

Amendment No. 274

Assembly Amendment to Assembly Bill No. 350 (BDR 38-712)

Proposed by: Assembly Committee on Health and Human Services

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

Adoption of this amendment will MAINTAIN the unfunded mandate requested by the affected local government to A.B. 350 (§§ 18, 19).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

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.

SRT/RBL



Date: 4/18/2011

A.B. No. 350—Revises provisions governing children who are placed with someone other than a parent and who are under the jurisdiction of the juvenile court. (BDR 38-712)



ASSEMBLY BILL NO. 350—ASSEMBLYWOMAN MASTROLUCA

MARCH 21, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing children who are placed with someone other than a parent and who are under the jurisdiction of the juvenile court. (BDR 38-712)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 18, 19)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 protection of children; requiring a court that orders a child to be placed with someone other than a parent to retain jurisdiction over the child after the child reaches the age of 18 years in certain circumstances; requiring an agency which provides child welfare services to continue to provide services and financial support to such a child while the child remains under the jurisdiction of the court; requiring the agency which provides child welfare services and such a child to enter into a written agreement; requiring the agency which provides child welfare services to develop a plan for such a child to assist the child in transitioning to independent living; revising various provisions relating to a child placed with someone other than a parent to clarify the application of those provisions to persons who remain in foster care beyond the age of 18 years; revising provisions governing the placement of children who are taken into protective custody or placed with someone other than a parent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law gives a juvenile court exclusive jurisdiction over proceedings concerning a child in need of protection in this State, except if the child is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act. (NRS 432B.410) The juvenile court may take actions to protect a child from abuse and neglect, including ordering a child to be placed into the custody of a person or entity other than a parent. (NRS 432B.550) **Section 18** of this bill requires the juvenile court that has jurisdiction over a child who was placed with a person other than a parent to continue to retain jurisdiction over the child when the child reaches the age of 18 years if the child so requests. **Section 18** provides that jurisdiction over the child will terminate when the child reaches 21 years of age unless certain conditions occur first.

Section 16 of this bill requires the juvenile court to refer a child to an attorney when the child is 17 years of age if the court determines that the child is not likely to be returned to the custody of a parent before reaching 18 years of age. **Section 16** requires the juvenile court to request that the attorney assist the child in deciding whether to remain under the jurisdiction of the court. **Section 17** of this bill requires the agency which provides child welfare services to meet with the child at least 120 days before the child reaches 18 years of age to determine whether the child intends to remain under the jurisdiction of the court. However, the child is allowed to change his or her mind any time before reaching 18 years of age. In addition, **section 18** requires the child and the agency which provides child welfare services to enter into a written agreement which must be filed with the juvenile court that ~~acknowledges~~ includes provisions stating some of the conditions and consequences of the child remaining under the jurisdiction of the juvenile court. **Section 18** further requires the agency which provides child welfare services to continue to provide ~~the same~~ and financial support to the child ~~[that the child was entitled to receive before reaching 18 years of age.]~~ while the child remains under the jurisdiction of the court. Section 18 also establishes a procedure for resolving issues involving a child who remains under the jurisdiction of the court. The agency which provides child welfare services and the child are required to attempt to resolve any issue before taking the issue to court. If the agency which provides child welfare services decides to recommend that jurisdiction over the child be terminated, section 18 requires the agency to provide notice to the child and an opportunity for the child to have an informal administrative review of the decision. If the agency and the child are unable to reach an agreement, section 18 authorizes the child or the attorney of the child to request a hearing before the court.

Section 19 of this bill requires the agency which provides child welfare services to develop a written plan to assist a child who remains under the jurisdiction of the juvenile court in transitioning to independent living and provides other duties of the agency which provides child welfare services with respect to a child who remains under the jurisdiction of the juvenile court. **Section 19** also requires the agency which provides child welfare services to conduct an exit interview with such a child before the jurisdiction of the court is terminated to determine whether the child requires any additional services. **Section 20** of this bill revises the definition of "child" in existing law to clarify that a child who remains under the jurisdiction of the juvenile court after reaching 18 years of age is not included within that term for purposes of certain other provisions relating to the protection of children. **Section 21** of this bill similarly revises the definition of "custodian" in existing law to provide that the term does not include a custodian of such a child for purposes of certain other provisions relating to the protection of children.

Section 22 of this bill establishes the order of priority in which to place a child who is taken into protective custody and allows the child to be placed with certain persons who are not related to the child but with whom the child has developed a significant emotional and positive relationship. **Section 25** of this bill establishes the order of preference when placing a child with someone other than with a parent.

