

Amendment No. 909

Assembly Amendment to Senate Bill No. 394 First Reprint (BDR 38-264)

Proposed by: Assemblyman Hansen

Amendment Box: Replaces Amendment No. 871.

Amends: Summary: No Title: Yes 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: 5/20/2015

S.B. No. 394—Revises provisions relating to the protection of children.
(BDR 38-264)



SENATE BILL NO. 394—SENATORS ROBERSON, HARDY, FARLEY, HAMMOND AND
HARRIS

MARCH 17, 2015

JOINT SPONSORS: ASSEMBLYMEN HICKEY AND WOODBURY

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the protection of children.
(BDR 38-264)FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to children; revising provisions relating to guardians ad litem for a child in certain circumstances; requiring the instruction of pupils in personal safety; ***providing for the reallocation of a portion of certain fees to compensate guardians ad litem for a child; and*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain courts to appoint an attorney to serve as a guardian ad litem to represent a child in certain matters concerning child welfare, and further provides that an attorney may not receive any compensation for services as a guardian ad litem. (NRS 432B.420) Existing law also requires certain courts to appoint a guardian ad litem, who must be a volunteer and who has had certain training, to represent a child in a proceeding to determine if a child is in need of protection, and provides that no compensation may be allowed a person serving as such a guardian ad litem. (NRS 432B.500, 432B.505) ***Sections 11 and 12 of this bill remove the prohibition on such a guardian ad litem receiving compensation, and section 13 of this bill removes the requirement that such a guardian ad litem be a volunteer. Existing law authorizes a board of county commissioners in certain counties to impose filing fees on certain motions filed in justice court or district court. Such fees must be remitted to an organization that provides legal services without charge to indigent or elderly persons through a program of organized legal aid. (NRS 4.071, 19.0312) Sections 19 and 20 of this bill require a portion of such fees to instead be used to compensate such guardians ad litem.***

Sections 15 and 16 of this bill require pupils in public schools to be provided with age-appropriate instruction in personal safety. **Section 15** requires the Department of Education, in consultation with persons and organizations who possess knowledge and expertise in the personal safety of children, to develop age-appropriate curriculum standards for teaching personal safety to children. The Department must also develop recommendations to assist a school district or a charter school to develop and implement various programs related to the personal safety of children. **Section 16** requires the board of trustees of each school district and the governing body of each charter school to ensure that instruction on the personal safety of children be carried out as part of a course of study in health and based on the standards

developed by the Department. The school district or charter school is required to determine the appropriate grade levels, course content and materials for such instruction, and the instruction must be provided by: (1) a licensed teacher; (2) an employee of the school district with special knowledge or training in the teaching of personal safety to children; (3) an employee of an agency which has as its primary purpose the teaching of personal safety to children; (4) an employee of a law enforcement agency; or (5) a volunteer of an agency which has as its primary purpose the teaching of personal safety to children who has undergone a background investigation and has special training in the teaching of personal safety. **Section 16** also provides that the parent or guardian of each pupil to whom such instruction will be provided must be notified of such instruction and provided with an opportunity to review the instructional materials to be used and to submit a written request that the pupil be excused from the instruction, unless the course in which the instruction is provided is required for graduation.

Finally, **section 19** of this bill gives the Department until July 1, 2016, to develop the age-appropriate curriculum standards, and gives the board of trustees of each school district and the governing board of each charter school until July 1, 2020, to begin providing instruction in the personal safety of children.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive. Except as otherwise provided in subsection 2, if the person is indigent, the court may appoint an attorney to represent the person. The court may, if it finds it appropriate, appoint an attorney to represent the child. The child may be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.

2. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

↪ as provided in the Indian Child Welfare Act.

