLY BILL NO. 154—ASSEMBLYMEN FRIERSON, MASTROLUCA, SMITH,
BENITEZ-THOMPSON, OHRENSCHALL; BUSTAMANTE ADAMS, DIAZ AND
SEGERBLOM

FEBRUARY 16, 2011

JOINT SPONSOR: SENATOR LESLIE

Referred to Committee on Health and Human Services

SUMMARY—Enacts provisions which guarantee certain rights to children placed
in foster homes in this State. (BDR 38-802)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.
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; establishing provisions which set
forth certain rights of children who are placed in foster homes;
requiring notice of those rights to children placed in foster homes;
establishing a procedure for children who are placed in foster homes to
report alleged violations of those rights; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

Sections 3-5 of this bill establish certain rights of children who are placed in foster
homes. **Section 6** of this bill requires a provider of family foster care which places a child in a
foster home to inform the child of his or her rights and provide the child with a written copy
of those rights. **Section 6** also requires each group foster home which provides care to more
than six children to post a written copy of those rights in the group foster home. **Section 7** of
this bill authorizes a provider of family foster care to place reasonable restrictions on the
rights of a child based upon the time, place and manner of a child's exercise of those rights if
such restrictions are necessary to preserve the order or safety of the foster home. **Section 8** of
this bill authorizes a child placed in foster care who believes that his or her rights as set forth
in this bill have been violated to raise and redress a grievance with any of a number of persons
or institutions responsible for the child.

Section 9 of this bill prohibits an employee of a school district from disclosing to any
person who is not employed by the school district any information relating to a pupil who is
placed in foster care.

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

Section 1. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 8, inclusive, of this act.

Sec. 1.3. *As used in sections 1.3 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.5, 1.7 and 1.9 of this act have the meanings ascribed to them in those sections.*

Sec. 1.5. *“Foster home” has the meaning ascribed to it in NRS 424.014.*

Sec. 1.7. *“Group foster home” has the meaning ascribed to it in NRS 424.015.*

Sec. 1.9. *“Provider of family foster care” has the meaning ascribed to it in NRS 424.017.*

Sec. 2. *It is the policy of this State that every child placed in a foster home by an agency which provides child welfare services have the rights set forth in sections 3, 4 and 5 of this act.*

Sec. 3. *A child placed in a foster home by an agency which provides child welfare services has the right:*

1. To receive information concerning his or her rights set forth in this section and sections 4 and 5 of this act.

2. To be treated with dignity and respect.

3. To fair and equal access to services, placement, care, treatment and benefits.

4. To receive adequate, healthy, appropriate and accessible food.

5. To receive adequate, appropriate and accessible clothing and shelter.

6. To receive appropriate medical care, including, without limitation:

(a) Dental, vision and mental health services;

(b) Medical and psychological screening, assessment and testing; and

(c) Referral to and receipt of medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified.

7. To be free from:

(a) Abuse or neglect, as defined in NRS 432B.020;

(b) Corporal punishment, as defined in NRS 388.5225;

(c) Unreasonable searches of his or her personal belongings or other unreasonable invasions of privacy;

(d) The administration of psychotropic medication unless the administration is consistent with NRS 432B.197 and the policies established pursuant thereto; and

(e) Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or exposure to the human immunodeficiency virus.

8. To attend religious services of his or her choice or to refuse to attend religious services.

9. Except for placement in a facility, as defined in NRS 432B.6072, not to be locked in any room, building or premise or to be subject to other physical restraint or isolation.

10. Except as otherwise prohibited by the agency which provides child welfare services:

(a) To send and receive unopened mail; and

(b) To maintain a bank account and manage personal income, consistent with the age and developmental level of the child.

11. To complete an identification kit, including, without limitation, photographing, and include the identification kit and his or her photograph in a file maintained by the licensee of the foster home and the agency which provides child welfare services and any employee thereof who provides child welfare services to the child.

12. To communicate with other persons, including, without limitation, the right:

(a) To communicate regularly, but not less often than once each month, with an employee of the agency which provides child welfare services who provides child welfare services to the child;

(b) To communicate confidentially with the agency which provides child welfare services to the child concerning his or her care;

(c) To report any alleged violation of his or her rights pursuant to section 8 of this act without being threatened or punished;

(d) Except as otherwise prohibited by a court order, to contact a family member, social worker, attorney, advocate for children receiving foster care services or guardian ad litem appointed by a court or probation officer; and

(e) Except as otherwise prohibited by a court order, to contact and visit his or her siblings.