Sections 1-13, ~~14~~ and 23 ~~and 24~~ of this bill make various changes so that the provisions of NRS relating to a child who is in foster care are consistent and apply to a person who remains in foster care under the jurisdiction of a court after attaining 18 years of age in the same manner as a child in foster care who is less than 18 years of age.

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

Section 1. NRS 424.013 is hereby amended to read as follows:
424.013 "Family foster home" means a family home in which one to six children *who are* under 18 years of age *or who remain under the jurisdiction of a court pursuant to section 18 of this act and who are* not related within the first degree of consanguinity or affinity to the person or persons maintaining the home are received, cared for and maintained, for compensation or otherwise, including the provision of permanent free care. The term includes a family home in which

1 such a child is received, cared for and maintained pending completion of
2 proceedings for the adoption of the child by the person or persons maintaining the
3 home.

4 **Sec. 2.** NRS 424.015 is hereby amended to read as follows:

5 424.015 "Group foster home" means a natural person, partnership, firm,
6 corporation or association who provides full-time care for 7 to 15 children who are:

7 1. Under 18 years of age ~~or~~ *or who remain under the jurisdiction of a court*
8 *pursuant to section 18 of this act;*

9 2. Not related within the first degree of consanguinity or affinity to any
10 natural person maintaining or operating the home; and

11 3. Received, cared for and maintained for compensation or otherwise,
12 including the provision of permanent free care.

13 **Sec. 3.** NRS 424.031 is hereby amended to read as follows:

14 424.031 1. The licensing authority or a person or entity designated by the
15 licensing authority shall obtain from appropriate law enforcement agencies
16 information on the background and personal history of each applicant for a license
17 to conduct a foster home, prospective employee of that applicant or of a person who
18 is licensed to conduct a foster home, and resident of a foster home who is 18 years
19 of age or older, *other than a resident who remains under the jurisdiction of a*
20 *court pursuant to section 18 of this act,* to determine whether the person
21 investigated has been arrested for or convicted of any crime.

22 2. The licensing authority or its approved designee may charge each person
23 investigated pursuant to this section for the reasonable cost of that investigation.

24 **Sec. 4.** NRS 424.033 is hereby amended to read as follows:

25 424.033 1. Each applicant for a license to conduct a foster home,
26 prospective employee of that applicant or of a person who is licensed to conduct a
27 foster home, or resident of a foster home who is 18 years of age or older, *other*
28 *than a resident who remains under the jurisdiction of a court pursuant to section*
29 *18 of this act,* must submit to the licensing authority or its approved designee:

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

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

36 2. For each person who submits the documentation required pursuant to
37 subsection 1, the licensing authority or its approved designee shall conduct a child
38 abuse and neglect screening of the person in every state in which the person has
39 resided during the immediately preceding 5 years.

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

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

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

1 **Sec. 5.** NRS 424.039 is hereby amended to read as follows:

2 424.039 1. A licensing authority or its approved designee may, in
3 accordance with the procedures set forth in 28 C.F.R. §§ 901 et. seq., conduct a
4 preliminary Federal Bureau of Investigation Interstate Identification Index name-
5 based check of the records of criminal history of a resident who is 18 years of age
6 or older of a foster home in which the licensing authority wishes to place a child in
7 an emergency situation, *other than a resident who remains under the jurisdiction*
8 *of a court pursuant to section 18 of this act*, to determine whether the person
9 investigated has been arrested for or convicted of any crime.

10 2. Upon request of a licensing authority that wishes to place a child in a foster
11 home in an emergency situation, or upon request of the approved designee of the
12 licensing authority, a resident who is 18 years of age or older of the foster home in
13 which the licensing authority wishes to place the child, *other than a resident who*
14 *remains under the jurisdiction of a court pursuant to section 18 of this act*, must
15 submit to the licensing authority or its approved designee a complete set of
16 fingerprints and written permission authorizing the licensing authority or its
17 approved designee to forward those fingerprints to the Central Repository for
18 Nevada Records of Criminal History for submission to the Federal Bureau of
19 Investigation for its report. The licensing authority or its approved designee shall
20 forward the fingerprints to the Central Repository for Nevada Records of Criminal
21 History within the time set forth in federal law or regulation.

22 3. If a resident who is 18 years of age or older of a foster home in which a
23 licensing authority places a child in an emergency situation, *other than a resident*
24 *who remains under the jurisdiction of a court pursuant to section 18 of this act*,
25 refuses to provide a complete set of fingerprints to the licensing authority or its
26 approved designee upon request pursuant to subsection 2, the licensing authority
27 must immediately remove the child from the foster home.

