

Amendment No. 386

Assembly Amendment to Assembly Bill No. 348

(BDR 38-457)

Proposed by: Assembly Committee on Health and Human Services**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 348 (§§ 11, 26, 44, 51).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

AAK/RBL



Date: 4/19/2013

A.B. No. 348—Revises provisions relating to foster care. (BDR 38-457)



ASSEMBLY BILL NO. 348—ASSEMBLYMEN FRIERSON, SPIEGEL,
CARRILLO, DIAZ, DONDERO LOOP; COHEN AND FIORE

MARCH 18, 2013

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to foster care. (BDR 38-457)

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 foster care; establishing certain requirements for the operation of a foster care agency; requiring a foster care agency to ~~submit~~ ***create and maintain*** reports on its programs and services ~~to the licensing authority~~ allowing a foster care agency to encourage and assist a potential foster home to apply for a license; requiring a contract between a foster care agency and a provider of foster care with which the foster care agency places a child; requiring a foster care agency to provide certain services to each foster home in which the foster care agency places children; providing for the operation of independent living foster homes; allowing a licensing authority to suspend or revoke the license of a provider of foster care in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of Child and Family Services of the Department of Health and Human Services is required to adopt regulations relating to the licensure and operation of foster homes and foster care agencies. (NRS 424.020, 424.093) **Sections 4-~~17~~ 6** of this bill establish certain requirements for the governance of a foster care agency. **Sections 8-14** of this bill establish certain requirements for owners, members of the governing body, employees, paid consultants, contractors, volunteers and vendors of a foster care agency. **Section 15** of this bill requires a foster care agency to create and ~~update at least once each year~~ ***maintain an annual*** report on each program or service the agency provides. ~~and to provide this report to the licensing authority~~ **Section 16** of this bill allows a foster care agency to identify potential foster homes and encourage a potential foster home to apply for licensure. **Section 17** of this bill requires a foster care agency to coordinate the submission of applications for licensure as a foster home to the licensing authority and to conduct a home study of each applicant. **Section 18** of this bill requires a foster care agency to execute a contract containing certain provisions with each provider of foster care with whom the foster care agency places a child and to make each such contract available to the licensing authority upon request. **Sections 19 and 20** of this bill require a foster care agency which places children in a specialized foster home or an independent living foster home to develop and implement certain provisions relating to the care the foster home provides. **Section 21** of this bill requires a foster care agency to provide support to and to review and evaluate its contracted foster homes. **Sections 22 and 23** of this bill require a foster care agency to make

crisis intervention available to its contracted foster homes and to report certain potential violations to the licensing authority. **Section 24** of this bill: (1) prohibits a foster care agency from accepting certain children for placement in certain circumstances; and (2) requires a foster care agency to give priority to assisting with the placement of children from an agency which provides child welfare services or a juvenile court. **Section 25** of this bill requires a foster care agency to monitor and evaluate its programs and services and implement any necessary improvements to its programs and services revealed by its evaluations. **Section 26** of this bill allows the licensing authority to charge and collect certain fees from a foster care agency.

Section 35 of this bill prohibits a foster home from accepting a child placed by a juvenile court ~~for commingling a child placed by a juvenile court with foster children not placed by a juvenile court~~ without the approval of the licensing authority. **Section 35** also requires a specialized foster home or a group foster home to maintain a policy of general liability insurance. **Section 36** of this bill revises the crimes that preclude a person from being employed by or being a resident of a foster home. **Section 44** of this bill allows a licensing authority to release certain information at the request of a provider of foster care upon the payment of a fee to cover the costs of the licensing authority in gathering that information. **Section 45** of this bill allows a licensing authority to suspend or revoke the license of a provider of foster care in certain circumstances.

Sections 2, 34, 35, 38, 41, 42, 48, 50 and 54 of this bill provide for the licensing and regulation of independent living foster homes.

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 to 26, inclusive, of this act.

Sec. 2. *“Independent living foster home” means a foster home which provides assistance with the transition to independent living for children who have entered into an agreement to transition to independent living and for children who:*

1. Are at least 16 years of age but less than 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;

2. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

3. Are received, cared for and maintained for compensation or otherwise, including the provision of free care.

Sec. 3. *“Juvenile court” has the meaning ascribed to it in NRS 62A.180.*

Sec. 4. *1. A foster care agency must:*

(a) Be organized as a business entity that is registered with the Secretary of State and holds a valid state business license pursuant to chapter 76 of NRS;

(b) Have a governing body, ~~consisting of not less than five members,~~ at least one member of [whom] which has knowledge of and experience in the programs and services offered by the foster care agency; and

(c) Operate under articles of incorporation.

2. The governing body of a foster care agency must have a written constitution or bylaws which prescribe the responsibility for the operation and maintenance of the foster care agency and which must include, without limitation, provisions that:

(a) Define the qualifications for and types of membership on the governing body;

(b) Specify the process for selecting members of the governing body, the terms of office for the members and officers of the governing body and orientation for new members of the governing body;

(c) Specify how frequently the governing body must meet; and

(d) Specify prohibited conflicts of interest of members of the governing body and employees, volunteers and independent contractors of the foster care agency.

3. The governing body of a foster care agency shall appoint ~~an executive director,~~ a person to provide oversight of the foster care agency who meets the qualifications described in section 8 of this act.

4. If the foster care agency is organized in another state, the governing body must meet at least once each year within this State or have a subcommittee ~~of at least three members, each of whom is a resident,~~ whose members are residents of this State, ~~and~~ one of whom is a member of the governing body, which is responsible to the governing body for ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 5. The governing body of a foster care agency must be responsible for:

1. Ensuring that the foster care agency is and remains fiscally sound;

2. Overseeing the management and operations of the programs and services offered by the foster care agency;

3. Ensuring that the foster care agency remains in compliance with the rules and policies of the governing body; and

4. Ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 6. The governing body shall submit annually to the licensing authority or its designee:

1. The name, address, contact information, position held on the governing body and any other information required by the licensing authority of each member of the governing body;

2. A copy of the articles of incorporation, constitution and bylaws of the foster care agency;

3. Evidence satisfactory to the licensing authority that the foster care agency ~~has adequate money available to,~~ has the ability to financially support and sustain its activities, ~~for at least 12 months,~~ which may include, without limitation, financial statements and budgets;

4. A report from an independent auditor of the complete financial information for the foster care agency for the immediately preceding fiscal year;

5. A statement of purpose; and

6. An organizational chart or other chart that sets forth the structure of the foster care agency which includes, without limitation, a job description for each position listed in the chart.

Sec. 7. ~~A member of the governing body must not have a conflict of interest that could interfere with his or her ability to make objective decisions relating to the foster care agency. A member shall be deemed to have a conflict of interest if:~~

~~1. The member or a member of the member's family is employed by the foster care agency;~~

~~2. The member owns a controlling interest in the foster care agency; or~~

~~3. The member otherwise benefits financially from the operation of the foster care agency, including, without limitation, as a paid consultant, contractor or vendor.~~ (Deleted by amendment.)

1 Sec. 8. 1. The ~~executive director~~ person appointed to provide oversight
2 of a foster care agency by the governing body of ~~that~~ the foster care agency
3 pursuant to section 4 of this act must have:

4 (a) A ~~master's~~ bachelor's degree or more advanced degree from an
5 accredited college or university ~~in the field of social work~~ and

6 (b) At least ~~5~~ 7 years of experience in an agency or program which provides
7 social services, including at least ~~1~~ year, 3 years of experience as an
8 administrator, supervisor or consultant.

