

Amendment No. 134

Senate Amendment to Senate Bill No. 113 (BDR 38-198)

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<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.

RBL



Date: 4/19/2011

S.B. No. 113—Revises provisions relating to the care of certain children during disasters. (BDR 38-198)



SENATE BILL NO. 113—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
CHILD WELFARE AND JUVENILE JUSTICE)

PREFILED FEBRUARY 3, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the care of certain children during disasters. (BDR 38-198)

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 children; requiring foster homes to develop and implement plans to care for children during a disaster; requiring agencies which provide child welfare services to develop and implement such plans; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations to establish the minimum requirements and procedures for such plans; requiring the Division to develop a plan to care for ~~certain~~ children in the custody of another agency which provides child welfare services during a disaster; providing a penalty ~~for~~ in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations in consultation with other agencies which provide child welfare services to establish minimum requirements and procedures for plans regarding the care of children in their custody during a disaster. In addition, section 5 requires each agency which provides child welfare services to develop and implement a plan for the care of children in its custody during a disaster which is consistent with those regulations and provide a copy of that plan to each person or entity who has physical custody of such children. Section 6 of this bill requires the Division to develop a plan for the care of children in the custody of other agencies which provide child welfare services during a disaster to ensure that the Division is prepared to meet the needs of those children if the other agency is unable to meet those needs. Section 1 of this bill requires a foster home to develop and implement a plan for the care of children in the foster home during ~~disasters and requires that a disaster which is consistent with plans and regulations adopted by the Division of Child and Family Services of the Department of Health and Human Services to prescribe the minimum~~

requirements and procedures for such plans. A violation of the requirement to develop and implement a plan pursuant to section 1 is a misdemeanor. (NRS 424.100)

~~Section 3 of this bill requires the Division to develop a plan to care for children during disasters if an agency which provides child welfare services is unable to respond to the needs of children in its custody during such disasters. Section 2 also requires the Division to provide a summary of the plan to the Legislative Committee on Child Welfare and Juvenile Justice and to post a summary of the plan on its Internet website.~~ and other agencies which provide child welfare services pursuant to sections 5 and 6. Sections 8 and 9 of this bill similarly require a facility for the detention of children to develop and implement such a plan which is consistent with the plans and regulations adopted pursuant to sections 5 and 6.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A licensee that operates a foster home shall develop and implement a plan for the care of children in the foster home during ~~disasters.~~ a disaster. The plan must be developed and implemented in accordance with the plans and regulations adopted pursuant to ~~subsection 2.~~

~~2. The Division shall, in consultation with each licensing authority in a county whose population is 100,000 or more, adopt regulations concerning the development and implementation of plans for the care of children in foster homes during disasters, including, without limitation, minimum requirements and procedures for such plans.~~

~~3.~~ sections 4 and 5 of this act.

2. As used in this section, "disaster" ~~means a fire, flood, earthquake, explosion, civil disturbance or any other occurrence or threatened occurrence that, regardless of cause,~~

~~(a) Results in, or may result in, widespread or severe damage to property or injury to, or the death of persons in a foster home; or~~

~~(b) As determined by a licensing authority or a licensee that operates a foster home, requires immediate action to protect the health, safety and welfare of persons in the foster home.~~ has the meaning ascribed to it in section 4 of this act.

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

424.090 The provisions of NRS 424.020 to 424.090, inclusive, *and section 1 of this act* do not apply to homes in which:

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

2. Care is provided by the legal guardian.

3. Care is provided for an exchange student.

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

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

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

(a) Related to the caregiver by blood, adoption or marriage; and

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

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

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive ~~§~~, *and section 1 of this act.*

Sec. 3. Chapter 432 of NRS is hereby amended by adding thereto ~~the provisions set forth as sections 4, 5 and 6 of this act.~~ *the provisions set forth as sections 4, 5 and 6 of this act.*

Sec. 4. *As used in sections 4, 5 and 6 of this act, unless the context otherwise requires, "disaster" means a fire, flood, earthquake, explosion, civil disturbance or any other occurrence or threatened occurrence that, regardless of cause:*

1. Results in, or may result in, widespread or severe damage to property or injury to, or the death of, children in the custody of an agency which provides child welfare services; or

2. As determined by the Division, requires immediate action to protect the health, safety and welfare of children in the custody of an agency which provides child welfare services.