28 **Sec. 6.** NRS 432.010 is hereby amended to read as follows:

29 432.010 As used in this chapter, except as otherwise defined by specific
30 statute or unless the context otherwise requires:

31 1. "Administrator" means the Administrator of the Division.

32 2. "Agency which provides child welfare services" has the meaning ascribed
33 to it in NRS 432B.030.

34 3. "Child" means a person *who is* less than 18 years of age or ~~[, if in school,~~
35 ~~until graduation from high school.]~~ *who remains under the jurisdiction of a court*
36 *pursuant to section 18 of this act.*

37 4. "Department" means the Department of Health and Human Services.

38 5. "Director" means the Director of the Department.

39 6. "Division" means the Division of Child and Family Services of the
40 Department.

41 7. "Maintenance" means general expenses for care such as board, shelter,
42 clothing, transportation and other necessary or incidental expenses, or any of them,
43 or monetary payments therefor.

44 8. "Special services" means medical, hospital, psychiatric, surgical or dental
45 services, or any combination thereof.

46 **Sec. 7.** NRS 432A.0245 is hereby amended to read as follows:

47 432A.0245 1. "Child care institution" means a facility which provides care
48 and shelter during the day and night and provides developmental guidance to 16 or
49 more children who do not routinely return to the homes of their parents or
50 guardians. Such an institution may also provide, without limitation:

51 ~~[(a)]~~ (a) Education to the children according to a curriculum approved by the
52 Department of Education;

~~2-1~~ (b) Services to children who have been diagnosed as severely emotionally disturbed as defined in NRS 433B.080, including, without limitation, services relating to mental health and education; or

~~3-1~~ (c) Emergency shelter to children who have been placed in protective custody pursuant to chapter 432B of NRS.

2. As used in this section, "child" includes a person who is less than 18 years of age or who remains under the jurisdiction of a court pursuant to section 18 of this act.

Sec. 8. NRS 432A.160 is hereby amended to read as follows:

432A.160 1. Except as otherwise provided in this section, the Bureau may issue a provisional license, effective for a period not exceeding 1 year, to a child care facility which:

(a) Is in operation at the time of adoption of standards and other regulations pursuant to the provisions of this chapter, if the Bureau determines that the facility requires a reasonable time under the particular circumstances, not to exceed 1 year from the date of the adoption, within which to comply with the standards and other regulations;

(b) Has failed to comply with the standards and other regulations, if the Bureau determines that the facility is in the process of making the necessary changes or has agreed to effect the changes within a reasonable time; or

(c) Is in the process of applying for a license, if the Bureau determines that the facility requires a reasonable time within which to comply with the standards and other regulations.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Bureau from refusing to renew or from revoking or suspending any license in any instance where the Bureau considers that action necessary for the health and safety of the occupants of any facility or the clients of any outdoor youth program.

3. A provisional license must not be issued pursuant to this section unless the Bureau has completed an investigation into the qualifications and background of the applicant and the employees of the applicant pursuant to NRS 432A.170 to ensure that the applicant and each employee of the applicant, or every resident of the child care facility *who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act*, or participant in any outdoor youth program who is 18 years of age or older, has not been convicted of a crime listed in subsection 2 of NRS 432A.170 and has not had a substantiated report of child abuse or neglect made against him or her.

Sec. 9. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Bureau may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. The Bureau shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility *who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act*, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;
(b) Any other felony involving the use of a firearm or other deadly weapon;
(c) Assault with intent to kill or to commit sexual assault or mayhem;
(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
(e) Abuse or neglect of a child or contributory delinquency;
(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. The Bureau shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility *who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act*, or participant in an outdoor youth program who is 18 years of age or older, from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Bureau may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant or licensee, resident of a child care facility *who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act*, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 6 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 6 years after the license is issued.

Sec. 10. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. Every applicant for a license to operate a child care facility, licensee and employee of such an applicant or licensee, and every resident of a child care facility *who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act*, or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Bureau, or to the person or agency designated by the Bureau, to enable the Bureau to conduct an investigation pursuant to NRS 432A.170, a:

(a) Complete set of fingerprints and a written authorization for the Bureau or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(b) Written statement detailing any prior criminal convictions; and

(c) Written authorization for the Bureau to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. If an employee of an applicant for a license to operate a child care facility or licensee, or a resident of a child care facility *who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act*, or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Bureau shall immediately notify the applicant or licensee, who shall then comply with the provisions of NRS 432A.1755.

