

Amendment No. 846

Assembly Amendment to Senate Bill No. 148	(BDR 38-195)
Proposed by: Assembly Committee on Health and Human Services	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

EWR/RBL



Date: 5/19/2015

S.B. No. 148—Revises requirements governing certain child welfare proceedings.
(BDR 38-195)



SENATE BILL NO. 148—COMMITTEE ON
HEALTH AND HUMAN SERVICES(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
CHILD WELFARE AND JUVENILE JUSTICE)

FEBRUARY 12, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises requirements governing certain child welfare proceedings.
(BDR 38-195)FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to child welfare; revising requirements concerning service of a summons to a hearing on a petition that a child is in need of protection; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to hold an adjudicatory hearing within 30 days of the filing of a petition that a child who was removed from his or her home is in need of protection. (NRS 432B.530) As a result of such a hearing, the court may return the child to the custody of his or her parent or guardian or place the child in the temporary custody of a relative, a fictive kin, another suitable person or certain public or private agencies or institutions. (NRS 432B.550) Before such a hearing, the court is required to issue a summons to the person who has custody or control of the child. If this person is not the parent or guardian of the child, the summons must also be issued to the parent or guardian of the child. If the person summoned resides in this State, the summons must be served personally. If the person cannot be found in this State or does not reside in this State, the summons must be served by registered or certified mail. If the child is a newborn and was delivered to a provider of emergency services and the location of the parent is unknown, the summons must be served by publication. (NRS 432B.520) Except when a newborn child is delivered to a provider of emergency services and the location of the parent is unknown, this bill requires the summons to be served personally ~~or by registered or certified mail, for by posting a written notice on the door of the residence of the person served,~~ regardless of whether the person resides within or outside of this State.

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

Section 1. NRS 432B.520 is hereby amended to read as follows:

432B.520 1. After a petition has been filed, the court shall direct the clerk to issue a summons requiring the person who has custody or control of the child to appear personally and bring the child before the court at a time and place stated in the summons. If the person so summoned is other than a parent or guardian of the child, then the parent or guardian, or both, must also be notified by a similar summons of the pendency of the hearing and of the time and place appointed.

2. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the court, is necessary.

3. Each summons must include notice of the right of parties to counsel at the adjudicatory hearing. A copy of the petition must be attached to each summons.

4. ~~If the:~~ *Except as provided in subsection 5, the summons must be served by:*

(a) ~~Person summoned resides in this state, the summons must be served personally;~~ *Personal service of a written notice; or*

(b) ~~Person summoned cannot be found within this state or does not reside in this state, the summons must be mailed by registered;~~ *Registered* or certified mail to the last known address of the person. ~~or~~

~~(c) Child Posting a written notice on the door of the residence of the person;~~

5. *If the child* was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown, the summons must be served on the parent by publication at least once a week for 3 consecutive weeks in a newspaper published in the county and if no such newspaper is published, then a newspaper published in this state that has a general circulation in the county. The failure of the parent to appear in the action after the service of summons on the parent pursuant to this paragraph shall be deemed to constitute a waiver by the parent of any further notice of the proceedings that would otherwise be required pursuant to this chapter.

~~5-~~ 6. If it appears that the child is in such condition or surroundings that the welfare of the child requires that custody be immediately assumed by the court, the court may order, by endorsement upon the summons, that the person serving it shall at once deliver the child to an agency which provides child welfare services in whose custody the child must remain until the further order of the court.

~~6-~~ 7. If the summons cannot be served or the person who has custody or control of the child fails to obey it, or:

(a) In the judge's opinion, the service will be ineffectual or the welfare of the child requires that the child be brought forthwith into the custody of the court; or

(b) A person responsible for the child's welfare has absconded with the child or concealed the child from a representative of an agency which provides child welfare services,

the court may issue a writ for the attachment of the child's person, commanding a law enforcement officer or a representative of an agency which provides child welfare services to place the child in protective custody.