9 2. The ~~executive director~~ person appointed to provide oversight of a foster
10 care agency is responsible for the day-to-day operations of the foster care agency,
11 including, without limitation, employing such staff as he or she deems necessary
12 to provide administrative services and services to families and children. The staff
13 ~~must~~ may include, without limitation:

14 (a) ~~A program director~~ Program supervisors who ~~are~~ are responsible for
15 the supervision of ~~all~~ members of the staff and activities relating to foster care
16 and for assisting ~~the executive director~~ in formulating and carrying out the
17 policies and programs of the foster care agency. ~~The~~ Each program ~~director~~
18 supervisor must have ~~a~~

19 ~~(1) A master's~~ a bachelor's degree or more advanced degree from an
20 accredited college or university ~~in the field of social work~~ and at least 3 years of
21 experience in providing services to children and their families, including at least
22 1 year of experience as an administrator or supervisor. ~~It or~~

23 ~~(2) A master's degree or more advanced degree from an accredited~~
24 ~~college or university in a field related to social work, which may include, without~~
25 ~~limitation, psychology, sociology, education or counseling, and at least 4 years of~~
26 ~~experience in providing services to children and their families, including at least~~
27 ~~2 years of experience providing services to children and their families in a foster~~
28 ~~care agency and at least 1 year of experience as an administrator or supervisor.~~

29 (b) ~~A number of supervisors and caseworkers that the executive director~~
30 ~~determines to be necessary for~~ Caseworkers who support the operations of the
31 foster care agency, including, without limitation, to ~~supervise and~~ work with
32 children and families, perform home studies, support service plans for
33 individualized cases and treatments, prepare and maintain records and
34 coordinate services for children and families. ~~A supervisor or~~ Each caseworker
35 must have:

36 ~~(1) A master's degree or more advanced degree from an accredited~~
37 ~~college or university in the field of social work or a field related to social work,~~
38 ~~which may include, without limitation, psychology, sociology, education or~~
39 ~~counseling, and at least 1 year of experience in providing services to children and~~
40 ~~their families or, while the supervisor or caseworker was a student, the~~
41 ~~completion of a student placement in providing services to children and their~~
42 ~~families.~~

43 ~~(2) A bachelor's degree from an accredited college or university in the~~
44 ~~field of social work or a field related to social work, which may include, without~~
45 ~~limitation, psychology, sociology, education or counseling ; ~~it~~ and at least 1 year~~
46 ~~of experience in providing services to children and their families; or~~

47 ~~(3) (2) A bachelor's degree from an accredited college or university in~~
48 ~~any field and at least 2 years of experience in providing services to children and~~
49 ~~their families.~~

50 Sec. 9. 1. The ~~executive director~~ foster care agency may accept
51 volunteers to provide certain specified services for the foster care agency. The
52 ~~executive director~~ foster care agency shall not rely solely upon volunteers to
53 provide any service.

2. If the ~~executive director~~ foster care agency accepts volunteers pursuant to subsection 1, the ~~executive director~~ foster care agency must have a written plan for the selection, training, supervision and assignment of volunteers, and each volunteer who performs an activity that would otherwise be performed by a member of the staff must meet the same qualifications that would be required for the member of the staff.

Sec. 10. 1. The ~~executive director~~ foster care agency shall develop and carry out a written plan for the orientation, training, supervision and evaluation of members of the staff.

2. The orientation must include, without limitation, information on the policies and procedures of the foster care agency, goals for the programs and services of the foster care agency, the responsibilities of members of the staff and the provisions of this chapter and the regulations adopted pursuant to thereto that relate to licensing. The training must include, without limitation, any training required by the licensing authority. Each member of the staff must be evaluated at least once each year.

3. The ~~executive director~~ foster care agency shall maintain comprehensive written policies and procedures for the personnel, services and programs of the foster care agency and make the policies and procedures readily available to the members of the staff and to the licensing authority. ~~[The policies and procedures must prohibit the employment of any member of the staff who holds a professional license that is related to the programs and services offered by the foster care agency and who has been subject to disciplinary action relating to that license and allow a reasonable time for a complaint made against a member of the staff who holds a professional license to be resolved.]~~

4. The ~~executive director~~ foster care agency shall maintain comprehensive records for personnel that, upon request, must be made available to the licensing authority.

Sec. 11. 1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee ~~if~~ who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;
- (e) Abuse or neglect of a child or contributory delinquency;
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
- (g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

1 (i) Any offense relating to pornography involving minors, including, without
2 limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a
3 law of any other jurisdiction that prohibits the same or similar conduct;

4 (j) Prostitution, solicitation, lewdness or indecent exposure, or any other
5 sexually related crime that is punishable as a misdemeanor, within the
6 immediately preceding 7 years;

7 (k) A crime involving domestic violence that is punishable as a felony;

8 (l) A crime involving domestic violence that is punishable as a misdemeanor,
9 within the immediately preceding 7 years;

10 (m) A criminal offense under the laws governing Medicaid or Medicare,
11 within the immediately preceding 7 years;

12 (n) Any offense involving the sale, furnishing, purchase, consumption or
13 possession of alcoholic beverages by a minor, including, without limitation, a
14 violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a
15 vehicle under the influence of alcohol or a controlled substance in violation of
16 chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or
17 similar conduct, within the immediately preceding 7 years; or

18 (o) An attempt or conspiracy to commit any of the offenses listed in this
19 subsection within the immediately preceding 7 years.

20 2. The licensing authority or its approved designee may charge each person
21 investigated pursuant to this section for the reasonable cost of that investigation.

22 3. Unless a preliminary Federal Bureau of Investigation Interstate
23 Identification Index name-based check of the records of criminal history has
24 been conducted pursuant to NRS 424.039, a person who is required to submit to
25 an investigation pursuant to this section shall not have contact with a child in a
26 foster home without supervision before the investigation of the background and
27 personal history of the person is completed.

28 4. The licensing authority or its designee shall conduct an investigation of
29 each holder of a license to conduct a foster care agency and each owner, member
30 of a governing body, employee, paid consultant, contractor, volunteer or vendor
31 who may come into direct contact with a child placed by the foster care agency
32 pursuant to this section at least once every 5 years after the initial investigation.

33 Sec. 12. 1. Each applicant for or holder of a license to conduct a foster
34 care agency, and each owner, member of the governing body, employee, paid
35 consultant, contractor, volunteer or vendor of that applicant or licensee ~~††~~ who
36 may come into direct contact with a child placed by the foster care agency, must
37 submit to the licensing authority or its approved designee:

38 (a) A complete set of fingerprints and written permission authorizing the
39 licensing authority or its approved designee to forward those fingerprints to the
40 Central Repository for Nevada Records of Criminal History for submission to the
41 Federal Bureau of Investigation for its report to enable the licensing authority or
42 its approved designee to conduct an investigation pursuant to section 11 of this
43 act; and

44 (b) Written permission to conduct a child abuse and neglect screening.

45 2. For each person who submits the documentation required pursuant to
46 subsection 1, the licensing authority or its approved designee shall conduct a
47 child abuse and neglect screening of the person in every state in which the person
48 has resided during the immediately preceding 5 years.

49 3. The licensing authority or its approved designee may exchange with the
50 Central Repository or the Federal Bureau of Investigation any information
51 respecting the fingerprints submitted.

4. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

5. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

6. The licensing authority shall immediately inform the foster care agency whether an owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of the foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

Sec. 13. 1. Upon receiving information from the licensing authority or its approved designee pursuant to section 12 of this act or evidence from any other source that an owner, member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act, the foster care agency shall terminate the employment, contract or volunteer activities of the person after allowing the person time to correct the information as required pursuant to subsection 2.

2. If a person believes that the information provided about him or her pursuant to subsection 1 is incorrect, the person must inform the foster care agency immediately. A foster care agency that is so informed shall give the person 30 days to correct the information.

3. During the period in which a person seeks to correct information pursuant to subsection 2, it is within the discretion of the foster care agency whether to allow the person to continue to be associated with the foster care agency, except that the person must not have contact with a child in any foster home without supervision during any such period.