3. Each attorney, other than a public defender, if appointed under the provisions of subsection 1, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime. Except as otherwise provided

1 in NRS 432B.500, an attorney appointed to represent a child may also be appointed
2 as guardian ad litem for the child. ~~†An attorney may not receive any compensation~~
3 ~~for services as a guardian ad litem.†~~

4 **Sec. 12.** NRS 432B.500 is hereby amended to read as follows:

5 432B.500 1. After a petition is filed that a child is in need of protection
6 pursuant to NRS 432B.490, the court shall appoint a guardian ad litem for the child.
7 The person so appointed:

8 (a) Must meet the requirements of NRS 432B.505 or, if such a person is not
9 available, a representative of an agency which provides child welfare services, a
10 juvenile probation officer, an officer of the court or another volunteer.

11 (b) Must not be a parent or other person responsible for the child's welfare.

12 2. ~~†No compensation may be allowed a person serving as a guardian ad litem~~
13 ~~pursuant to this section.~~

14 ~~—3—~~ A guardian ad litem appointed pursuant to this section shall:

15 (a) Represent and protect the best interests of the child until excused by the
16 court;

17 (b) Thoroughly research and ascertain the relevant facts of each case for which
18 the guardian ad litem is appointed, and ensure that the court receives an
19 independent, objective account of those facts;

20 (c) Meet with the child wherever the child is placed as often as is necessary to
21 determine that the child is safe and to ascertain the best interests of the child;

22 (d) Explain to the child the role of the guardian ad litem and, when appropriate,
23 the nature and purpose of each proceeding in the case;

24 (e) Participate in the development and negotiation of any plans for and orders
25 regarding the child, and monitor the implementation of those plans and orders to
26 determine whether services are being provided in an appropriate and timely
27 manner;

28 (f) Appear at all proceedings regarding the child;

29 (g) Inform the court of the desires of the child, but exercise independent
30 judgment regarding the best interests of the child;

31 (h) Present recommendations to the court and provide reasons in support of
32 those recommendations;

33 (i) Request the court to enter orders that are clear, specific and, when
34 appropriate, include periods for compliance;

35 (j) Review the progress of each case for which the guardian ad litem is
36 appointed, and advocate for the expedient completion of the case; and

37 (k) Perform such other duties as the court orders.

38 **Sec. 13.** NRS 432B.505 is hereby amended to read as follows:

39 432B.505 1. To qualify for appointment as a guardian ad litem pursuant to
40 NRS 432B.500 in a judicial district that includes a county whose population is less
41 than 100,000, a special advocate must ~~†be a volunteer from the community who~~
42 ~~completes†~~ **complete** an initial 12 hours of specialized training and, annually
43 thereafter, ~~†completes†~~ **complete** 6 hours of specialized training. The training must
44 be approved by the court and include information regarding:

45 (a) The dynamics of the abuse and neglect of children;

46 (b) Factors to consider in determining the best interests of a child, including
47 planning for the permanent placement of the child;

48 (c) The interrelationships between the family system, legal process and system
49 of child welfare;

50 (d) Skills in mediation and negotiation;

51 (e) Federal, state and local laws affecting children;

52 (f) Cultural, ethnic and gender-specific issues;

53 (g) Domestic violence;

(h) Resources and services available in the community for children in need of protection;

(i) Child development;

(j) Standards for guardians ad litem;

(k) Confidentiality issues; and

(l) Such other topics as the court deems appropriate.

2. To qualify for appointment as a guardian ad litem pursuant to NRS 432B.500 in a judicial district that does not include a county whose population is less than 100,000, a special advocate must be qualified pursuant to the standards for training of the National Court Appointed Special Advocate Association or its successor. If such an Association ceases to exist, the court shall determine the standards for training.

Sec. 13.3. NRS 4.071 is hereby amended to read as follows:

4.071 1. In addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee ~~to offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent~~ in an amount not to exceed \$10 to be paid on the commencement of any action or proceeding in the justice court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

2. On or before the first Monday of each month, in a county in which a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month. ~~That~~ On or before the 15th day of each month, the county treasurer shall remit quarterly :

(a) Deposit from the fees collected during the preceding month an amount equal to \$5 from each fee collected or the total amount collected, whichever is less, in an account for guardians ad litem in the county general fund. The money in the account must be used only to compensate guardians ad litem appointed pursuant to NRS 432B.420 and 432B.500.

