

ASSEMBLY BILL NO. 81—COMMITTEE ON
HEALTH AND HUMAN SERVICES

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

PREFILED FEBRUARY 1, 2013

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the protection of
children. (BDR 38-67)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; requiring certain
committees and other bodies appointed or organized by an
agency which provides child welfare services to include a
member who represents the interests of natural parents;
requiring an improvement plan prepared by an agency
which provides child welfare services to be posted on the
Internet; consolidating certain state-level entities which
review the death of children; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires an agency which provides child welfare services
that is required by federal or state law to create a committee, group, panel,
subcommittee, team or other similar body, to include in the body at least one
member who represents the natural parents of a child in the custody of an agency
which provides child welfare services. **Sections 2, 4 and 7** of this bill add such a
member to certain existing entities organized or appointed by an agency which
provides child welfare services. (NRS 432B.178, 432B.406, 432B.409)

Under existing law, both an administrative team, consisting of administrators of
certain agencies, and the Executive Committee to Review the Death of Children are
required to review and report upon the deaths of children. (NRS 432B.408,
432B.409) **Sections 6-9** of this bill consolidate the administrative team, including
its members and duties, into the Executive Committee so that there is just one state-
level team.



Existing law specifies that each agency which provides child welfare services must, every 2 years, submit an improvement plan to the Division of Child and Family Services of the Department of Health and Human Services. (NRS 432B.216) **Section 3** of this bill provides that each such improvement plan must be made available to the public and included on the Internet website maintained by the Division.

Under existing law, a multidisciplinary team to review the death of a child is authorized to access, review and share certain information regarding the death of a child. (NRS 432B.407) **Section 5** of this bill further allows a multidisciplinary team to use such data if the data: (1) does not allow for the identification of any person; (2) is aggregated; and (3) is used for research or to prevent future deaths of children.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

If an agency which provides child welfare services is required by federal or state law to create a committee, group, panel, subcommittee, team or other similar body, the agency shall, except as otherwise provided by law, ensure that the committee, group, panel, subcommittee, team or other similar body includes at least one person to represent natural parents of a child in the custody of an agency which provides child welfare services.

Sec. 2. NRS 432B.178 is hereby amended to read as follows:

432B.178 1. The Director of the Department of Health and Human Services may create an interagency committee to evaluate the child welfare system in this State. Any such evaluation must include, without limitation, a review of state laws to ensure that the state laws comply with federal law and to ensure that the state laws reflect the current practices of each agency which provides child welfare services and others involved in the child welfare system.

2. The Director may appoint as many members to the interagency committee as the Director deems appropriate except that the members of such a committee must include, without limitation, at least one person to represent:

- (a) Each agency which provides child welfare services;
- (b) The Department of Education;
- (c) The juvenile justice system;
- (d) Law enforcement; ~~and~~
- (e) Providers of treatment or services for persons in the child welfare system ~~H~~ ; and

(f) Natural parents of a child in the custody of an agency which provides child welfare services.



3. The interagency committee created pursuant to subsection 1 may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare one legislative measure for a regular legislative session if it determines that changes in legislation are necessary. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature. Upon completion of the proposed legislation, the Legislative Counsel shall transmit any legislative measure prepared pursuant to this subsection to the appropriate standing committee of the Assembly or Senate within the first week of the next regular legislative session for introduction.

4. The interagency committee created pursuant to subsection 1 shall, on or before January 1 of each odd-numbered year after it is created, submit to the Director of the Legislative Counsel Bureau a written report for transmittal to the Chairs of the Assembly and Senate Standing Committees on Judiciary, the Chair of the Assembly Committee on Health and Human Services and the Chair of the Senate Committee on Health and Education.

Sec. 3. NRS 432B.216 is hereby amended to read as follows:

432B.216 1. Each agency which provides child welfare services shall submit an improvement plan to the Division of Child and Family Services on or before January 1 of each odd-numbered year.

2. Before submitting an improvement plan pursuant to subsection 1, the agency must solicit public input regarding the proposed improvement plan. The agency which provides child welfare services shall submit with the improvement plan an explanation of the manner in which the agency solicited such public input and a summary of any input received.

3. The improvement plan must cover a period of 2 years and include, without limitation:

(a) Specific performance targets for improving the safety, permanency and well-being of the children in the care of the agency which provides child welfare services; and

(b) The approach that the agency which provides child welfare services will take to achieve the specific performance targets, including, without limitation, specific strategies that will be used.