Sec. 14. ~~1.~~ A member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency may not:

~~(a) Actively seek to adopt a child in the custody of or seek to use adoption services through an agency which provides child welfare services;~~

~~(b) 1. Be a provider of foster care who has a contract with the foster care agency for the placement of children;~~

~~(c) Be a person professionally qualified in the field of psychiatric mental health, as defined in NRS 433A.018, who authorizes mental or behavioral health services on behalf of any child placed in a foster home operated by the foster care agency; or~~

~~(d) unless approved by the licensing authority; or~~

2. Be a biological parent of a child in the custody of an agency which provides child welfare services or of a child placed by a juvenile court in a foster home operated by the foster care agency.

~~2. A foster care agency shall not provide services to any employee of the foster care agency.~~

Sec. 15. 1. A foster care agency shall create and maintain ~~for~~ an annual report concerning each program or service provided by the foster care agency.

2. ~~The foster care agency shall update the report at least once each year and shall provide the report to the licensing authority as soon as practicable after its creation or revision.~~

1 ~~3.1~~ The report must include, without limitation, a description of each
2 program or service provided by the foster care agency, the goals for the program
3 or service relating to family foster homes, specialized foster homes, independent
4 living foster homes and group foster homes and information relating to any
5 special populations of children served, including, without limitation, children
6 who require special care for physical, mental or emotional issues or who were
7 placed in a foster home by a juvenile court.

8 Sec. 16. 1. A foster care agency may identify potential foster homes and
9 encourage a potential foster home to apply to the licensing authority for a license
10 to conduct a foster home.

11 2. A foster care agency shall ensure that each person with whom it
12 contracts as a provider of foster care receives any training required by the
13 provisions of this chapter or by the licensing authority, including, without
14 limitation, specific training to meet the needs of a population that requires
15 specific services.

16 Sec. 17. 1. A foster care agency shall coordinate the submission of
17 applications for the licensing of prospective foster homes with the licensing
18 authority.

19 2. A foster care agency shall conduct a fair and impartial investigation of
20 the home and standards of care for each prospective foster home.

21 3. Upon receiving a completed application for a prospective foster home
22 from a foster care agency, the licensing authority must review the qualifications
23 of the prospective foster home to be licensed pursuant to NRS 424.030.

24 4. The licensing authority may provide any training it determines to be
25 necessary to a foster care agency for the foster care agency to fulfill the
26 provisions of this section.

27 Sec. 18. 1. A foster care agency may not assist an agency which provides
28 child welfare services or a juvenile court in the placement of a child in foster care
29 unless a contract exists between the foster care agency and the provider of foster
30 care for the placement of children. Such a contract must include, without
31 limitation, provisions that:

32 (a) Allow the provider of foster care to change its affiliation with the foster
33 care agency or to terminate its affiliation with the foster care agency and become
34 affiliated with a different foster care agency. ~~(without restriction)~~

35 (b) Specify the type of foster home and related services that the provider of
36 foster care will provide on behalf of the foster care agency, including, without
37 limitation, the services that each party agrees to provide for foster children,
38 biological families and foster families.

39 (c) Specify the financial responsibilities of each party, including, without
40 limitation, payment for both foster care and for any other expenses or services
41 rendered, including, without limitation, providing clothing for children in its
42 care.

43 (d) Waive the right of the provider of foster care to confidentiality relating to
44 any investigations for licensing or child protective services and allow the agency
45 which provides child welfare services and the licensing authority to share any
46 related information about an investigation with the foster care agency ~~+~~ after the
47 investigation is completed.

48 (e) State how emergencies which occur during and outside regular business
49 hours will be handled.

50 (f) Require arrangements to be made for foster children to have visitation
51 with their biological families.

(g) Describe expectations which ensure that children will receive appropriate medical, dental, mental health, psychological and psychiatric treatment, including, without limitation, how transportation will be provided.

(h) Require the provider of foster care to adhere to the provisions of this chapter and the regulations adopted pursuant thereto relating to licensing.

(i) State that the parties agree that the ~~foster care agency~~ licensing authority maintains the responsibility to protect the best interests of each child, which may include removing a child from the ~~custody of~~ placement with the provider of foster care if the ~~foster care agency~~ licensing authority determines that removal is in the best interests of the ~~children~~ child.

(j) Include the acknowledgment by the parties of any provisions determined to be appropriate by the licensing authority.

2. The foster care agency, upon request, shall make each such contract available to the licensing authority within a reasonable period after receiving its request.

Sec. 19. 1. A foster care agency which places children in a specialized foster home shall develop and carry out written policies and procedures relating to children placed in specialized foster homes which must include, without limitation:

(a) The service and treatment philosophy of the foster care agency for children with physical, mental or emotional issues and children who are placed in a specialized foster home by a juvenile court;

(b) Specific treatment techniques that the foster care agency plans to approve for use with children described in paragraph (a) and their families;

(c) Specific strategies for behavior management that the foster care agency will allow providers of foster care to use with children described in paragraph (a); and

(d) Adequate staffing to provide the intensity of services required when caring for children described in paragraph (a).

2. A foster care agency shall require a provider of foster care to serve as an active participant in the treatment or care plan of a child who is placed in a specialized foster home. The foster care agency shall:

(a) Provide services to support the provider of foster care in reducing barriers in caring for and supporting any children placed in a specialized foster home;

(b) Arrange or provide support for the provider of foster care to arrange for the child to receive appropriate clinical services, including, without limitation, psychiatric, psychological and medication management services; and

(c) Ensure cooperation between the employees of the foster care agency, the provider of foster care, the child and the biological family of the child in meeting the goals of the child's treatment plan.

3. A foster care agency which places children in a specialized foster home shall have a written plan for alternative care in the event of an emergency if the placement of the child into a specialized foster home disrupts that specialized foster home.

Sec. 20. 1. A foster care agency which places children in an independent living foster home shall develop and implement written policies and procedures relating to children placed in independent living foster homes which must include, without limitation:

(a) A process for ensuring that a potential location for an independent living arrangement meets any standards required by the licensing authority and is evaluated on a regular basis to ensure that it continues to meet such standards;

1 (b) A procedure for approving a location for an independent living
2 arrangement;

3 (c) Criteria and procedures for intake and admission into the independent
4 living foster home and discharge from the independent living foster home,
5 including, without limitation, procedures to ensure that the child will be
6 discharged into the care of his or her legal guardian if he or she is less than 18
7 years of age at the time of his or her discharge;

8 (d) The conditions under which a child may be discharged from the
9 independent living foster home, including, without limitation, criteria and
10 procedures for implementing an emergency discharge of the child;

11 (e) Criteria and procedures for terminating the approval of a location for an
12 independent living arrangement;

13 (f) A detailed plan for determining and maintaining the supervision and
14 visitation of each child after he or she has been placed in a location for an
15 independent living arrangement; and

16 (g) The types of services that the provider of foster care will obtain or provide
17 to meet the needs of the child during the placement.

18 2. A foster care agency which places children in an independent living
19 foster home shall coordinate with the provider of foster care to:

20 (a) Ensure that each child is enrolled in academic, vocational education or
21 career and technical education services appropriate to meet the needs of the
22 child;

23 (b) Monitor the educational progress of each child as often as necessary;

24 (c) Assist each child in obtaining routine and emergency medical care and
25 dental care;

26 (d) Evaluate the needs of each child for financial assistance upon intake and
27 monthly thereafter or more often if necessary;

28 (e) Provide the resources to meet the basic needs of each child, including,
29 without limitation, clothing, food and shelter;

30 (f) Provide assistance to each child in locating, securing and maintaining
31 employment;

32 (g) Provide training in life skills to meet the needs of each child;

33 (h) Support each child who remains under the jurisdiction of a court
34 pursuant to NRS 432B.594; and

35 (i) Obtain and provide a system for responding to a crisis that is accessible to
36 the child 24 hours a day, 7 days a week, including holidays, and provide training
37 to each child on how to access and use the system.

38 3. A foster care agency which places children in an independent living
39 foster home shall provide an orientation and training to each child admitted to its
40 program for independent living.

