

Senate Bill No. 370—Senators Horsford and Leslie

Joint Sponsors: Assemblymen Frierson; and Horne

CHAPTER.....

AN ACT relating to child welfare; providing for elementary schools to develop academic plans for foster children enrolled in elementary schools to assist such children in achieving academic success; requiring the licensee of a foster home to obtain a written explanation of the need for and effect of any prescription medication provided to a foster child; requiring the Department of Corrections to allow a prisoner who has a child that has been placed in foster care to maintain contact with the child in certain circumstances; providing for the use of telecommunications devices by prisoners for that purpose; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires an academic plan for pupils in middle school or junior high school and a 4-year academic plan for pupils in ninth grade. (NRS 388.165, 388.205) **Section 8** of this bill requires the board of trustees of each school district to adopt a policy for each elementary school in the district to develop an academic plan for each foster child enrolled in the elementary school whom the school district is informed is enrolled in the school. The academic plan must be reviewed at least annually, and a new plan must be developed for any pupil who transfers to an elementary school whom the school is informed is a foster child. The academic plan must be developed with the goal of the child achieving academic success. **Section 2** of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to ensure that a school district is informed when a foster child is enrolled in a school in the school district so that an academic plan may be developed for the foster child. **Section 5** of this bill requires that a copy of the academic plan be submitted to the court with jurisdiction over the child during the biennial review of the placement of the child.

**Section 3** of this bill requires a licensee of a foster home to obtain a written explanation from a medical professional who provides a prescription for medication for a foster child. The explanation must include the need for the medication and the effect of the medication on the child. **Section 5** requires that a copy of any such explanations be submitted to the court with jurisdiction over the child during the biennial review of the placement of the child.

**Section 6** of this bill requires the Department of Corrections to allow a prisoner whose child has been placed with someone other than a parent to maintain contact with the child if the child is willing to maintain such contact and the contact is not prohibited by law, by order of the court or by regulations of the Department. The Department is further required to allow such a prisoner to videoconference with the child if such equipment is available. **Section 6.3** of this bill authorizes a prisoner to use approved telecommunications devices subject to any limitations to engage in such communications with his or her child. **Section 6.7** allows communications by a prisoner using telecommunications devices to be intercepted in certain circumstances.



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 the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *The Division shall adopt regulations to ensure:*

*1. That a school district is informed when a foster child is enrolled in an elementary school within the school district so that the elementary school may prepare an academic plan for the child as required pursuant to section 8 of this act.*

*2. That the licensing authority receives a copy of an academic plan prepared for a foster child pursuant to NRS 388.165 or 388.205 or section 8 of this act.*

**Sec. 3.** *1. A licensee that operates a foster home who obtains a prescription for medication for a child that has been placed in the foster home shall request the physician or other medical professional who prescribes the medication to provide a written explanation about the need for the medication and the affect of the medication on the child.*

*2. The licensee shall provide to the licensing authority a copy of any explanation about prescription medication received pursuant to subsection 1.*

**Sec. 4.** (Deleted by amendment.)

**Sec. 5.** NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation. ~~[-and]~~

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:



- (1) Whether the child was placed together with the siblings;
- (2) Any efforts made by the agency to have the child placed together with the siblings;
- (3) Any actions taken by the agency to ensure that the child has contact with the siblings; and
- (4) If the child is not placed together with the siblings:
  - (I) The reasons why the child is not placed together with the siblings; and
  - (II) A plan for the child to visit the siblings, which must be approved by the court.

*(c) A copy of an academic plan developed for the child pursuant to NRS 388.165 or 388.205 or section 8 of this act.*

*(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to section 3 of this act.*

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in this subsection and paragraph (c) of subsection 4 of NRS 432B.520, notice of the hearing must be given by registered or certified mail to:

- (a) All the parties to any of the prior proceedings; and
- (b) Any persons planning to adopt the child, relatives of the child or providers of foster care who are currently providing care to the child.

➡ Notice of the hearing need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has



voluntarily relinquished the child for adoption pursuant to NRS 127.040.

7. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 an opportunity to be heard at the hearing.

8. The court or panel shall review:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child; and

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship.

9. The provision of notice and an opportunity to be heard pursuant to this section does not cause any person planning to adopt the child, or any relative or provider of foster care to become a party to the hearing.

**Sec. 6.** Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided by law, by order of the court or by regulations of the Department, the Director shall allow a prisoner to maintain contact with a child of the prisoner who has been placed with someone other than a parent of the child if the child is willing to maintain such contact. Any such contact must be in accordance with regulations adopted by the Department.*

*2. The Director must allow a prisoner to videoconference with his or her child if such equipment is available.*

**Sec. 6.3.** NRS 209.417 is hereby amended to read as follows:

209.417 1. Except as otherwise provided in subsection 2, the warden or manager of an institution or facility shall ensure that no offender in the institution or facility has access to a telecommunications device.

2. An offender may use a telephone *or, for the purpose of communicating with his or her child pursuant to section 6 of this act, any other approved telecommunications device* subject to the limitations set forth in NRS 209.419.

3. As used in this section, "telecommunications device" means a device, or an apparatus associated with a device, that can enable an offender to communicate with a person outside of the institution or facility at which the offender is incarcerated. The term includes, without limitation, a telephone, a cellular telephone, a personal



digital assistant, a transmitting radio or a computer that is connected to a computer network, is capable of connecting to a computer network through the use of wireless technology or is otherwise capable of communicating with a person or device outside of the institution or facility.

**Sec. 6.7.** NRS 209.419 is hereby amended to read as follows:

209.419 1. Communications made by an offender on any telephone *or other telecommunications device* in an institution or facility to any person outside the institution or facility may be intercepted if:

(a) The interception is made by an authorized employee of the Department; and

(b) Signs are posted near all telephones *and other telecommunications devices* in the institution or facility indicating that communications may be intercepted.

2. The Director shall provide notice or cause notice to be provided to both parties to a communication which is being intercepted pursuant to subsection 1, indicating that the communication is being intercepted. For the purposes of this section, a periodic sound which is heard by both parties during the communication shall be deemed notice to both parties that the communication is being intercepted.

3. The Director shall adopt regulations providing for an alternate method of communication for those communications by offenders which are confidential.

4. Except as otherwise provided in NRS 239.0115, a communication made by an offender is confidential if it is made to:

(a) A federal or state officer.

(b) A local governmental officer who is at some time responsible for the custody of the offender.

(c) An officer of any court.

(d) An attorney who has been admitted to practice law in any state or is employed by a recognized agency providing legal assistance.

(e) A reporter or editorial employee of any organization that reports general news including, but not limited to, any wire service or news service, newspaper, periodical, press association or radio or television station.

(f) The Director.

(g) Any other employee of the Department whom the Director may, by regulation, designate.

5. Reliance in good faith on a request or order from the Director or the Director's authorized representative constitutes a



complete defense to any action brought against any public utility intercepting or assisting in the interception of communications made by offenders pursuant to subsection 1.

**6.** *As used in this section, “telecommunications device” has the meaning ascribed to it in NRS 209.417.*

**Sec. 7.** (Deleted by amendment.)

**Sec. 8.** Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

**1.** *The board of trustees of each school district shall adopt a policy for each elementary school in the school district to develop an academic plan for each pupil enrolled in the elementary school for whom the school is informed is a foster child. An academic plan must include consideration of the unique circumstances and educational background of the child and be developed with the goal of achieving academic success.*

**2.** *An academic plan must be reviewed and revised each year with appropriate modifications for the grade level of the pupil. A new academic plan must be developed for any pupil who transfers to an elementary school for whom the school is informed is a foster child.*

**3.** *An academic plan for a pupil must be used as a guide to plan, monitor and manage the pupil’s educational development and make determinations of any assistance that may be necessary to the academic success of the pupil.*

**Sec. 9.** This act becomes effective on July 1, 2011.

