

ASSEMBLY BILL NO. 174—COMMITTEE ON JUDICIARY

FEBRUARY 26, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing proceedings relating to the abuse or neglect of a child. (BDR 38-991)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; revising provisions governing the procedure following a hearing to determine whether a child should remain in protective custody pending further action by the court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires an agency which provides child welfare services that has
2 taken a child into protective custody: (1) to file a petition alleging that the child is
3 in need of protection within 10 days after the hearing on protective custody, if the
4 death of the parent of the child is or may be the result of an act of the other parent
5 that constitutes domestic violence; or (2) in all other cases, to file a petition alleging
6 that the child is in need of protection within 10 days after the hearing on protective
7 custody, unless good cause exists to extend that time, or recommend against further
8 action. (NRS 432B.490) This bill provides that in cases which do not involve the
9 death of the parent of a child as a result of an act of the other parent that constitutes
10 domestic violence, if the agency which provides child welfare services fails to file a
11 petition alleging that the child is in need of protection within 10 days after the
12 hearing on protective custody: (1) the agency may recommend against further
13 action and return the child to the custody of the person responsible for the welfare
14 of the child; or (2) any party to the proceeding may schedule an additional hearing
15 with the court to determine whether it is in the best interests of the child to return
16 the child to the person responsible for the welfare of the child pending further
17 action by the court. This bill further provides for notice of the hearing to a parent or
18 other person responsible for the welfare of the child.



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

Section 1. NRS 432B.490 is hereby amended to read as follows:

432B.490 1. An agency which provides child welfare services:

(a) In cases where the death of a 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, shall within 10 days after the hearing on protective custody initiate a proceeding in court by filing a petition which meets the requirements set forth in NRS 432B.510;

(b) In ~~other~~ cases where a ~~hearing on~~ *court issues an order keeping the child in* protective custody ~~is held~~ *pursuant to paragraph (b) of subsection 1 of NRS 432B.480*, shall within 10 days after the hearing on protective custody, unless good cause exists, initiate a proceeding in court by filing a petition which meets the requirements set forth in NRS 432B.510 or recommend against any further action in court; or

(c) ~~If a child is not placed in protective custody, may, after~~ *In cases where* an investigation is made under NRS 432B.010 to 432B.400, inclusive, *and a determination is made that the child is in need of protection but is not in imminent danger, may* file a petition which meets the requirements set forth in NRS 432B.510.

2. If the agency recommends against further action, the court may, on its own motion, initiate proceedings when it finds that it is in the best interests of the child.

3. If a child has been placed in protective custody and if further action in court is taken, an agency which provides child welfare services shall make recommendations to the court concerning whether the child should be returned to the person responsible for the welfare of the child pending further action in court.

4. If, in a case described in paragraph (b) of subsection 1, an agency which provides child welfare services fails to initiate a proceeding in court by filing a petition which meets the requirements set forth in NRS 432B.510 within 10 days after the hearing on protective custody:

(a) The agency may recommend against further action and return the child to the custody of the person responsible for the welfare of the child; or

(b) Any party to the proceeding may schedule an additional hearing with the court which must take place before the next scheduled court date to determine whether the child should be returned to the person responsible for the welfare of the child pending further action by the court.



1 5. *Except as otherwise provided in this subsection, notice of*
2 *the time and place of a hearing scheduled pursuant to paragraph*
3 *(b) of subsection 4 must be given to a parent or other person*
4 *responsible for the welfare of the child:*

5 (a) *By personal service of a written notice;*

6 (b) *Orally; or*

7 (c) *If the parent or other person responsible for the welfare of*
8 *the child cannot be located after a reasonable effort, by posting a*
9 *written notice on the door of the residence of the parent or other*
10 *person.*

11 ↪ *If the child was delivered to a provider of emergency services*
12 *pursuant to the provisions of NRS 432B.630 and the location of*
13 *the parent is unknown, the parent shall be deemed to have waived*
14 *any notice of any hearing conducted pursuant to this section.*

15 6. *If notice of a hearing scheduled pursuant to paragraph (b)*
16 *of subsection 4 is given by means of paragraph (b) or (c) of*
17 *subsection 5, a copy of the notice must be mailed to the parent or*
18 *other person responsible for the welfare of the child at his or her*
19 *last known address within 24 hours after the petition is filed.*

20 7. *The court shall hold a hearing scheduled pursuant to*
21 *paragraph (b) of subsection 4 to decide whether there remains*
22 *reasonable cause to believe that it would be:*

23 (a) *Contrary to the welfare of the child for the child to reside*
24 *at his or her home; or*

25 (b) *In the best interests of the child to keep the child outside of*
26 *his or her home.*

27 **Sec. 2.** This act becomes effective upon passage and approval.