3. An applicant for a license to operate a child care facility or licensee shall notify the Bureau within 2 days after receiving notice that:

(a) The applicant, licensee or an employee of the applicant or licensee, or a resident of the child care facility *who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act*, or participant in an outdoor youth program who is 18 years of age or older, or a facility or program operated by the applicant or licensee, is the subject of a lawsuit or any disciplinary proceeding; or

(b) The applicant or licensee, an employee, a resident or participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

Sec. 11. NRS 432A.1755 is hereby amended to read as follows:

432A.1755 1. Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or evidence from any other source that an employee of an applicant for a license to operate a child care facility or a licensee, or a resident of a child care facility *who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act*, or participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant or licensee shall terminate the employment of the employee or remove the resident from the facility or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to subsection 2.

2. If an employee, resident or participant believes that the information provided to the applicant or licensee pursuant to subsection 1 is incorrect, the employee, resident or participant must inform the applicant or licensee immediately. The applicant or licensee shall give any such employee, resident or participant 30 days to correct the information.

3. During any period in which an employee, resident or participant seeks to correct information pursuant to subsection 2, it is within the discretion of the applicant or licensee whether to allow the employee, resident or participant to continue to work for or reside at the child care facility or participate in the outdoor youth program, as applicable.

Sec. 12. NRS 432A.1785 is hereby amended to read as follows:

432A.1785 1. Each applicant for a license to operate a child care facility and licensee shall maintain records of the information concerning its employees and any residents of the child care facility *who are 18 years of age or older, other than residents who remain under the jurisdiction of a court pursuant to section 18 of this act*, or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

1 (a) Proof that the applicant or licensee submitted fingerprints to the Central
2 Repository for its report; and

3 (b) The written authorization to obtain information from the Statewide Central
4 Registry for the Collection of Information Concerning the Abuse or Neglect of a
5 Child established pursuant to NRS 432.100.

6 2. The records maintained pursuant to subsection 1 must be made available
7 for inspection by the Bureau at any reasonable time, and copies thereof must be
8 furnished to the Bureau upon request.

9 **Sec. 13.** NRS 432A.190 is hereby amended to read as follows:

10 432A.190 1. The Bureau may deny an application for a license to operate a
11 child care facility or may suspend or revoke such a license upon any of the
12 following grounds:

13 (a) Violation by the applicant or licensee or an employee of the applicant or
14 licensee of any of the provisions of this chapter or of any other law of this State or
15 of the standards and other regulations adopted thereunder.

16 (b) Aiding, abetting or permitting the commission of any illegal act.

17 (c) Conduct inimical to the public health, morals, welfare and safety of the
18 people of the State of Nevada in the maintenance and operation of the child care
19 facility for which a license is issued.

20 (d) Conduct or practice detrimental to the health or safety of the occupants or
21 employees of the child care facility, or the clients of the outdoor youth program.

22 (e) Conviction of any crime listed in subsection 2 of NRS 432A.170 committed
23 by the applicant or licensee or an employee of the applicant or licensee, or by a
24 resident of the child care facility or participant in the outdoor youth program who is
25 18 years of age or older.

26 (f) Failure to comply with the provisions of NRS 432A.178.

27 (g) Substantiation of a report of child abuse or neglect made against the
28 applicant or licensee.

29 (h) Conduct which is found to pose a threat to the health or welfare of a child
30 or which demonstrates that the applicant or licensee is otherwise unfit to work with
31 children.

32 (i) Violation by the applicant or licensee of the provisions of NRS 432A.1755
33 by continuing to employ a person, allowing a resident *who is 18 years of age or*
34 *older, other than a resident who remains under the jurisdiction of a court*
35 *pursuant to section 18 of this act*, to continue to reside in the child care facility or
36 allowing a participant in an outdoor youth program to continue to participate in the
37 program if the employee, or the resident or participant who is 18 years of age or
38 older, has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has
39 had a substantiated report of child abuse or neglect made against him or her.

40 2. In addition to the provisions of subsection 1, the Bureau may revoke a
41 license to operate a child care facility if, with respect to that facility, the licensee
42 that operates the facility, or an agent or employee of the licensee:

43 (a) Is convicted of violating any of the provisions of NRS 202.470;

44 (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360,
45 244.3603 or 268.4124; or

46 (c) Is ordered by the appropriate governmental agency to correct a violation of
47 a building, safety or health code or regulation but fails to correct the violation.

48 3. The Bureau shall maintain a log of any complaints that it receives relating
49 to activities for which the Bureau may revoke the license to operate a child care
50 facility pursuant to subsection 2. The Bureau shall provide to a child care facility:

51 (a) A summary of a complaint against the facility if the investigation of the
52 complaint by the Bureau either substantiates the complaint or is inconclusive;

53 (b) A report of any investigation conducted with respect to the complaint; and

1 (c) A report of any disciplinary action taken against the facility.
2 ➡ The facility shall make the information available to the public pursuant to NRS
3 432A.178.