41 Sec. 21. 1. A foster care agency shall provide support to each foster home
42 with which the foster care agency has a contract for the placement of children in
43 arranging for and accessing medical, dental, mental health, psychological and
44 psychiatric treatment for children. The foster care agency shall ensure that each
45 child placed in a foster home with which the foster care agency has a contract for
46 the placement of children receives appropriate treatment and may exercise any
47 rights granted pursuant to this chapter or chapter 432B of NRS that are
48 necessary to discharge this duty. The foster care agency shall ensure that the
49 provider of foster care provides medical records and any related documentation
50 to the licensing authority or its designee.

51 2. A foster care agency shall ensure that each child in its care has his or her
52 own supply of clothing appropriate for indoors and outdoors that is in good
53 condition and suitable for the season.

3. When a foster home with which the foster care agency has a contract for the placement of children does not have any children placed in the home, the foster care agency must visit the home at least once every 60 days to review whether it remains in compliance with the requirements of this chapter and any regulations adopted pursuant thereto and, when necessary, notify the licensing authority of any potential violations.

4. In addition to any other review that a foster care agency performs of a foster home with which the foster care agency has a contract for the placement of children, a foster care agency shall conduct a review of the foster home any time a critical event occurs in that home and report the event to the licensing authority. As used in this subsection, "critical event" includes, without limitation:

(a) The death or disability of a family member;

(b) The sudden onset of a health condition that may impair the ability of a provider of foster care to care for the child;

(c) A change in marital status;

(d) A change in home address;

(e) A sudden or substantial loss of income; and

(f) The birth of a child.

5. A foster care agency shall conduct an evaluation of each foster home with which the foster care agency has a contract for the placement of children at least once each year and submit the results of the evaluation to the licensing authority or its designee. The evaluation must include:

(a) An interview with the provider of foster care and an assessment of the ability of the provider of foster care to relate to children, to help children reach their personal and educational goals, to work with children with particular issues and needs, to establish and maintain a consistent and stable environment with children and to work with biological families to support reunification ~~++~~ to the extent that reunification is determined to be consistent with the plan for the permanent placement of the child pursuant to NRS 432B.393.

~~(b) The completion of all required background investigations;~~

~~(c)~~ An interview with each child placed in the foster home that includes a description of the relationship between each child placed in the foster home and each family member; and

~~(d)~~ (c) A detailed review of each instance where a child was placed in the foster home and subsequently removed from the home and a description of the reasons for the removal.

Sec. 22. 1. A foster care agency shall provide crisis intervention and assistance 24 hours a day, 7 days a week, including holidays, to each foster home with which the foster care agency has a contract for the placement of children.

2. Employees of the foster care agency who provide crisis intervention and assistance must be trained in and competent to handle a crisis situation and to provide necessary services to children and families to ensure child safety, permanency and well-being. The foster care agency shall train and encourage each provider of foster care to use techniques to support positive behavior that emphasize principles and methods to help children achieve desired behavior in a constructive and safe manner.

Sec. 23. 1. A provider of foster care shall not use physical restraint on a child placed with the provider ~~++~~ unless the child presents an imminent threat of danger of harm to himself or herself or others.

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident or injury occurs to a child in its care within 24 hours after the incident, accident or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as

1 practicable after notifying the licensing authority or its designee. The written
2 report must include, without limitation, the date and time of the incident, accident
3 or injury, any action taken as a result of the incident, accident or injury, the
4 name of the employee of the foster care agency who completed the written report
5 and the name of the employee of the licensing authority or its designee who was
6 notified.

7 3. A foster care agency shall report any potential violation of the provisions
8 of this chapter or any regulations adopted pursuant thereto relating to licensing
9 to the licensing authority within 24 hours after an employee of the foster care
10 agency becomes aware of the potential violation. A foster care agency shall
11 cooperate with the licensing authority in its review of such reports and support
12 each foster home with which the foster care agency has a contract for the
13 placement of children in completing any action required to correct a violation.

14 4. A foster care agency shall fully comply with any investigation of a report
15 of the abuse or neglect of a child pursuant to NRS 432B.220.

16 Sec. 24. 1. A foster care agency shall notify the licensing authority before
17 the foster care agency authorizes the placement of a child who is not being placed
18 through the licensing authority ~~or~~ or a juvenile court.

19 2. A foster care agency may not agree to place a child who is relocating
20 from another state unless the foster care agency first consults the licensing
21 authority to determine whether the provisions of the Interstate Compact on the
22 Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, or the
23 Interstate Compact for Juveniles pursuant to NRS 621.015 apply. If the licensing
24 authority determines that the provisions of ~~the~~ either Compact apply, the foster
25 care agency may not agree to place the child unless the placement would not
26 violate the provisions of the Compact.

27 3. A foster care agency shall give priority to assisting with the placement of
28 a child by an agency which provides child welfare services or a juvenile court.

29 Sec. 25. 1. Each foster care agency shall develop and carry out a written
30 plan to monitor and evaluate the quality and effectiveness of its programs and
31 services on a systemic and ongoing basis.

32 2. The written plan must describe the methods for the collection,
33 summarization and analysis of data and information and include factors defined
34 by the licensing authority for assessing the effectiveness of the programs and
35 services provided.

36 3. If the findings of an evaluation suggest that improvements to its
37 programs and services should be made, the foster care agency shall implement
38 any necessary improvements.

39 Sec. 26. ~~1. If a foster care agency submits an application for a~~
40 ~~prospective foster home pursuant to section 17 of this act, the licensing authority~~
41 ~~may charge and collect from a foster care agency a reasonable fee for the~~
42 ~~issuance of a license to the foster home. Any fee so charged must be based on the~~
43 ~~actual costs of the licensing authority to issue the license.~~

44 ~~2. If, after investigation, a complaint regarding the licensing of a foster~~
45 ~~home with which the foster care agency has a contract for the placement of~~
46 ~~children or a report of the abuse or neglect of a child by the foster care agency or~~
47 ~~a foster home with which the foster care agency has a contract for the placement~~
48 ~~of children is determined to be substantiated or supported by evidence ~~or~~ and any~~
49 ~~action is taken against the licensee, including, without limitation, the issuance of~~
50 ~~a plan of corrective action, the licensing authority may charge and collect from a~~
51 ~~foster care agency a reasonable fee for the cost of investigating the complaint or~~
52 ~~report. Any fee so charged must be based on the actual costs of the licensing~~
53 ~~authority in investigating the complaint or report.~~

Sec. 27. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.012 to 424.018, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 28. NRS 424.013 is hereby amended to read as follows:

424.013 "Family foster home" means a family home in which one to six children who are under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594 and who are not related within the first degree of consanguinity or affinity to the person or persons maintaining the home are received, cared for and maintained, for compensation or otherwise, including the provision of ~~permanent~~ free care. The term includes a family home in which such a child is received, cared for and maintained pending completion of proceedings for the adoption of the child by the person or persons maintaining the home.

Sec. 29. NRS 424.0135 is hereby amended to read as follows:

424.0135 "Foster care agency" means a ~~nonprofit corporation, for-profit corporation or sole proprietorship~~ *business entity* that ~~assists~~ *recruits and enters into contracts with foster homes to assist* an agency which provides child welfare services *and juvenile courts* in the placement of children in *such* foster ~~care~~ *homes*.

Sec. 30. NRS 424.014 is hereby amended to read as follows:

424.014 "Foster home" *means a home that receives, nurtures, supervises and ensures routine educational services and medical, dental and mental health treatment for children. The term* includes a family foster home, specialized foster home, *independent living foster home* and group foster home.

Sec. 31. NRS 424.015 is hereby amended to read as follows:

424.015 "Group foster home" means a ~~natural person, partnership, firm, corporation or association who~~ *foster home which* provides full-time care *and services* for 7 to 15 children who are:

1. Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;

2. Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

3. Received, cared for and maintained for compensation or otherwise, including the provision of ~~permanent~~ free care.

Sec. 32. NRS 424.017 is hereby amended to read as follows:

424.017 "Provider of ~~family~~ foster care" means a person who is licensed to conduct a ~~family~~ foster home pursuant to NRS 424.030.

