

ASSEMBLY BILL NO. 247—ASSEMBLYMAN WHEELER (BY REQUEST)

MARCH 10, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to foster care.
(BDR 38-998)

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; revising provisions relating to licensure of foster homes; requiring the licensing authority to provide certain resources and information about services to foster homes; requiring a foster home to report annually certain information about each foster child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Child and Family Services of the Department of Health and Human Services to, in consultation with each licensing authority in a county whose population is 100,000 or more (currently Washoe and Clark Counties), adopt regulations establishing the procedures and requirements for the licensure of foster homes and prescribe rules for the regulation of foster homes. (NRS 424.020) **Section 5** of this bill requires the completion of at least: (1) 40 hours of training in certain subjects before the issuance of a license to conduct a foster home; and (2) 20 hours of training in certain subjects before the renewal of a license to conduct a foster home. **Section 2** of this bill requires the licensing authority to prepare, update annually and provide to each foster home a list of certain services which may assist a foster home in providing for the needs of a foster child. **Section 3** of this bill requires a foster home to submit annually to the licensing authority a written report which includes certain information relating to each foster child in the foster home.

Existing law generally requires each parent, guardian or other person having control or charge of any child, including a foster home, between the ages of 7 and 18 years to send the child to public school. (NRS 392.040) A child who fails to attend school may be declared a truant or a habitual truant. (NRS 392.130, 392.140) A parent, guardian or other person having control or charge of a child, including a foster home, who, after having received notice, fails to prevent the child's subsequent truancy is guilty of a misdemeanor. (NRS 392.170-392.220) **Section 4** of this bill requires the Division to adopt regulations to ensure that the licensing



23 authority is informed when a child in the control or charge of a foster home fails to
24 attend school or is declared truant or habitually truant.

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

1 **Section 1.** Chapter 424 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *The licensing authority or a person or entity*
4 *designated by the licensing authority shall prepare and update*
5 *annually a list of public and private services available free of*
6 *charge or for the payment of a fee which may assist a foster home*
7 *in providing for the needs of a foster child in the foster home,*
8 *including, without limitation, the education of a foster child.*

9 2. *The licensing authority or its authorized designee shall*
10 *ensure that the list prepared pursuant to subsection 1 is:*

11 (a) *Available during business hours;*

12 (b) *Provided as a component of the training required pursuant*
13 *to subsection 2 of NRS 424.020; and*

14 (c) *Provided to a foster home within 7 days after the placement*
15 *of a child in the foster home.*

16 **Sec. 3. 1.** *For each child placed in a foster home, the foster*
17 *home shall submit annually to the licensing authority a written*
18 *report which includes information relating to the health, well-*
19 *being and status of the foster child. The report must include,*
20 *without limitation, information concerning the foster child's*
21 *medical care, current placement and educational progress.*

22 2. *The Division shall adopt regulations providing for:*

23 (a) *An administrative fine for a violation of this section; and*

24 (b) *The withholding of financial support by an agency which*
25 *provides child welfare services for a foster home which violates the*
26 *requirements of this section.*

27 **Sec. 4.** NRS 424.019 is hereby amended to read as follows:
28 424.019 The Division shall adopt regulations to ensure:

29 1. That a school district is informed when a foster child is
30 enrolled in an elementary school within the school district so that
31 the elementary school may prepare an academic plan for the child as
32 required pursuant to NRS 388.155.

33 2. That the licensing authority receives a copy of an academic
34 plan prepared for a foster child pursuant to NRS 388.155, 388.165
35 or 388.205.

36 3. *That the licensing authority is informed when a foster*
37 *child who is required to attend school pursuant to NRS 392.040*
38 *fails to attend school or is declared a truant or habitual truant in*
39 *accordance with NRS 392.130 or 392.140.*



1 **Sec. 5.** NRS 424.020 is hereby amended to read as follows:
2 424.020 1. The Division, in consultation with each licensing
3 authority in a county whose population is 100,000 or more, shall
4 adopt regulations to:

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

8 (b) Monitor such licensure.

9 2. *The regulations adopted pursuant to subsection 1 must, at*
10 *a minimum, require an applicant for a license for a family foster*
11 *home, specialized foster home, independent living foster home or*
12 *group foster home to complete:*

13 (a) *Before being issued a license, at least 40 hours of training,*
14 *including, without limitation:*

15 (1) *Medicaid policy;*

16 (2) *Issues relating to abuse and neglect;*

17 (3) *Child sexual abuse;*

18 (4) *The effect of abuse and neglect on child development;*

19 (5) *Issues relating to attachment, separation and grief for*
20 *children;*

21 (6) *Discipline;*

22 (7) *Issues relating to culture;*

23 (8) *Issues relating to the immediate family of a foster child;*

24 (9) *The effect of caregiving on a provider of foster care;*

25 (10) *Issues relating to adoption;*

26 (11) *First aid and cardiopulmonary resuscitation; and*

27 (12) *Educational accomplishments at each grade level and*
28 *how to assist a foster child in obtaining those accomplishments,*
29 *including, without limitation, any services which may exist within*
30 *the community to assist a foster child in obtaining those*
31 *accomplishments.*

32 (b) *Before each renewal of a license pursuant to NRS 424.030,*
33 *at least 20 hours of additional training, including, without*
34 *limitation:*

35 (1) *First aid and cardiopulmonary resuscitation;*

36 (2) *Emotional wellness;*

37 (3) *Educational accomplishments and any issues which*
38 *may indicate that a foster child may not obtain those*
39 *accomplishments, including, without limitation, an identification*
40 *of any services which may exist within the community to assist a*
41 *child in obtaining those accomplishments;*

42 (4) *Instruction of foster children in fiscal responsibility;*

43 (5) *Life skills appropriate for the age of each foster child*
44 *placed in the foster home; and*

45 (6) *Emergency response planning.*



3. 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.

~~4.3~~ 4. 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 ~~2.4~~ 3.

Sec. 6. 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 ~~4~~ *and upon completion of any additional training required pursuant to NRS 424.020*, 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 ~~4~~ *upon completion of any additional training required pursuant to NRS 424.020*. 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



1 court or otherwise approved to accept the placement by the licensing
2 authority. A foster home that accepts the placement of such a child
3 shall work cooperatively with the juvenile court, the licensing
4 authority, any other children placed in the foster home and the legal
5 guardian or other person or agency with legal authority over the
6 child to ensure the safety of all children placed in the foster home.
7 Nothing in this subsection shall be construed to allow the placement
8 of a child that would otherwise be prohibited by subsection 7 of
9 NRS 432B.390.

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

14 7. The license must show:

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

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

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

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

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

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

32 9. In consultation with each licensing authority in a county
33 whose population is 100,000 or more, the Division may adopt
34 regulations regarding the issuance of special licenses.

35 **Sec. 7.** NRS 424.090 is hereby amended to read as follows:

36 424.090 The provisions of NRS 424.020 to 424.090, inclusive,
37 **and sections 2 and 3 of this act** do not apply to homes in which:

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

41 2. Care is provided by the legal guardian.

42 3. Care is provided for an exchange student.

43 4. Care is provided to enable a child to take advantage of
44 educational facilities that are not available in his or her home
45 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 related to the caregiver by blood, adoption or marriage.

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 ~~H~~, *and sections 2 and 3 of this act.*

Sec. 8. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2015, for all other purposes.