4 4. In addition to any other disciplinary action, the Bureau may impose an
5 administrative fine for a violation of any provision of this chapter or any regulation
6 adopted pursuant thereto. The Bureau shall afford to any person so fined an
7 opportunity for a hearing. Any money collected for the imposition of such a fine
8 must be credited to the State General Fund.

9 5. On or before February 1 of each odd-numbered year, the Bureau shall
10 submit to the Director of the Legislative Counsel Bureau a written report setting
11 forth, for the previous biennium:

12 (a) Any complaints included in the log maintained by the Bureau pursuant to
13 subsection 3; and

14 (b) Any disciplinary actions taken by the Bureau pursuant to subsection 2.

15 **Sec. 14.** Chapter 432B of NRS is hereby amended by adding thereto the
16 provisions set forth as sections 15 to 19, inclusive, of this act.

17 **Sec. 15.** *As used in sections 15 to 19, inclusive, of this act, "child" means a*
18 *person who is:*

19 1. *Under the age of 18 years; and*

20 2. *Over the age of 18 years and who remains under the jurisdiction of the*
21 *court pursuant to section 18 of this act.*

22 **Sec. 16.** 1. *A court shall refer a child who is in the custody of an agency*
23 *which provides child welfare services to an attorney in the county who provides*
24 *legal services without a charge to abused or neglected children if the court*
25 *determines that the child:*

26 (a) *Has reached the age of 17 years; and*

27 (b) *Is not likely to be returned to the custody of his or her parent before*
28 *reaching the age of 18 years.*

29 2. *The court shall request the attorney to whom such a child is referred to*
30 *counsel the child regarding the legal consequences of remaining under the*
31 *jurisdiction of the court after reaching 18 years of age and assist the child in*
32 *deciding whether to remain under the jurisdiction of the court.*

33 **Sec. 17.** 1. *At least 120 days before the date on which a child who is in*
34 *the custody of an agency which provides child welfare services reaches the age of*
35 *18 years, the agency which provides child welfare services shall meet with the*
36 *child to determine whether the child intends to request that the court retain*
37 *jurisdiction over the child pursuant to section 18 of this act after the child*
38 *reaches the age of 18 years.*

39 2. *If the child indicates during the meeting held pursuant to subsection 1*
40 *that the child does not intend to request that the court retain jurisdiction over the*
41 *child, the agency which provides child welfare services shall recommend that the*
42 *court terminate jurisdiction over the child when the child reaches the age of 18*
43 *years.*

44 3. *Notwithstanding a determination made by a child during a meeting held*
45 *pursuant to subsection 1, any time before reaching the age of 18 years, the child*
46 *may:*

47 (a) *Inform the agency which provides child welfare services that the child*
48 *intends to request that the court continue jurisdiction over the child pursuant to*
49 *section 18 of this act, and the agency shall revise its recommendation to the court*
50 *accordingly; or*

51 (b) *Request that the court retain jurisdiction over the child pursuant to*
52 *section 18 of this act, and the court shall accept jurisdiction.*

4. A child who enters into an agreement with an agency which provides child welfare services before the child reaches the age of 18 years to allow the child to live independently is not prohibited from requesting that the court retain jurisdiction over the child pursuant to section 18 of this act, and such a child is entitled to the same rights and protections set forth in sections 15 to 19, inclusive, of this act as provided to any other child.

Sec. 18. 1. A court which orders a child to be placed other than with a parent and which has jurisdiction over the child when the child reaches the age of 18 years shall retain jurisdiction over the child if the child so requests.

2. Except as otherwise provided in this section, jurisdiction over a child that is retained pursuant to subsection 1 continues until:

(a) The agency which provides child welfare services, the child and the attorney of the child agree to terminate the jurisdiction after a hearing held pursuant to subsection 5 or, if the parties do not reach an agreement during such a hearing, the court determines that ~~the~~;

(1) The child has achieved the goals set forth in the plan developed pursuant to section 19 of this act;

~~[(b) The court determines that the]~~

(2) The child is not making a good faith effort to achieve the goals set forth in the plan developed pursuant to section 19 of this act;

~~[(c)]~~ or

(3) The circumstances of the child have changed in such a manner that it is infeasible for the child to achieve the goals set forth in the plan developed pursuant to section 19 of this act;

(b) The child requests that jurisdiction be terminated; or

~~[(d)]~~ (c) The child reaches the age of 21 years,

↳ whichever occurs first.