(b) Remit to the organization to which the fees are to be paid pursuant to subsection 1 all operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent any remaining amount of the money received by the county treasurer from the justice of the peace.

3. Any ~~fees collected~~ amount of money remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent pursuant to ~~this section~~ paragraph (b) of subsection 2 must be used ~~for~~ :

(a) To offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence; and

(b) For the benefit of the persons to whom the organization operating the program for legal services that receives money pursuant to this section provides legal services without a charge.

Sec. 13.7. NRS 19.0312 is hereby amended to read as follows:

19.0312 1. Except as otherwise provided in subsection 2, in addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by

ordinance a filing fee ~~to offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent~~ in an amount not to exceed:

(a) Ten dollars to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

(b) Twenty-five dollars to be paid on the filing of any motion or other paper that seeks to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and on the filing of any answer or response to such a motion or other paper.

2. A board of county commissioners may not by ordinance impose a filing fee pursuant to paragraph (b) of subsection 1 for:

(a) A motion filed solely to adjust the amount of support for a child set forth in a final order; or

(b) A motion for reconsideration or for a new trial that is filed within 10 days after a final judgment or decree has been issued.

3. On or before the first Monday of each month, in a county in which a fee has been imposed pursuant to subsection 1, the county clerk shall account for and pay over to the county treasurer any such fees collected by the county clerk during the preceding month. ~~The~~ On or before the 15th day of each month, the county treasurer shall ~~remit quarterly~~ :

(a) Deposit from the fees collected during the preceding month an amount equal to \$5 from each fee collected or the total amount collected, whichever is less, in an account for guardians ad litem in the county general fund. The money in the account must be used only to compensate guardians ad litem appointed pursuant to NRS 432B.420 and 432B.500.

(b) Remit to the organization ~~to which the fees are to be paid pursuant to subsection 1 and~~ operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent any remaining amount of the money received by the county treasurer from the county clerk.

4. Any ~~fees collected~~ amount of money remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent pursuant to ~~this section~~ paragraph (b) of subsection 3 must be used ~~for~~ :

(a) To offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence; and

(b) For the benefit of the persons to whom the organization ~~operating the program for legal services that receives money pursuant to this section~~ provides legal services without a charge.

Sec. 14. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. 1. *The Department, in consultation with persons and organizations who possess knowledge and expertise in the teaching of personal safety of children, shall develop:*

(a) Age-appropriate curriculum standards based on best practices for teaching the personal safety of children to pupils in kindergarten and grades 1 to 12, inclusive.

(b) Recommendations to assist a school district or charter school in developing:

1 (1) *A training plan to ensure that at least one employee at each school, as*
2 *designated by the principal, receives training on the personal safety of children;*

3 (2) *Educational materials and information to be distributed to parents,*
4 *guardians or other caretakers of pupils regarding the personal safety of children*
5 *and how and when to teach and reinforce concepts and skills of the personal*
6 *safety of children; and*

7 (3) *Policies and procedures for the referral of a child who has reported*
8 *or experienced an incident that did or could have threatened his or her personal*
9 *safety, and his or her family or guardian, if appropriate, to various services,*
10 *including, without limitation, counseling or any other available services or*
11 *resources.*

12 (c) *Recommendations of existing research-based programs and curriculum*
13 *samples to be considered for implementation.*

14 2. *The Department will review the standards and recommendations*
15 *developed pursuant to subsection 1 on an annual basis to ensure that those*
16 *standards and recommendations contain current information.*

17 3. *The Department may apply for and accept grants, gifts, donations,*
18 *bequests or devises from any public or private source to carry out the provisions*
19 *of this section.*