Sec. 33. NRS 424.018 is hereby amended to read as follows:

424.018 "Specialized foster home" means a ~~family~~ *foster* home which provides full-time care and services for one to six children who:

1. Require special care for physical, mental or emotional issues;

2. Are under ~~12~~ *18* years of age ~~or who remain under the jurisdiction of a court pursuant to NRS 432B.594;~~

3. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; *and*

4. Are received, cared for and maintained for compensation ~~and~~

~~—5. Are in the custody of and placed in the home by an agency which provides child welfare services—~~ *or otherwise, including the provision of free care.*

Sec. 34. NRS 424.020 is hereby amended to read as follows:

424.020 1. The Division, in consultation with each licensing authority in a county whose population is 100,000 or more, shall adopt regulations to:

(a) Establish procedures and requirements for the licensure of family foster homes, specialized foster homes, *independent living foster homes* and group foster homes; and

(b) Monitor such licensure.

2. The Division, in cooperation with the State Board of Health and the State Fire Marshal, shall:

(a) Establish reasonable minimum standards for family foster homes, specialized foster homes, *independent living foster homes* and group foster homes.

(b) Prescribe rules for the regulation of family foster homes, specialized foster homes, *independent living foster homes* and group foster homes.

3. All family foster homes, specialized foster homes, *independent living foster homes* and group foster homes licensed pursuant to this chapter must conform to the standards established and the rules prescribed in subsection 2.

Sec. 35. NRS 424.030 is hereby amended to read as follows:

424.030 1. No person may conduct a family foster home, a specialized foster home, *an independent living foster home* or a group foster home without receiving a license to do so from the licensing authority.

2. No license may be issued to a family foster home, a specialized foster home, *an independent living foster home* or a group foster home until a fair and impartial investigation of the home and its standards of care has been made by the licensing authority or its designee.

3. Any family foster home, specialized foster home, *independent living foster home* or group foster home that conforms to the established standards of care and prescribed rules must receive a regular license from the licensing authority, which may be in force for 2 years after the date of issuance. On reconsideration of the standards maintained, the license may be renewed upon expiration.

4. If a family foster home, a specialized foster home, *an independent living foster home* or a group foster home does not meet minimum licensing standards but offers values and advantages to a particular child or children and will not jeopardize the health and safety of the child or children placed therein, the family foster home, specialized foster home, *independent living foster home* or group foster home may be issued a special license, which must be in force for 1 year after the date of issuance and may be renewed annually. No foster children other than those specified on the license may be cared for in the home.

5. *A family foster home, a specialized foster home, an independent living foster home or a group foster home may not accept the placement of a child by a juvenile court unless licensed by the licensing authority to accept children placed by a juvenile court ~~or otherwise approved to accept the placement by the licensing authority.~~ A foster home that accepts the placement of such a child shall ensure that the child is kept separate from other foster children who were not placed by a juvenile court unless otherwise approved by the licensing authority, work cooperatively with the juvenile court, the licensing authority, any other children placed in the foster home and the legal guardian or other person or agency with legal authority over the child to ensure the safety of all children placed in the foster home.*

6. *A license must not be issued to a specialized foster home or a group foster home unless the specialized foster home or group foster home maintains a policy of general liability insurance in an amount determined to be sufficient by the licensing authority.*

7. The license must show:

(a) The name of the persons licensed to conduct the family foster home, specialized foster home, *independent living foster home* or group foster home.

(b) The exact location of the family foster home, specialized foster home , *independent living foster home* or group foster home.

(c) The number of children that may be received and cared for at one time.

(d) If the license is a special license issued pursuant to subsection 4, the name of the child or children for whom the family foster home, specialized foster home , *independent living foster home* or group foster home is licensed to provide care.

~~6+~~ (e) *Whether the family foster home, specialized foster home, independent living foster home or group foster home is approved to receive and care for children placed by a juvenile court.*

8. No family foster home, specialized foster home , *independent living foster home* or group foster home may receive for care more children than are specified in the license.

~~7+~~ 9. In consultation with each licensing authority in a county whose population is 100,000 or more, the Division may adopt regulations regarding the issuance of ~~provisional and~~ special licenses.

Sec. 36. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for , *has charges pending for* or *has been* convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use *or threatened use of force or violence against the victim or the use* of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime ~~+~~ *or a felony relating to prostitution;*

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; ~~+~~

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years ~~+~~;

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

4. The licensing authority or its designee shall conduct an investigation of each licensee, employee and resident pursuant to this section at least once every 5 years after the initial investigation.

Sec. 37. NRS 424.036 is hereby amended to read as follows:

424.036 Before issuing a license to conduct a ~~family~~ foster home pursuant to NRS 424.030, the licensing authority shall discuss with the applicant and, to the extent possible, ensure that the applicant understands:

1. The role of a provider of ~~family~~ foster care, the licensing authority and the members of the immediate family of a child placed in a ~~family~~ foster home; and

2. The personal skills which are required of a provider of ~~family~~ foster care and the other residents of a ~~family~~ foster home to provide effective foster care.

Sec. 38. NRS 424.0365 is hereby amended to read as follows:

424.0365 1. A licensee that operates a *family foster home, a specialized foster home, an independent living foster home* or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the home;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and

(h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 39. NRS 424.037 is hereby amended to read as follows:

424.037 1. Before placing a child with a provider of ~~family~~ foster care, the licensing authority shall inform the provider of the plans, if any, which the licensing authority has developed relating to the provision of care required for that

1 child. If the plan for the child changes, the licensing authority shall inform the
2 provider of ~~family~~ foster care of the changes and the reasons for those changes.

3 2. The licensing authority shall consult with a provider of ~~family~~ foster care
4 concerning the care to be provided to a child placed with the provider, including
5 appropriate disciplinary actions that may be taken.

6 3. If issues concerning the health, safety or care of a child occur during the
7 placement of the child with a provider of ~~family~~ foster care, the licensing
8 authority shall:

9 (a) Consider the daily routine of the provider when determining how to
10 respond to those issues; and

11 (b) To the extent possible, respond to those issues in a manner which is the
12 least disruptive to that daily routine, unless that response would not be in the best
13 interest of the child.

14 **Sec. 40.** NRS 424.038 is hereby amended to read as follows:

15 424.038 1. Before placing, and during the placement of, a child in a ~~family~~
16 foster home, the licensing authority shall provide to the provider of ~~family~~ foster
17 care such information relating to the child as is necessary to ensure the health and
18 safety of the child and the other residents of the ~~family~~ foster home. This
19 information must include the medical history and previous behavior of the child to
20 the extent that such information is available.

21 2. The provider of ~~family~~ foster care may, at any time before, during or after
22 the placement of the child in the ~~family~~ foster home, request information about
23 the child from the licensing authority. After the child has left the care of the
24 provider, the licensing authority shall provide the information requested by the
25 provider, unless the information is otherwise declared to be confidential by law or
26 the licensing authority determines that providing the information is not in the best
27 interests of the child.

28 3. The provider of ~~family~~ foster care shall maintain the confidentiality of
29 information obtained pursuant to this section under the terms and conditions
30 otherwise required by law.

31 4. The Division shall adopt regulations specifying the procedure and format
32 for the provision of information pursuant to this section, which may include the
33 provision of a summary of certain information. If a summary is provided pursuant
34 to this section, the provider of ~~family~~ foster care may also obtain the information
35 set forth in subsections 1 and 2.