3. If the court that retains jurisdiction over a child pursuant to this section transfers jurisdiction to another court in this State, the court which accepts jurisdiction must retain jurisdiction over the case for the period provided pursuant to this section.

4. A child who requests that the court retain jurisdiction over the child pursuant to this section must, upon reaching the age of 18 years, enter into a written agreement with the agency which provides child welfare services. The agreement, which must be filed with the court, must ~~acknowledge that~~ include, without limitation, the following provisions, which must specify that:

(a) The child voluntarily requested that the court retain jurisdiction over the child;

(b) While under the jurisdiction of the court, the child is entitled to continue to receive services from the agency which provides child welfare services ~~and~~ and to receive financial support in the form of payments made to the child or to another person or governmental entity as designated in the plan developed pursuant to section 19 of this act in an amount not to exceed the amount paid for a child who is in foster care;

(c) While under the jurisdiction of the court, the child will no longer be under the legal custody of the agency which provides child welfare services, and the proceedings concerning the child conducted pursuant to NRS 432B.410 to 432B.590, inclusive, will terminate; ~~and~~

(d) The child may, at any time, request that jurisdiction over the child be terminated ~~and~~ and

(e) If there is an issue concerning the child while under the jurisdiction of the court, the child and the agency which provides child welfare services agree to

attempt to resolve the issue before requesting a hearing before the court to address the issue.

5. If an issue arises concerning a child who remains under the jurisdiction of the court, ~~for the contract entered into pursuant to subsection 4,~~ the child, the agency which provides child welfare services or the attorney assigned to the case may request a hearing before the court to address the issue. Before requesting such a hearing, the child and the agency which provides child welfare services must attempt to resolve the issue.

6. If the agency which provides child welfare services has decided to request that the court terminate jurisdiction over the child, the agency which provides child welfare services must send a notice to the child and the attorney of the child informing the child and the attorney of the child of its decision and that the child has 15 days after receipt of the notice in which to request an informal administrative review of that decision. If, during the administrative review, a resolution is not reached, the child or the attorney of the child may request a hearing before the court pursuant to subsection 5.

7. A child ~~[who remains]~~, while under the jurisdiction of the court pursuant to this section, is entitled to continue to receive ~~[the same services that the child was eligible to receive before reaching the age of 18 years, and]~~ services and financial support from the agency which provides child welfare services. ~~[shall ensure that the child may access such services.~~

~~7.]~~ Such financial support must consist of payments made to the child or to another person or governmental entity as designated in the plan developed pursuant to section 19 of this act in an amount not to exceed the amount paid for a child in foster care.

8. The court may issue any order which it deems appropriate or necessary to ensure:

(a) That the agency which provides child welfare services provides the services and financial support to which the child is entitled to receive; and

(b) That the child who remains under the jurisdiction of the court is working towards achieving the goals of the plan developed pursuant to section 19 of this act.

Sec. 19. 1. If the court retains jurisdiction over a child pursuant to section 18 of this act, the agency which provides child welfare services shall develop a written plan to assist the child in transitioning to independent living. ~~[Such]~~ Except as otherwise provided in subsection 2, such a plan must include, without limitation, the following goals:

(a) That the child save enough money to pay for his or her monthly expenses for at least 3 months;

(b) ~~[That]~~ If the child has not graduated from high school or obtained a general equivalency diploma, that the child ~~[complete]~~ remain enrolled in high school or a program to obtain a general equivalency diploma ~~[.]~~ until graduation or completion of the program;

(c) If the child has graduated from high school or obtained a general equivalency diploma, that the child:

(1) Enroll in a program of postsecondary or vocational education;

(2) Enroll or participate in a program or activity designed to promote or remove obstacles to employment; or

(3) Obtain or actively seek employment which is at least 80 hours per month;

(d) That the child secure housing;

~~[(d)]~~ (e) That the child have adequate income to meet his or her monthly expenses;

~~(e)~~ (f) That the child identify an adult who will be available to provide support to the child; and

~~(f)~~ (g) If applicable, that the child have established appropriate supportive services to address any mental health or developmental needs of the child.

2. If a child is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, of subsection 1, the agency which provides child welfare services shall develop the written plan with goals which are appropriate for the child based upon the needs of the child.

3. During the period in which the court retains jurisdiction over the child, the agency which provides child welfare services shall:

(a) Monitor the plan developed pursuant to ~~subsection~~ subsections 1 and 2 and adjust the plan as necessary;

(b) Contact the child by telephone at least once each month and in person at least quarterly;

(c) Ensure that the child meets with a person who will provide guidance to the child and make the child aware of the services which will be available to the child; and

(d) Conduct a meeting with the child at least 30 days, but not more than 45 days, before the jurisdiction of the court is terminated to determine whether the child requires any additional guidance.