20 4. *As used in this section, "personal safety of children" means an age-*
21 *appropriate recognition of various hazards and dangers that are particular to*
22 *children, including, without limitation, the danger associated with unsafe*
23 *persons, both known and unknown to the child, abuse, becoming lost or*
24 *separated from a parent or guardian, and an awareness of age-appropriate steps*
25 *a child may take to avoid, lessen or alleviate those hazards and dangers,*
26 *including, without limitation, reporting threats of harm to a responsible adult.*

27 Sec. 16. 1. *The board of trustees of each school district and the governing*
28 *body of each charter school shall ensure that instruction in the personal safety of*
29 *children, based on the standards developed by the Department pursuant to section*
30 *15 of this act, be implemented as part of a course of study in health prescribed*
31 *pursuant to paragraph (c) of subsection 3 of NRS 389.018.*

32 2. *The school district and the charter school, in accordance with the*
33 *recommendations provided by the Department pursuant to subsection 1 of section*
34 *15 of this act, shall determine, for the instruction required by subsection 1:*

35 (a) *The content of and materials to be used to provide the instruction; and*

36 (b) *The grade levels in which the instruction will be provided.*

37 3. *A person who provides the instruction required by subsection 1 must be:*

38 (a) *A licensed teacher;*

39 (b) *An employee of the school district with special knowledge or training in*
40 *the teaching of the personal safety of children;*

41 (c) *An employee of an agency which has as its primary purpose the teaching*
42 *of the personal safety of children;*

43 (d) *An employee of a law enforcement agency; or*

44 (e) *A volunteer of an agency which has as its primary purpose the teaching*
45 *of the personal safety of children and who meets the requirements of subsection*
46 *8.*

47 4. *The school district and the charter school shall develop a procedure for*
48 *the notification of the parent or guardian of each pupil to whom the instruction*
49 *required by subsection 1 is to be provided. The procedure must inform the parent*
50 *or guardian that:*

51 (a) *The parent or guardian may submit a written request that the pupil be*
52 *excused from some or all of the instruction, except when the instruction is*
53 *included in a course which is required for graduation; and*

1 (b) All instructional materials to be used in the instruction required by
2 subsection 1 are available for inspection by the parent or guardian at reasonable
3 times and locations before the instruction is provided.

4 5. A pupil whose parent or guardian submits a written request pursuant to
5 paragraph (a) of subsection 4 must be excused from such instruction without any
6 penalty as to credits or academic standing.

7 6. The school district and the charter school shall consider the
8 recommendations developed by the Department pursuant to paragraph (b) of
9 subsection 1 of section 15 of this act and, to the extent money is available for this
10 purpose, develop and implement:

11 (a) A training plan to ensure that all school employees receive training as to
12 the teaching of the personal safety of children;

13 (b) Educational materials and information to be distributed to parents,
14 guardians or other caretakers of pupils regarding the teaching of the personal
15 safety of children; and

16 (c) Policies and procedures for the referral of a child who has reported or
17 experienced an incident that did or could have threatened his or her personal
18 safety, and his or her family or guardian, if appropriate, to various services,
19 including, without limitation, counseling or any other available services or
20 resources.

21 7. On or before August 1 of each year, each board of trustees and each
22 governing body shall report to the Department for the preceding year:

23 (a) The grade levels in which the instruction required by subsection 1 was
24 conducted;

25 (b) The curriculum content and materials distributed and utilized for the
26 instruction required by subsection 1;

27 (c) The person, persons or agency utilized to provide the instruction required
28 by subsection 1; and

29 (d) The number of reports or disclosures by pupils of incidents that did or
30 could have threatened their personal safety during the preceding school year.