36 **Sec. 41.** NRS 424.0385 is hereby amended to read as follows:

37 424.0385 1. A licensee that operates a specialized foster home , *an*
38 *independent living foster home* or a group foster home shall adopt a policy
39 concerning the manner in which to:

40 (a) Document the orders of the treating physician of a child;

41 (b) Administer medication to a child;

42 (c) Store, handle and dispose of medication;

43 (d) Document the administration of medication and any errors in the
44 administration of medication;

45 (e) Minimize errors in the administration of medication; and

46 (f) Address errors in the administration of medication.

47 2. The licensee shall ensure that each employee of the specialized foster home
48 , *independent living foster home* or group foster home who will administer
49 medication to a child at the specialized foster home , *independent living foster*
50 *home* or group foster home receives a copy of and understands the policy adopted
51 pursuant to subsection 1.

1 **Sec. 42.** NRS 424.040 is hereby amended to read as follows:

2 424.040 A licensing authority or its designee shall visit every licensed family
3 foster home, specialized foster home , *independent living foster home* and group
4 foster home as often as necessary to ensure that proper care is given to the children.

5 **Sec. 43.** NRS 424.045 is hereby amended to read as follows:

6 424.045 1. The Division shall establish, by regulation, a procedure for
7 hearing grievances related to the reissuance, suspension or revocation of a license
8 to conduct a ~~family~~ foster home.

9 2. A provider of ~~family~~ foster care may be represented by legal counsel in
10 any proceeding related to:

11 (a) The reissuance, suspension or revocation of the license of the provider to
12 conduct a ~~family~~ foster home; and

13 (b) The care given to a child by that provider.

14 **Sec. 44.** NRS 424.047 is hereby amended to read as follows:

15 424.047 1. A licensing authority shall, upon request, provide to a provider
16 of ~~family~~ foster care access to all information, except references, in the records
17 maintained by the licensing authority concerning that provider.

18 2. After reasonable notice and by appointment, a provider of ~~family~~ foster
19 care may inspect the information kept in those records.

20 3. *A licensing authority may, upon request of the provider of foster care,
21 release to an agency which provides child welfare services or a child-placing
22 agency, as defined in NRS 127.220, all information, except references, in the
23 records maintained by the licensing authority concerning that provider,
24 including, without limitation, a study conducted to determine whether to grant a
25 license to the provider or a study of the home of the provider. The licensing
26 authority may charge and collect from a provider of foster care a fee for
27 providing such information in an amount determined to cover the actual costs of
28 the licensing authority to conduct the study or prepare the information requested
29 by the provider to be released.*

30 **Sec. 45.** NRS 424.075 is hereby amended to read as follows:

31 424.075 1. A provider of ~~family~~ foster care may:

32 (a) Refuse to accept the placement of a child in the ~~family~~ foster home; or

33 (b) Request that a child placed in the ~~family~~ foster home be removed,
34 ↪ unless the provider has a written agreement with the licensing authority to the
35 contrary.

36 2. ~~HH~~ *Except as otherwise provided in subsection 3, if* a provider of ~~family~~
37 foster care refuses to accept the placement of a child in, or requests the removal of a
38 child from, a ~~family~~ foster home, the licensing authority may not, based solely on
39 that refusal or request:

40 (a) Revoke the license of the provider to conduct a ~~family~~ foster home;

41 (b) Remove any other child placed in the ~~family~~ foster home;

42 (c) Refuse to consider future placements of children in the ~~family~~ foster
43 home; or

44 (d) Refuse or deny any other rights of the provider as may be provided by the
45 provisions of this chapter and any regulations adopted pursuant thereto.

46 3. *The licensing authority may suspend or revoke the license of a provider
47 of foster care if the provider refuses to accept the placement of a child in the
48 foster home more than three times in any 12-month period or requests the
49 removal of a child placed in the foster home more than two times in any 12-
50 month period, or unreasonably or excessively requests the removal of a child
51 placed with the provider of foster care when the child generally meets any
52 preferences outlined in the fair and impartial investigation of the home and its*

standards of care that was conducted for the provider of foster care pursuant to NRS 424.030 or section 17 of this act.

Sec. 46. NRS 424.077 is hereby amended to read as follows:

424.077 1. The Division shall, in consultation with each licensing authority in a county whose population is 100,000 or more, adopt regulations for the establishment of a program pursuant to which a provider of ~~family~~ foster care may receive respite from the stresses and responsibilities that result from the daily care of children placed in the ~~family~~ foster home.

2. The licensing authority shall establish and operate a program that complies with the regulations adopted pursuant to subsection 1 to provide respite, training and support to a provider of ~~family~~ foster care in order to develop and enhance the skills of the provider to provide foster care.

Sec. 47. NRS 424.079 is hereby amended to read as follows:

424.079 Upon the request of a provider of ~~family~~ foster care, the licensing authority shall allow the provider to visit a child after the child leaves the care of the provider if:

1. The child agrees to the visitation; and

2. The licensing authority determines that the visitation is in the best interest of the child.

Sec. 48. NRS 424.085 is hereby amended to read as follows:

424.085 1. Except as otherwise provided by specific statute, a person who is licensed by the licensing authority pursuant to NRS 424.030 to conduct a family foster home, a specialized foster home, *an independent living foster home* or a group foster home is not liable for any act of a child in his or her foster care unless the person licensed by the licensing authority took an affirmative action that contributed to the act of the child.

2. The immunity from liability provided pursuant to this section includes, without limitation, immunity from any fine, penalty, debt or other liability incurred as a result of the act of the child.

Sec. 49. NRS 424.090 is hereby amended to read as follows:

424.090 The provisions of NRS 424.020 to 424.090, inclusive, do not apply to homes in which:

1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

2. Care is provided by the legal guardian.

3. Care is provided for an exchange student.

4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is ~~+~~

~~—(a) Related~~ *related* to the caregiver by blood, adoption or marriage. ~~+~~ *and*

~~—(b) Not in the custody of an agency which provides child welfare services.~~

7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS *or a juvenile court pursuant to title 5 of NRS* if:

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive.

1 **Sec. 50.** NRS 424.093 is hereby amended to read as follows:

2 424.093 The Division shall:

3 1. Establish reasonable minimum standards for foster care agencies.

4 2. In consultation with foster care agencies and each agency which provides
5 child welfare services, adopt:

6 (a) Regulations concerning ~~the operation of a~~ foster care ~~agency,~~ *agencies,*
7 including, without limitation, a foster care agency which provides family foster
8 care, specialized foster care, *independent living foster care* or group foster care for
9 children placed by an agency which provides child welfare services ~~or a juvenile~~
10 *court.*

11 (b) ~~Regulations regarding the issuance of nonrenewable provisional licenses~~
12 ~~to operate a foster care agency. The regulations must provide that a provisional~~
13 ~~license is valid for not more than 1 year.~~

14 ~~(c)~~ Regulations regarding the issuance and renewal of a license to operate a
15 foster care agency.

16 ~~(d)~~ (c) Any other regulations necessary to carry out its powers and duties
17 regarding the placement of children for foster care, including, without limitation,
18 such regulations necessary to ensure compliance with the provisions of this chapter
19 and any regulations adopted pursuant thereto.

20 **Sec. 51.** NRS 424.094 is hereby amended to read as follows:

21 424.094 1. A licensing authority may license foster care agencies within its
22 jurisdiction in accordance with the regulations adopted by the Division pursuant to
23 NRS 424.093.

24 2. Except as otherwise provided in this section, if a licensing authority
25 licenses foster care agencies, a person shall not operate a foster care agency within
26 the jurisdiction of the licensing authority or otherwise assist an agency which
27 provides child welfare services in placing or in arranging the placement of any
28 child in foster care until the foster care agency has obtained a license pursuant to
29 NRS 424.095.

30 3. This section does not prohibit a parent or guardian of a child from placing
31 or arranging the placement of, or assisting in placing or arranging the placement of,
32 the child in foster care.