Sec. 20. NRS 432B.040 is hereby amended to read as follows:

432B.040 "Child" means a person under the age of 18 years ~~or, if in school, until graduation from high school. The term does not include a child who continues to remain under the jurisdiction of the court pursuant to section 18 of this act, after the child reaches the age of 18 years.~~

Sec. 21. NRS 432B.060 is hereby amended to read as follows:

432B.060 "Custodian" means a person or a governmental organization, other than a parent or legal guardian, who has been awarded legal custody of a child. ~~The term does not include a person or governmental organization who continues to provide services to a child that remains under the jurisdiction of a court pursuant to section 18 of this act.~~

Sec. 22. NRS 432B.390 is hereby amended to read as follows:

432B.390 1. An agent or officer of a law enforcement agency, an officer of the local juvenile probation department or the local department of juvenile services, or a designee of an agency which provides child welfare services:

(a) May place a child in protective custody without the consent of the person responsible for the child's welfare if the agent, officer or designee has reasonable cause to believe that immediate action is necessary to protect the child from injury, abuse or neglect.

(b) Shall place a child in protective custody upon the death of a parent of the child, without the consent of the person responsible for the welfare of the child, if the agent, officer or designee has reasonable cause to believe that the death of the parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.

2. When an agency which provides child welfare services receives a report pursuant to subsection 2 of NRS 432B.630, a designee of the agency which provides child welfare services shall immediately place the child in protective custody.

3. If there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, a protective custody hearing must be held pursuant to NRS 432B.470, whether the child was placed in protective custody or with a relative. If an agency other than an agency which provides child welfare services

1 becomes aware that there is reasonable cause to believe that the death of a parent of
2 a child is or may be the result of an act by the other parent that constitutes domestic
3 violence pursuant to NRS 33.018, that agency shall immediately notify the agency
4 which provides child welfare services and a protective custody hearing must be
5 scheduled.

6 4. An agency which provides child welfare services shall request the
7 assistance of a law enforcement agency in the removal of a child if the agency has
8 reasonable cause to believe that the child or the person placing the child in
9 protective custody may be threatened with harm.

10 5. Before taking a child for placement in protective custody, the person taking
11 the child shall show his or her identification to any person who is responsible for
12 the child and is present at the time the child is taken. If a person who is responsible
13 for the child is not present at the time the child is taken, the person taking the child
14 shall show his or her identification to any other person upon request. The
15 identification required by this subsection must be a single card that contains a
16 photograph of the person taking the child and identifies the person as a person
17 authorized pursuant to this section to place a child in protective custody.

18 6. A child placed in protective custody pending an investigation and a hearing
19 held pursuant to NRS 432B.470 must be placed, ~~[in a hospital, if the child needs~~
20 ~~hospitalization, or in a shelter, which may include, without limitation, a foster home~~
21 ~~or other home or facility which provides care for those children,]~~ except as
22 otherwise provided in NRS 432B.3905 ~~[,]~~, *in the following order of priority:*

23 (a) *In a hospital, if the child needs hospitalization.*

24 (b) ~~[With a parent of the child, if the agency which provides child welfare~~
25 ~~services reasonably believes that the parent did not participate in the alleged~~
26 ~~injury, abuse or neglect.~~

27 ~~—(c)—~~ *(c) With a person who is related within the fifth degree of consanguinity or*
28 *a fictive kin, and who is suitable and able to provide proper care and guidance for*
29 *the child, regardless of whether the relative or fictive kin resides within this State.*

30 ~~[(d) With a fictive kin who is suitable and able to provide proper care and~~
31 ~~guidance for the child, regardless of whether the fictive kin resides within this~~
32 ~~State.~~

33 ~~—(e)—~~ *(c) In a foster home that is licensed pursuant to chapter 424 of NRS.*

34 ~~[(f)]~~ *(d) In any other licensed shelter that provides care to such children.*

35 7. *Whenever possible, a child placed pursuant to subsection 6 must be*
36 *placed together with any siblings of the child.* Such a child must not be placed in a
37 jail or other place for detention, incarceration or residential care of persons
38 convicted of a crime or children charged with delinquent acts.

39 ~~[7-]~~ 8. A person placing a child in protective custody pursuant to subsection 1
40 shall:

41 (a) Immediately take steps to protect all other children remaining in the home
42 or facility, if necessary;

43 (b) Immediately make a reasonable effort to inform the person responsible for
44 the child's welfare that the child has been placed in protective custody; *and*

45 (c) ~~[Give preference in placement of the child to any person related within the~~
46 ~~fifth degree of consanguinity to the child who is suitable and able to provide proper~~
47 ~~care and guidance for the child, regardless of whether the relative resides within~~
48 ~~this State; and~~

49 ~~—(d)—~~ As soon as practicable, inform the agency which provides child welfare
50 services and the appropriate law enforcement agency, except that if the placement
51 violates the provisions of NRS 432B.3905, the person shall immediately provide
52 such notification.

