

ASSEMBLY BILL NO. 393—ASSEMBLYMEN FIORE, KIRKPATRICK, HAMBRICK; AIZLEY, ELLIOT ANDERSON, PAUL ANDERSON, BOBZIEN, BUSTAMANTE ADAMS, COHEN, DIAZ, ELLISON, FRIERSON, HANSEN, HEALEY, HICKEY, KIRNER, LIVERMORE, MARTIN, OHRENSCHALL, OSCARSON, SPIEGEL, STEWART, SWANK, WHEELER AND WOODBURY

MARCH 18, 2013

JOINT SPONSORS: SENATORS SEGERBLOM AND GUSTAVSON

Referred to Committee on Health and Human Services

SUMMARY—Expands the rights of children placed in foster care. (BDR 38-919)

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 children; expanding the rights of children placed in foster care with respect to their siblings; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law affords specific rights to children who are placed in a foster home  
2 by an agency which provides child welfare services. (NRS 432.500-432.550) This  
3 bill expands those rights with respect to relationships between siblings of children  
4 placed in foster care. **Section 1** of this bill provides a right to a child placed in a  
5 foster home, to the extent practicable, to have contact with his or her siblings  
6 arranged on a regular basis and on holidays, birthdays and other significant life  
7 events. **Section 1** further provides that such a child has the right not to have contact  
8 or visitation with a sibling withheld as a form of punishment. **Section 2** of this bill  
9 provides a child who is placed in a foster home with the right to be informed of a  
10 plan to change, or a change in, the placement of a sibling who is placed in a foster  
11 home.

1 WHEREAS, The importance of sibling relationships is widely  
2 recognized; and



1 WHEREAS, Siblings share similar history, heritage and culture  
2 which is important to preserve; and

3 WHEREAS, Separation from siblings is a significant and distinct  
4 loss, and the effect of that loss can be lessened by frequent contact  
5 between siblings; and

6 WHEREAS, Maintaining sibling relationships fosters a sense of  
7 continuity and stability for children placed in foster care; and

8 WHEREAS, Every foster child deserves to know and be actively  
9 involved in the lives of his or her siblings, absent extraordinary  
10 circumstances; now, therefore,

11  
12 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
13 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:  
14

15 **Section 1.** NRS 432.525 is hereby amended to read as follows:

16 432.525 A child placed in a foster home by an agency which  
17 provides child welfare services has the right:

18 1. To receive information concerning his or her rights set forth  
19 in this section and NRS 432.530 and 432.535.

20 2. To be treated with dignity and respect.

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

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

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

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

29 (a) Dental, vision and mental health services;

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

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

35 7. To be free from:

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

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

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

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

43 (e) Discrimination or harassment on the basis of his or her actual  
44 or perceived race, ethnicity, ancestry, national origin, color, religion,



1 sex, sexual orientation, gender identity, mental or physical disability  
2 or exposure to the human immunodeficiency virus.

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

5 9. Except for placement in a facility, as defined in NRS  
6 432B.6072, not to be locked in any room, building or premise or to  
7 be subject to other physical restraint or isolation.

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

10 (a) To send and receive unopened mail; and

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

13 11. To complete an identification kit, including, without  
14 limitation, photographing, and include the identification kit and his  
15 or her photograph in a file maintained by the agency which provides  
16 child welfare services and any employee thereof who provides child  
17 welfare services to the child.

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

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

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

26 (c) To report any alleged violation of his or her rights pursuant  
27 to NRS 432.550 without being threatened or punished;

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

32 (e) Except as otherwise prohibited by a court order, to contact  
33 and visit his or her siblings **H**, *including siblings who have not  
34 been placed in foster homes and, to the extent practicable, to have  
35 such contact arranged on a regular basis and on holidays,  
36 birthdays and other significant life events.*

37 **13. *Not to have contact or visitation with a sibling withheld as  
38 a form of punishment.***

39 **Sec. 2.** NRS 432.530 is hereby amended to read as follows:

40 432.530 With respect to the placement of a child in a foster  
41 home by an agency which provides child welfare services, the child  
42 has the right:

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



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

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

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

11 (d) To be placed with his or her siblings, whenever possible, and  
12 as required by law, if his or her siblings are also placed outside the  
13 home ***or, to the extent practicable, to be placed in close***  
14 ***proximity to his or her siblings to facilitate frequent contact.***

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

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

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

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

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

26 ***4. To be informed of any plan to change, or change in, the***  
27 ***placement of a sibling, including, without limitation, a plan to***  
28 ***change the placement of, or a change in the placement of, a***  
29 ***sibling resulting from adoption, reaching the age of 18 years or***  
30 ***otherwise leaving a foster home.***