33 4. A licensing authority that licenses foster care agencies pursuant to this
34 section may charge a *reasonable* fee ~~of not more than \$150~~ for the issuance ~~of a~~
35 ~~provisional license, not more than \$300 for the issuance of a license and not more~~
36 ~~than \$150 for the~~ or renewal of a license. Any fee so charged must ~~not exceed the~~
37 ~~actual cost incurred by the authority for providing or renewing~~ *be set at an amount*
38 *determined to cover the costs of the licensing authority to issue or renew* the
39 license.

40 **Sec. 52.** NRS 424.095 is hereby amended to read as follows:

41 424.095 1. An application for a license to operate a foster care agency must
42 be in a form prescribed by the Division and submitted to the appropriate licensing
43 authority. Such a license is effective for 2 years after the date of its issuance and
44 may be renewed upon expiration.

45 2. An applicant must provide reasonable and satisfactory assurance to the
46 licensing authority that the applicant will conform to the ~~standards established~~
47 *provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive,*
48 *of this act* and the regulations adopted by the Division pursuant ~~to NRS 424.093~~
49 *thereto.*

50 3. Upon application for renewal, the licensing authority may renew a license
51 if the licensing authority determines that the licensee conforms to the ~~standards~~
52 ~~established~~ *provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26,*

1 *inclusive, of this act* and the regulations adopted by the Division pursuant ~~to NRS~~
2 ~~424.093.~~

3 ~~4. A licensing authority may issue a nonrenewable provisional license in~~
4 ~~accordance with the regulations adopted by the Division pursuant to NRS 424.093.~~
5 ~~thereto.~~

6 **Sec. 53.** NRS 424.096 is hereby amended to read as follows:

7 424.096 1. After notice and hearing, a licensing authority may:

8 (a) Deny an application for a license to operate a foster care agency if the
9 licensing authority determines that the applicant does not ~~meet the standards~~
10 ~~established and~~ comply with the *provisions of NRS 424.093 to 424.097, inclusive,*
11 *and sections 4 to 26, inclusive, of this act and the* regulations adopted by the
12 Division pursuant ~~to NRS 424.093.~~ *thereto.*

13 (b) Upon a finding of deficiency, require a foster care agency to prepare a plan
14 of corrective action and, within 90 days or a shorter period prescribed by the
15 licensing authority require the foster care agency to complete the plan of corrective
16 action.

17 (c) Refuse to renew a license or may revoke a license ~~for provisional license~~ if
18 the licensing authority finds that the foster care agency has refused or failed to meet
19 any of the established standards or has violated any of the regulations adopted by
20 the Division pursuant to NRS 424.093.

21 2. A notice of the time and place of the hearing must be mailed to the last
22 known address of the applicant or licensee at least 15 days before the date fixed for
23 the hearing.

24 3. When an order of a licensing authority is appealed to the district court, the
25 trial may be de novo.

26 **Sec. 54.** NRS 424.097 is hereby amended to read as follows:

27 424.097 A licensed foster care agency may provide such assistance to an
28 agency which provides child welfare services *or juvenile court* as authorized by the
29 agency which provides child welfare services ~~or~~ *or juvenile court*. Such services
30 may include, without limitation:

31 1. Screening, recruiting ~~licensing~~ and training of persons to provide family
32 foster care, specialized foster care, *independent living foster care* and group foster
33 care;

34 2. Case management services;

35 3. Referral services;

36 4. Supportive services for persons providing foster care to meet the needs of
37 children in foster care;

38 5. Coordination of case plans and treatment plans; and

39 6. Services, or facilitating the provision of such services, to children placed in
40 foster care.

41 **Sec. 55.** NRS 432.515 is hereby amended to read as follows:

42 432.515 "Provider of ~~family~~ foster care" has the meaning ascribed to it in
43 NRS 424.017.

44 **Sec. 56.** NRS 432.540 is hereby amended to read as follows:

45 432.540 1. A provider of ~~family~~ foster care that places a child in a foster
46 home shall:

47 (a) Inform the child of his or her rights set forth in NRS 432.525, 432.530 and
48 432.535;

49 (b) Provide the child with a written copy of those rights; and

50 (c) Provide an additional written copy of those rights to the child upon request.

51 2. A group foster home shall post a written copy of the rights set forth in NRS
52 432.525, 432.530 and 432.535 in a conspicuous place inside the group foster home.

1 **Sec. 57.** NRS 432.545 is hereby amended to read as follows:

2 432.545 A provider of ~~family~~ foster care may impose reasonable restrictions
3 on the time, place and manner in which a child may exercise his or her rights set
4 forth in NRS 432.525, 432.530 and 432.535 if the provider of ~~family~~ foster care
5 determines that such restrictions are necessary to preserve the order, discipline or
6 safety of the foster home.

7 **Sec. 58.** NRS 432.550 is hereby amended to read as follows:

8 432.550 If a child believes that his or her rights set forth in NRS 432.525,
9 432.530 and 432.535 have been violated, the child may raise and redress a
10 grievance with, without limitation:

- 11 1. A provider of foster care;
- 12 2. An employee of a ~~family foster home, as defined in NRS 424.013, group~~
13 ~~foster home or specialized~~ foster home;
- 14 3. An agency which provides child welfare services to the child, and any
15 employee thereof;
- 16 4. A juvenile court with jurisdiction over the child;
- 17 5. A guardian ad litem for the child; or
- 18 6. An attorney for the child.

19 **Sec. 59.** NRS 432B.180 is hereby amended to read as follows:

20 432B.180 The Division of Child and Family Services shall:

- 21 1. Administer any money granted to the State by the Federal Government.
- 22 2. Request appropriations from the Legislature in amounts sufficient to:
 - 23 (a) Provide block grants to an agency which provides child welfare services in
24 a county whose population is 100,000 or more pursuant to NRS 432B.2185; and
 - 25 (b) Administer a program to provide additional incentive payments to such an
26 agency pursuant to NRS 432B.2165.
- 27 3. Monitor the performance of an agency which provides child welfare
28 services in a county whose population is 100,000 or more through data collection,
29 evaluation of services and the review and approval of agency improvement plans
30 pursuant to NRS 432B.2165.
- 31 4. Provide child welfare services directly or arrange for the provision of those
32 services in a county whose population is less than 100,000.
- 33 5. Coordinate its activities with and assist the efforts of any law enforcement
34 agency, a court of competent jurisdiction, an agency which provides child welfare
35 services and any public or private organization which provides social services for
36 the prevention, identification and treatment of abuse or neglect of children and for
37 permanent placement of children.
- 38 6. Involve communities in the improvement of child welfare services.
- 39 7. Evaluate all child welfare services provided throughout the State and, if an
40 agency which provides child welfare services is not in substantial compliance with
41 any federal or state law relating to the provision of child welfare services,
42 regulations adopted pursuant to those laws or statewide plans or policies relating to
43 the provision of child welfare services, require corrective action of the agency
44 which provides child welfare services.
- 45 8. Coordinate with and assist:
 - 46 (a) Each agency which provides child welfare services in recruiting, training
47 and licensing providers of ~~family~~ foster care as defined in NRS 424.017;
 - 48 (b) Each foster care agency licensed pursuant to NRS 424.093 to 424.097,
49 inclusive, *and sections 4 to 26, inclusive, of this act* in screening, recruiting,
50 licensing and training providers of ~~family~~ foster care as defined in NRS 424.017;
51 and
 - 52 (c) A nonprofit or community-based organization in recruiting and training
53 providers of ~~family~~ foster care as defined in NRS 424.017 if the Division

determines that the organization provides a level of training that is equivalent to the level of training provided by an agency which provides child welfare services.