~~18.7~~ 9. If a child is placed with any person who resides outside this State, the placement must be in accordance with NRS 127.330.

10. As used in this section, "fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 23. NRS 432B.391 is hereby amended to read as follows:

432B.391 1. An agency which provides child welfare services or its approved designee may, in accordance with the procedures set forth in 28 C.F.R. §§ 901 et. seq., conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of a resident who is 18 years of age or older of a home in which the agency which provides child welfare services wishes to place a child in an emergency situation, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act, to determine whether the person investigated has been arrested for or convicted of any crime.

2. Upon request of an agency which provides child welfare services that wishes to place a child in a home in an emergency situation, or upon request of the approved designee of the agency which provides child welfare services, a resident who is 18 years of age or older of the home in which the agency which provides child welfare services wishes to place the child, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act, must submit to the agency which provides child welfare services or its approved designee a complete set of fingerprints and written permission authorizing the agency which provides child welfare services 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. The agency which provides child welfare services or its approved designee shall forward the fingerprints to the Central Repository for Nevada Records of Criminal History within the time set forth in federal law or regulation.

3. If a resident who is 18 years of age or older of a home in which an agency which provides child welfare services places a child in an emergency situation, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act, refuses to provide a complete set of fingerprints to the agency which provides child welfare services or its approved designee upon request pursuant to subsection 2, the agency which provides child welfare services must immediately remove the child from the home.

Sec. 24. ~~NRS 432B.468 is hereby amended to read as follows:~~

~~432B.468 1. The court shall retain jurisdiction to enforce, modify or terminate a guardianship established pursuant to NRS 432B.4665 until the child reaches 18 years of age [.] or for the period specified in section 18 of this act, whichever is later.~~

~~2. Any person having a direct interest in a guardianship established pursuant to NRS 432B.4665 may move to enforce, modify or terminate an order concerning the guardianship.~~

~~3. The court shall issue an order directing the appropriate agency which provides child welfare services to file a report and make a recommendation in response to any motion to enforce, modify or terminate an order concerning a guardianship established pursuant to NRS 432B.4665. The agency must submit the report to the court within 45 days after receiving the order of the court.~~

~~4. Any motion to enforce, modify or terminate an order concerning a guardianship established pursuant to NRS 432B.4665 must comply with the provisions set forth in chapter 159 of NRS for motions to enforce, modify or terminate orders concerning guardianships.~~

~~5. A successor guardian may be appointed in accordance with the procedures set forth in chapter 159 of NRS.~~ **(Deleted by amendment.)**

Sec. 25. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of the parents of the child or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place the child in the temporary or permanent custody of a relative, a fictive kin or other person the court finds suitable to receive and care for the child with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or

(c) Place the child in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such a child.

➤ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159 of NRS, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of the rights of the parent.

(b) The court shall set forth good cause why the child was placed other than with a parent.

3. If, pursuant to subsection 1, the child is to be placed with a relative, ~~or fictive kin,~~ or fictive kin, the court may consider, among other factors, whether the child has resided with a particular relative or fictive kin for 3 years or more before the incident which brought the child to the court's attention.

4. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown, the report need not be sent to that parent.

5. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian:

(a) It must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

(b) Preference must be given to placing the child ~~[with]~~ in the following order:

(1) With any person related within the fifth degree of consanguinity to the child or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.

~~{-}~~ (2) In a foster home that is licensed pursuant to chapter 424 of NRS.

6. Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child

1 outside of the home of the child. If a child is placed with any person who resides
2 outside of this State, the placement must be in accordance with NRS 127.330.

3 ~~6.~~ 7. Within 60 days after the removal of a child from the home of the child,
4 the court shall:

5 (a) Determine whether:

6 (1) The agency which provides child welfare services has made the
7 reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

8 (2) No such efforts are required in the particular case; and

9 (b) Prepare an explicit statement of the facts upon which its determination is
10 based.

11 8. As used in this section, "fictive kin" means a person who is not related by
12 blood to a child but who has a significant emotional and positive relationship
13 with the child.

14 **Sec. 26.** The provisions of NRS 354.599 do not apply to any additional
15 expenses of a local government that are related to the provisions of this act.

16 **Sec. 27.** This act becomes effective upon passage and approval.