

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)
3 Existing law provides a right to a child placed in a foster home to contact and visit
4 his or her siblings, unless prohibited from doing so by court order. (NRS 432.525)
5 **Section 1** of this bill provides that this right does not apply if such contact is
6 contrary to the safety of the child or his or her siblings. **Section 1** also adds, to the
7 extent practicable, the right for such a child to have contact with his or her siblings
8 arranged on a regular basis and on holidays, birthdays and other significant life
9 events. **Section 1** further provides that such a child has the right not to have contact
10 or visitation with a sibling withheld as a form of punishment. **Section 2** of this bill
11 provides a child who is placed in a foster home with the right, consistent with the
12 age and developmental experience of the child, to be informed of a plan to change,
13 or a change in, the placement of a sibling who is placed in a foster home unless the
14 sibling objects or such notification is prohibited by court order.



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

3 WHEREAS, Siblings share similar history, heritage and culture
4 which is important to preserve; and

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

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

10 WHEREAS, Every foster child deserves to know and be actively
11 involved in the lives of his or her siblings, absent extraordinary
12 circumstances; now, therefore,
13

14 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
15 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
16

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

18 432.525 A child placed in a foster home by an agency which
19 provides child welfare services has the right:

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

22 2. To be treated with dignity and respect.

23 3. To fair and equal access to services, placement, care,
24 treatment and benefits.

25 4. To receive adequate, healthy, appropriate and accessible
26 food.

27 5. To receive adequate, appropriate and accessible clothing and
28 shelter.

29 6. To receive appropriate medical care, including, without
30 limitation:

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

32 (b) Medical and psychological screening, assessment and
33 testing; and

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

37 7. To be free from:

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

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

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

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



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(e) Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or exposure to the human immunodeficiency virus.

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

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

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

(a) To send and receive unopened mail; and

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

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

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

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

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

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

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

(e) Except as otherwise prohibited by a court order ~~H~~ *and to the extent practicable*, to contact and visit his or her siblings ~~H~~ *, including siblings who have not been placed in foster homes and to have such contact arranged on a regular basis and on holidays, birthdays and other significant life events, unless such contact is contrary to the safety of the child or his or her siblings.*

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

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

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



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

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

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

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

13 (d) To be placed with his or her siblings, whenever possible, and
14 as required by law, if his or her siblings are also placed outside the
15 home.

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

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

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

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

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

27 *4. Consistent with the age and developmental experience of*
28 *the child, except as otherwise prohibited by court order or unless*
29 *the sibling objects, to be informed of any plan to change, or*
30 *change in, the placement of a sibling, including, without*
31 *limitation:*

32 *(a) A plan adopted pursuant to NRS 432B.553 for the*
33 *permanent placement of the sibling; and*

34 *(b) Any plan to change the placement of, or a change in the*
35 *placement of, a sibling resulting from adoption, reaching the age*
36 *of 18 years or otherwise leaving a foster home.*