31 8. An agency which has as its primary purpose the teaching of the personal
32 safety of children, before allowing any volunteer of the agency to provide
33 instruction pursuant to paragraph (e) of subsection 3, must ensure that the
34 volunteer has successfully completed:

35 (a) A national background check, which must include, without limitation, a
36 report of the criminal history of the volunteer from the Federal Bureau of
37 Investigation and the Central Repository for Nevada Records of Criminal
38 History;

39 (b) A child abuse and neglect screening through the Statewide Central
40 Registry for the Collection of Information Concerning the Abuse or Neglect of a
41 Child established pursuant to NRS 432.100; and

42 (c) Adequate and appropriate training specific to providing instruction
43 regarding the personal safety of children.

44 9. An agency which has as its primary purpose the teaching of the personal
45 safety of children shall, upon request from a school district or charter school and
46 to the extent allowed by federal law, make available to the school district or
47 charter school documentation of the agency's conclusions regarding a
48 volunteer's successful completion of the requirements of subsection 8.

49 10. A board of trustees of a school district and a governing body of a
50 charter school may apply for and accept grants, gifts, donations, bequests or
51 devises from any public or private source to carry out the provisions of this
52 section.

1 *11. As used in this section, "personal safety of children" has the meaning*
2 *ascribed to it in section 15 of this act.*

3 **Sec. 17.** NRS 389.018 is hereby amended to read as follows:

4 389.018 1. The following subjects are designated as the core academic
5 subjects that must be taught, as applicable for grade levels, in all public schools, the
6 Caliente Youth Center, the Nevada Youth Training Center and any other state
7 facility for the detention of children that is operated pursuant to title 5 of NRS:

- 8 (a) English, including reading, composition and writing;
9 (b) Mathematics;
10 (c) Science; and
11 (d) Social studies, which includes only the subjects of history, geography,
12 economics and government.

13 2. Except as otherwise provided in this subsection, a pupil enrolled in a public
14 high school must enroll in a minimum of:

- 15 (a) Four units of credit in English;
16 (b) Four units of credit in mathematics, including, without limitation, Algebra I
17 and geometry, or an equivalent course of study that integrates Algebra I and
18 geometry;
19 (c) Three units of credit in science, including two laboratory courses; and
20 (d) Three units of credit in social studies, including, without limitation:
21 (1) American government;
22 (2) American history; and
23 (3) World history or geography.

24 ➤ A pupil is not required to enroll in the courses of study and credits required by
25 this subsection if the pupil, the parent or legal guardian of the pupil and an
26 administrator or a counselor at the school in which the pupil is enrolled mutually
27 agree to a modified course of study for the pupil and that modified course of study
28 satisfies at least the requirements for a standard high school diploma or an adjusted
29 diploma, as applicable.

30 3. Except as otherwise provided in this subsection, in addition to the core
31 academic subjects, the following subjects must be taught as applicable for grade
32 levels and to the extent practicable in all public schools, the Caliente Youth Center,
33 the Nevada Youth Training Center and any other state facility for the detention of
34 children that is operated pursuant to title 5 of NRS:

- 35 (a) The arts;
36 (b) Computer education and technology;
37 (c) Health; and
38 (d) Physical education.

39 ➤ If the State Board requires the completion of course work in a subject area set
40 forth in this subsection for graduation from high school or promotion to the next
41 grade, a public school shall offer the required course work. Except as otherwise
42 provided for a course of study in health prescribed by subsection 1 of NRS
43 389.0185 ~~§~~ and the instruction prescribed by subsection 1 of section 16 of this
44 act, unless a subject is required for graduation from high school or promotion to the
45 next grade, a charter school is not required to comply with this subsection.

46 **Sec. 18.** (Deleted by amendment.)

47 **Sec. 19.** 1. This act becomes effective upon passage and approval for the
48 purpose of adopting regulations and performing any other preparatory
49 administrative tasks that are necessary to carry out the provisions of this act.

50 2. This section and sections 1 to ~~13.4~~ 13.7, inclusive, and 18 of this act
51 become effective on January 1, 2016, for all other purposes.

52 3. Sections 14 and 15 of this act become effective on July 1, 2016, for all
53 other purposes.

1 4. Sections 16 and 17 of this act become effective on July 1, 2020, for all
2 other purposes.