4. *The improvement plan is a public record and must be open for inspection pursuant to NRS 239.010. The Division of Child and Family Services shall post each improvement plan on its Internet website.*

5. On or before December 31 of each year, the agency which provides child welfare services must submit to the Division of Child and Family Services data demonstrating the progress that the agency



1 which provides child welfare services has made towards meeting the
2 specific performance targets set forth in the improvement plan
3 submitted pursuant to subsection 1.

4 **Sec. 4.** NRS 432B.406 is hereby amended to read as follows:

5 432B.406 1. A multidisciplinary team to review the death of
6 a child that is organized by an agency which provides child welfare
7 services pursuant to NRS 432B.405 must include, insofar as
8 possible:

9 (a) A representative of any law enforcement agency that is
10 involved with the case under review;

11 (b) Medical personnel;

12 (c) A representative of the district attorney's office in the county
13 where the case is under review;

14 (d) A representative of any school that is involved with the case
15 under review;

16 (e) A representative of any agency which provides child welfare
17 services that is involved with the case under review; ~~and~~

18 (f) A representative of the coroner's office ~~and~~; and

19 *(g) A representative of natural parents of a child in the custody*
20 *of an agency which provides child welfare services.*

21 2. A multidisciplinary team may include such other
22 representatives of other organizations concerned with the death of
23 the child as the agency which provides child welfare services deems
24 appropriate for the review.

25 **Sec. 5.** NRS 432B.407 is hereby amended to read as follows:

26 432B.407 1. A multidisciplinary team to review the death of
27 a child is entitled to access to:

28 (a) All investigative information of law enforcement agencies
29 regarding the death;

30 (b) Any autopsy and coroner's investigative records relating to
31 the death;

32 (c) Any medical or mental health records of the child; and

33 (d) Any records of social and rehabilitative services or of any
34 other social service agency which has provided services to the child
35 or the child's family.

36 2. Each organization represented on a multidisciplinary team to
37 review the death of a child shall share with other members of the
38 team information in its possession concerning the child who is the
39 subject of the review, any siblings of the child, any person who was
40 responsible for the welfare of the child and any other information
41 deemed by the organization to be pertinent to the review.

42 3. A multidisciplinary team to review the death of a child may,
43 if appropriate, meet and share information with a multidisciplinary
44 team to review the death of the victim of a crime that constitutes



1 domestic violence organized or sponsored pursuant to NRS 217.475
2 or 228.495.

3 4. A multidisciplinary team to review the death of a child may
4 petition the district court for the issuance of, and the district court
5 may issue, a subpoena to compel the production of any books,
6 records or papers relevant to the cause of any death being
7 investigated by the team. Except as otherwise provided in NRS
8 239.0115, any books, records or papers received by the team
9 pursuant to the subpoena shall be deemed confidential and
10 privileged and not subject to disclosure.

11 5. *A multidisciplinary team to review the death of a child may*
12 *use data collected concerning the death of a child for the purposes*
13 *of research or to prevent future deaths of children so long as the*
14 *data is aggregated and does not allow for the identification of any*
15 *person.*

16 6. Except as otherwise provided in this section, information
17 acquired by, and the records of, a multidisciplinary team to review
18 the death of a child are confidential, must not be disclosed, and are
19 not subject to subpoena, discovery or introduction into evidence in
20 any civil or criminal proceeding.

21 **Sec. 6.** NRS 432B.408 is hereby amended to read as follows:

22 432B.408 1. The report and recommendations of a
23 multidisciplinary team to review the death of a child must be
24 transmitted ~~{to an administrative team}~~ for review ~~[-~~

25 ~~—2. An administrative team must consist of administrators of~~
26 ~~agencies which provide child welfare services, and agencies~~
27 ~~responsible for vital statistics, public health, mental health and~~
28 ~~public safety.~~

29 ~~—3.} to the Executive Committee to Review the Death of Children~~
30 ~~established pursuant to NRS 432B.409.~~

31 2. The ~~{administrative team}~~ *Executive Committee* shall
32 review the report and recommendations and respond in writing to
33 the multidisciplinary team within 90 days after receiving the report.