Sec. 60. NRS 432B.623 is hereby amended to read as follows:

432B.623 1. As a condition to the provision of assistance pursuant to the Program:

(a) A child must:

(1) Have been removed from his or her home:

(I) Pursuant to a written agreement voluntarily entered by the parent or guardian of the child and an agency which provides child welfare services; or

(II) By a court which has determined that it is in the best interests of the child for the child to remain in protective custody or to be placed in temporary or permanent custody outside his or her home;

(2) For not less than 6 consecutive months, have been eligible to receive maintenance pursuant to Part E of Title IV of the Social Security Act, 42 U.S.C. §§ 670 et seq., while residing with the relative of the child;

(3) Not have as an option for permanent placement the return to the home or the adoption of the child;

(4) Demonstrate a strong attachment to the relative;

(5) If the child is 14 years of age or older, be consulted regarding the guardianship arrangement; and

(6) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

(b) A relative of the child must:

(1) Demonstrate a strong commitment to caring for the child permanently;

(2) Be a provider of ~~family~~ foster care as defined in NRS 424.017;

(3) Enter into a written agreement for assistance with an agency which provides child welfare services before the relative is appointed as the legal guardian of the child;

(4) Be appointed as the legal guardian of the child by a court of competent jurisdiction and comply with any requirements imposed by the court; and

(5) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

2. If the sibling of a child who is eligible for assistance pursuant to the Program is not eligible for such assistance, the sibling may be placed with the child who is eligible for assistance upon approval of the agency which provides child welfare services and the relative. In such a case, payments may be made for the sibling so placed as if the sibling is eligible for the Program.

Sec. 61. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 and 392.140, and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a ~~family foster home, a specialized foster home or a group~~ foster home is liable pursuant to subsection 1 for a child in his or her foster care only if the person has received notice of the truancy of the child as provided in NRS 392.130 and 392.140, and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 62. NRS 442.405 is hereby amended to read as follows:

442.405 1. The agency which provides child welfare services shall inquire, during its initial contact with a natural parent of a child who is to be placed in a

1 family foster home, about consumption of alcohol or substance abuse by the mother
2 of the child during pregnancy. The information obtained from the inquiry must be:

3 (a) Provided to the provider of ~~family~~ foster care pursuant to NRS 424.038;
4 and

5 (b) Reported to the Health Division on a form prescribed by the Health
6 Division. The report must not contain any identifying information and may be used
7 only for statistical purposes.

8 2. As used in this section, “family foster home” has the meaning ascribed to it
9 in NRS 424.013.

10 **Sec. 63.** NRS 477.030 is hereby amended to read as follows:

11 477.030 1. Except as otherwise provided in this section, the State Fire
12 Marshal shall enforce all laws and adopt regulations relating to:

13 (a) The prevention of fire.

14 (b) The storage and use of:

15 (1) Combustibles, flammables and fireworks; and

16 (2) Explosives in any commercial construction, but not in mining or the
17 control of avalanches,

18 ➤ under those circumstances that are not otherwise regulated by the Division of
19 Industrial Relations of the Department of Business and Industry pursuant to NRS
20 618.890.

21 (c) The safety, access, means and adequacy of exit in case of fire from mental
22 and penal institutions, facilities for the care of children, foster homes, residential
23 facilities for groups, facilities for intermediate care, nursing homes, hospitals,
24 schools, all buildings, except private residences, which are occupied for sleeping
25 purposes, buildings used for public assembly and all other buildings where large
26 numbers of persons work, live or congregate for any purpose. As used in this
27 paragraph, “public assembly” means a building or a portion of a building used for
28 the gathering together of 50 or more persons for purposes of deliberation,
29 education, instruction, worship, entertainment, amusement or awaiting
30 transportation, or the gathering together of 100 or more persons in establishments
31 for drinking or dining.

32 (d) The suppression and punishment of arson and fraudulent claims or
33 practices in connection with fire losses.

34 ➤ Except as otherwise provided in subsection 12, the regulations of the State Fire
35 Marshal apply throughout the State, but except with respect to state-owned or state-
36 occupied buildings, the State Fire Marshal’s authority to enforce them or conduct
37 investigations under this chapter does not extend to a school district except as
38 otherwise provided in NRS 393.110, or a county whose population is 100,000 or
39 more or which has been converted into a consolidated municipality, except in those
40 local jurisdictions in those counties where the State Fire Marshal is requested to
41 exercise that authority by the chief officer of the organized fire department of that
42 jurisdiction or except as otherwise provided in a regulation adopted pursuant to
43 paragraph (b) of subsection 2.

44 2. The State Fire Marshal may:

45 (a) Set standards for equipment and appliances pertaining to fire safety or to be
46 used for fire protection within this State, including the threads used on fire hose
47 couplings and hydrant fittings; and

48 (b) Adopt regulations based on nationally recognized standards setting forth
49 the requirements for fire departments to provide training to firefighters using
50 techniques or exercises that involve the use of fire or any device that produces or
51 may be used to produce fire.

52 3. The State Fire Marshal shall cooperate with the State Forester Firewarden
53 in the preparation of regulations relating to standards for fire retardant roofing

1 materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and the
2 mitigation of the risk of a fire hazard from vegetation in counties within or partially
3 within the Lake Tahoe Basin and the Lake Mead Basin.

4 4. The State Fire Marshal shall cooperate with the Division of Child and
5 Family Services of the Department of Health and Human Services in establishing
6 reasonable minimum standards for overseeing the safety of and directing the means
7 and adequacy of exit in case of fire from ~~family foster homes, specialized foster~~
8 ~~homes and group~~ foster homes.

9 5. The State Fire Marshal shall coordinate all activities conducted pursuant to
10 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United
11 States pursuant to that act.

12 6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

13 (a) Investigate any fire which occurs in a county other than one whose
14 population is 100,000 or more or which has been converted into a consolidated
15 municipality, and from which a death results or which is of a suspicious nature.

16 (b) Investigate any fire which occurs in a county whose population is 100,000
17 or more or which has been converted into a consolidated municipality, and from
18 which a death results or which is of a suspicious nature, if requested to do so by the
19 chief officer of the fire department in whose jurisdiction the fire occurs.

20 (c) Cooperate with the Commissioner of Insurance, the Attorney General and
21 the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of
22 a fraudulent claim under an insurance policy for any fire of a suspicious nature.

23 (d) Cooperate with any local fire department in the investigation of any report
24 received pursuant to NRS 629.045.

25 (e) Provide specialized training in investigating the causes of fires if requested
26 to do so by the chief officer of an organized fire department.

27 7. The State Fire Marshal shall put the National Fire Incident Reporting
28 System into effect throughout the State and publish at least annually a summary of
29 data collected under the System.

30 8. The State Fire Marshal shall provide assistance and materials to local
31 authorities, upon request, for the establishment of programs for public education
32 and other fire prevention activities.

33 9. The State Fire Marshal shall:

34 (a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in
35 checking plans and specifications for construction;

36 (b) Provide specialized training to local fire departments; and

37 (c) Assist local governments in drafting regulations and ordinances,
38 on request or as the State Fire Marshal deems necessary.

39 10. Except as otherwise provided in this subsection, in a county other than
40 one whose population is 100,000 or more or which has been converted into a
41 consolidated municipality, the State Fire Marshal shall, upon request by a local
42 government, delegate to the local government by interlocal agreement all or a
43 portion of the State Fire Marshal's authority or duties if the local government's
44 personnel and programs are, as determined by the State Fire Marshal, equally
45 qualified to perform those functions. If a local government fails to maintain the
46 qualified personnel and programs in accordance with such an agreement, the State
47 Fire Marshal shall revoke the agreement. The provisions of this subsection do not
48 apply to the authority of the State Fire Marshal to adopt regulations pursuant to
49 paragraph (b) of subsection 2.

50 11. The State Fire Marshal may, as a public safety officer or as a technical
51 expert on issues relating to hazardous materials, participate in any local, state or
52 federal team or task force that is established to conduct enforcement and
53 interdiction activities involving:

- (a) Commercial trucking;
- (b) Environmental crimes;
- (c) Explosives and pyrotechnics;
- (d) Drugs or other controlled substances; or
- (e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 700,000 or more which has adopted a code at least as stringent as the International Fire Code and the International Building Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in NRS 385.007.