Sec. 4. With respect to the placement of a child in a foster home by an agency which provides child welfare services, the child has the right:

1. To live in a safe, healthy, stable and comfortable environment, including, without limitation, the right:

(a) If safe and appropriate, to remain in his or her home, be placed in the home of a relative or be placed in a home within his or her community;

(b) To be placed in an appropriate foster home best suited to meet the unique needs of the child, including, without limitation, any disability of the child;

(c) To be placed in a foster home where the licensee, employees and residents of the foster home who are 18 years of age or older have submitted to an investigation of their background and personal history in compliance with NRS 424.031; and

(d) To be placed with his or her siblings, whenever possible, and as required by law, if his or her siblings are also placed outside the home.

2. To receive and review information concerning his or her placement, including, without limitation, the right:

(a) To receive information concerning any plan for his or her permanent placement adopted pursuant to NRS 432B.553;

(b) To receive information concerning any changes made to his or her plan for permanent placement; and

(c) If the child is 12 years of age or older, to review the plan for his or her permanent placement.

3. To attend and participate in a court hearing which affects the child, to the extent authorized by law and appropriate given the age and experience of the child.

Sec. 5. With respect to the education and vocational training of a child placed in a foster home by an agency which provides child welfare services, the child has the right:

1. To receive fair and equal access to an education, including, without limitation, the right:

(a) To receive an education as required by law;

1 (b) To have stability in and minimal disruption to his or her education when
2 the child is placed in a foster home;

3 (c) To attend the school and remain in the scholastic activities that he or she
4 was enrolled in before placement in a foster home, to the extent practicable and if
5 in the best interests of the child;

6 (d) To have educational records transferred in a timely manner from the
7 school that he or she was enrolled in before placement in a foster home to a new
8 school, if any;

9 (e) Not to be identified as a foster child to other students at his or her school
10 by an employee of a school district, including, without limitation, a school
11 administrator, teacher or instructional aide;

12 (f) To receive any educational screening, assessment or testing required by
13 law;

14 (g) To be referred to and receive educational evaluation and services as soon
15 as practicable after the need for such services has been identified, including,
16 without limitation, access to special education and special services to meet the
17 unique needs of a child with educational or behavioral disabilities or
18 impairments that adversely affect the child's educational performance;

19 (h) To have access to information regarding relevant educational
20 opportunities, including, without limitation, course work for vocational and
21 postsecondary educational programs and financial aid for postsecondary
22 education, once the child is 16 years of age or older; and

23 (i) To attend a class or program concerning independent living for which he
24 or she is qualified that is offered by the agency which provides child welfare
25 services or another agency or contractor of the State.

26 2. To participate in extracurricular, cultural and personal enrichment
27 activities which are consistent with the age and developmental level of the child.

28 3. To work and to receive vocational training, to the extent permitted by
29 statute and consistent with the age and developmental level of the child.

30 4. To have access to transportation, if practicable, to allow the child to
31 participate in extracurricular, cultural, personal and work activities.

32 Sec. 6. 1. A provider of family foster care that places a child in a foster
33 home shall:

34 (a) Inform the child of his or her rights set forth in sections 3, 4 and 5 of this
35 act;

36 (b) Provide the child with a written copy of those rights; and

37 (c) Provide an additional written copy of those rights to the child upon
38 request.

39 2. A group foster home shall post a written copy of the rights set forth in
40 sections 3, 4 and 5 of this act in a conspicuous place inside the group foster
41 home.

42 Sec. 7. A provider of family foster care may impose reasonable restrictions
43 on the time, place and manner in which a child may exercise his or her rights set
44 forth in sections 3, 4 and 5 of this act if the provider of family foster care
45 determines that such restrictions are necessary to preserve the order, discipline or
46 safety of the foster home.

47 Sec. 8. If a child believes that his or her rights set forth in sections 3, 4 and
48 5 of this act have been violated, the child may raise and redress a grievance with,
49 without limitation:

50 1. A provider of foster care;

51 2. An employee of a family foster home, as defined in NRS 424.013, group
52 foster home or specialized foster home;

1 3. *An agency which provides child welfare services to the child, and any*
2 *employee thereof;*

3 4. *A juvenile court with jurisdiction over the child;*

4 5. *A guardian ad litem for the child; or*

5 6. *An attorney for the child.*

6 **Sec. 9.** Chapter 391 of NRS is hereby amended by adding thereto a new
7 section to read as follows:

8 *An employee of a school district, including, without limitation, a teacher, an*
9 *administrator or an instructional aide, shall not disclose to any person who is not*
10 *employed by the school district the fact that a pupil is a child who has been placed*
11 *in a foster home or any related information.*