34 **Sec. 7.** NRS 432B.409 is hereby amended to read as follows:

35 432B.409 1. The Administrator of the Division of Child and
36 Family Services shall establish an Executive Committee to Review
37 the Death of Children, consisting of ~~{representatives}~~ :

38 (a) *Representatives* from multidisciplinary teams formed
39 pursuant to ~~{paragraph (a) of}~~ subsection 1 of NRS 432B.405 and
40 NRS 432B.406, vital statistics, law enforcement, public health and
41 the Office of the Attorney General.

42 (b) *Administrators of agencies which provide child welfare*
43 *services, and agencies responsible for mental health and public*
44 *safety, to the extent that such administrators are not already*
45 *appointed pursuant to paragraph (a).*



1 *(c) At least one person to represent natural parents of a child*
2 *in the custody of an agency which provides child welfare services.*

3 2. The Executive Committee shall:

4 (a) Adopt statewide protocols for the review of the death of a
5 child;

6 (b) Adopt regulations to carry out the provisions of NRS
7 432B.403 to 432B.4095, inclusive;

8 (c) Adopt bylaws to govern the management and operation of
9 the Executive Committee;

10 (d) Appoint one or more multidisciplinary teams to review the
11 death of a child from the names submitted to the Executive
12 Committee pursuant to paragraph (b) of subsection 1 of
13 NRS 432B.405;

14 (e) Oversee training and development of multidisciplinary teams
15 to review the death of children; ~~and~~

16 (f) Compile and distribute a statewide annual report, including
17 statistics and recommendations for regulatory and policy changes ~~+~~
18 ;

19 *(g) Carry out the duties specified in NRS 432B.408; and*

20 *(h) Carry out such other duties as prescribed by the Division of*
21 *Child and Family Services by regulation.*

22 3. The Review of Death of Children Account is hereby created
23 in the State General Fund. The Executive Committee may use
24 money in the Account to carry out the provisions of NRS 432B.403
25 to 432B.4095, inclusive.

26 **Sec. 8.** NRS 432B.4095 is hereby amended to read as follows:

27 432B.4095 1. Each member of a multidisciplinary team
28 organized pursuant to NRS 432B.405, a multidisciplinary team
29 organized pursuant to NRS 432B.4075 ~~+, an administrative team~~
30 ~~organized pursuant to NRS 432B.408+~~ or the Executive Committee
31 to Review the Death of Children established pursuant to NRS
32 432B.409 who discloses any confidential information concerning
33 the death of a child is personally liable for a civil penalty of not
34 more than \$500.

35 2. The Administrator of the Division of Child and Family
36 Services:

37 (a) May bring an action to recover a civil penalty imposed
38 pursuant to subsection 1 against a member of a multidisciplinary
39 team organized pursuant to NRS 432B.4075 ~~+, an administrative~~
40 ~~team+~~ or the Executive Committee; and

41 (b) Shall deposit any money received from the civil penalty with
42 the State Treasurer for credit to the State General Fund.

43 3. Each director or other authorized representative of an agency
44 which provides child welfare services that organized a
45 multidisciplinary team pursuant to NRS 432B.405:



1 (a) May bring an action to recover a civil penalty pursuant to
2 subsection 1 against a member of the multidisciplinary team; and

3 (b) Shall deposit any money received from the civil penalty in
4 the appropriate county treasury.

5 **Sec. 9.** As soon as practicable after October 1, 2013:

6 1. The Administrator of the Division of Child and Family
7 Services of the Department of Health and Human Services shall
8 appoint to the Executive Committee to Review the Death of
9 Children established pursuant to NRS 432B.409 the additional
10 members of the Executive Committee required by paragraphs (b)
11 and (c) of subsection 1 of NRS 432B.409, as amended by section 7
12 of this act.

13 2. A person to represent natural parents of a child in the
14 custody of an agency which provides child welfare services must be
15 appointed to:

16 (a) Any committee, group, panel, subcommittee, team or other
17 similar body to which the provisions of section 1 of this act apply
18 which exists on October 1, 2013, by the agency which provides
19 child welfare services that created the body if such a person is not
20 already a member of any such body and appointment is not
21 prohibited by law.

22 (b) A multidisciplinary team to review the death of a child that
23 is organized pursuant to NRS 432B.405 before October 1, 2013, by
24 the agency which provides child welfare services that created the
25 multidisciplinary team if such a person is not already a member of
26 the team and appointment will not unduly delay the work of the
27 multidisciplinary team as determined by the agency which provides
28 child welfare services.