Sec. 5. *1. Each agency which provides child welfare services shall develop and implement a plan for the care of children in its custody during a disaster. The plan must be developed and implemented in accordance with the regulations adopted pursuant to subsection 2 and must be provided to each person or entity which has physical custody of the children.*

2. The Division shall, in consultation with each other agency which provides child welfare services, adopt regulations which concern the development and implementation of plans for the care of children in the custody of an agency which provides child welfare services during a disaster and which establish the minimum requirements and procedures for such plans. Such regulations must require that the plans include, without limitation, a plan for:

(a) Providing temporary shelter to children;

(b) Evacuating children from the home;

(c) Caring for children with disabilities or who have special medical needs;

(d) Communicating with the persons or entities which have physical custody of the children before, during and after a disaster;

(e) Coordinating with other emergency management entities and juvenile courts during a disaster; and

(f) Providing services to children to address the emotional impact of the disaster.

3. The regulations adopted pursuant to subsection 2 must include, without limitation, regulations concerning the development and implementation of plans for the care of children in the custody of an agency which provides child welfare services who have been placed in a facility for the detention of children.

Sec. 6. *1. The Division shall develop a plan for the care of children in the custody of other agencies which provide child welfare services during ~~disasters~~ a disaster to ensure that the Division ~~for a designee of the Division meets~~ is prepared to meet the needs of children in the custody of ~~agencies~~ each other agency which ~~provides~~ provides child welfare services if an agency is unable to meet the needs of children in its custody during a disaster. The Division may implement the plan at any time if the Division determines that it is necessary, regardless of whether the agency which provides child welfare services has requested assistance.*

2. The Division shall provide such training as it deems necessary to ensure that staff is aware of the plan that is developed and that the staff responsible for carrying out the plan understand their responsibilities and are prepared to carry

out those responsibilities. Any such training may include, without limitation, exercises to allow staff to practice carrying out their responsibilities during a disaster.

3. The Division shall submit to the Legislative Committee on Child Welfare and Juvenile Justice and post on its Internet website a summary of the plan for the care of children during ~~disasters~~ a disaster developed pursuant to this section. If the Division makes any changes to the plan, the Division shall provide to the Committee and post on its Internet website an updated summary of the plan.

~~[3. As used in this section, "disaster" means a fire, flood, earthquake, explosion, civil disturbance or any other occurrence or threatened occurrence that, regardless of cause:~~

~~(a) Results in, or may result in, widespread or severe damage to property or injury to, or the death of, children in the custody of an agency which provides child welfare services; or~~

~~(b) As determined by the Division, requires immediate action to protect the health, safety and welfare of children in the custody of an agency which provides child welfare services.]~~

~~[Sec. 4.]~~ Sec. 7. NRS 432.0305 is hereby amended to read as follows:

432.0305 The Department, through the Division, shall:

1. Observe and study the changing nature and extent of the need for child welfare services and develop through tests and demonstrations effective ways of meeting those needs.

2. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including the adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of programs for child welfare, and in increasing the efficiency of those programs by prompt and judicious use of new federal grants which will assist the Division in carrying out the provisions of NRS 432.010 to 432.085, inclusive ~~[,], and [section 3]~~ sections 4, 5 and 6 of this act. The Department shall consider any request for a change in the state plan submitted by an agency which provides child welfare services.

3. Enter into reciprocal agreements with other states relative to services for child welfare and institutional care, when deemed necessary or convenient by the Administrator.

4. Enter into agreements with an agency which provides child welfare services in a county whose population is 100,000 or more when deemed necessary or convenient by the Administrator.

5. Accept money from and cooperate with the United States or any of its agencies in carrying out the provisions of NRS 432.010 to 432.085, inclusive, ~~and [section 3]~~ sections 4, 5 and 6 of this act and of any federal acts pertaining to public child welfare and youth services, insofar as authorized by the Legislature.

Sec. 8. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A facility for the detention of children to which a juvenile court commits a child shall develop and implement a plan for the care of children in the facility during disasters. The plan must be developed and implemented in accordance with the plans and regulations adopted pursuant to sections 4 and 5 of this act.

2. As used in this section, "disaster" has the meaning ascribed to it in section 4 of this act.

1 Sec. 9. Chapter 63 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 1. The superintendent of a facility shall develop and implement a plan for
4 the care of children in the facility during disasters. The plan must be developed
5 and implemented in accordance with the plans and regulations adopted pursuant
6 to sections 4 and 5 of this act.

7 2. As used in this section, "disaster" has the meaning ascribed to it in
8 section 4 of this act.

9 ~~[Sec. 5.]~~ Sec. 10. This act becomes effective on July 1, 2011.