Sec. 2. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order

1 directing that the placement be reviewed by a panel appointed pursuant to NRS
2 432B.585.

3 2. An agency acting as the custodian of the child shall, before any hearing for
4 review of the placement of a child, submit a report to the court, or to the panel if it
5 has been designated to review the matter, which includes:

6 (a) An evaluation of the progress of the child and the family of the child and
7 any recommendations for further supervision, treatment or rehabilitation.

8 (b) Information concerning the placement of the child in relation to the child's
9 siblings, including, without limitation:

10 (1) Whether the child was placed together with the siblings;

11 (2) Any efforts made by the agency to have the child placed together with
12 the siblings;

13 (3) Any actions taken by the agency to ensure that the child has contact
14 with the siblings; and

15 (4) If the child is not placed together with the siblings:

16 (I) The reasons why the child is not placed together with the siblings;
17 and

18 (II) A plan for the child to visit the siblings, which must be approved
19 by the court.

20 (c) A copy of an academic plan developed for the child pursuant to NRS
21 388.155, 388.165 or 388.205.

22 (d) A copy of any explanations regarding medication that has been prescribed
23 for the child that have been submitted by a foster home pursuant to NRS 424.0383.

24 3. Except as otherwise provided in this subsection, a copy of the report
25 submitted pursuant to subsection 2 must be given to the parents, the guardian ad
26 litem and the attorney, if any, representing the parent or the child. If the child was
27 delivered to a provider of emergency services pursuant to NRS 432B.630 and the
28 parent has not appeared in the action, the report need not be sent to that parent.

29 4. After a plan for visitation between a child and the siblings of the child
30 submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been
31 approved by the court, the agency which provides child welfare services must
32 request the court to issue an order requiring the visitation set forth in the plan for
33 visitation. If a person refuses to comply with or disobeys an order issued pursuant
34 to this subsection, the person may be punished as for a contempt of court.

35 5. The court or the panel shall hold a hearing to review the placement, unless
36 the parent, guardian or custodian files a motion with the court to dispense with the
37 hearing. If the motion is granted, the court or panel may make its determination
38 from any report, statement or other information submitted to it.

39 6. Except as otherwise provided in this subsection and ~~paragraph (e) of~~
40 subsection ~~44~~ 5 of NRS 432B.520, notice of the hearing must be given by
41 registered or certified mail to:

42 (a) All the parties to any of the prior proceedings;

43 (b) Any persons planning to adopt the child;

44 (c) A sibling of the child, if known, who has been granted a right to visitation
45 of the child pursuant to NRS 127.171 and his or her attorney, if any; and

46 (d) Any other relatives of the child or providers of foster care who are currently
47 providing care to the child.

48 7. The notice of the hearing required to be given pursuant to subsection 6:

49 (a) Must include a statement indicating that if the child is placed for adoption
50 the right to visitation of the child is subject to the provisions of NRS 127.171;

51 (b) Must not include any confidential information described in NRS 127.140;
52 and

1 (c) Need not be given to a parent whose rights have been terminated pursuant
2 to chapter 128 of NRS or who has voluntarily relinquished the child for adoption
3 pursuant to NRS 127.040.

4 8. The court or panel may require the presence of the child at the hearing and
5 shall provide to each person to whom notice was given pursuant to subsection 6 a
6 right to be heard at the hearing.

7 9. The court or panel shall review:

8 (a) The continuing necessity for and appropriateness of the placement;

9 (b) The extent of compliance with the plan submitted pursuant to subsection 2
10 of NRS 432B.540;

11 (c) Any progress which has been made in alleviating the problem which
12 resulted in the placement of the child; and

13 (d) The date the child may be returned to, and safely maintained in, the home
14 or placed for adoption or under a legal guardianship.

15 10. The provision of notice and a right to be heard pursuant to this section
16 does not cause any person planning to adopt the child, any sibling of the child or
17 any other relative, any adoptive parent of a sibling of the child or a provider of
18 foster care to become a party to the hearing.