

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; 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 a guardian ad litem receiving compensation, and **section 13** of this bill removes the requirement that a guardian ad litem be a volunteer.

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

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

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

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

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

2. ~~[No compensation may be allowed a person serving as a guardian ad litem pursuant to this section.]~~

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

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

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

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

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

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

(f) Appear at all proceedings regarding the child;



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

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

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

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

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

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

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

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

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

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

(d) Skills in mediation and negotiation;

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

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

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

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

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

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

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

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

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

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

2. The school district and the charter school, in accordance with the recommendations provided by the Department pursuant



1 to subsection 1 of section 15 of this act, shall determine, for the
2 instruction required by subsection 1:

3 (a) The content of and materials to be used to provide the
4 instruction; and

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

6 3. A person who provides the instruction required by
7 subsection 1 must be:

8 (a) A licensed teacher;

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

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

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

14 (e) A volunteer of an agency which has as its primary purpose
15 the teaching of the personal safety of children and who meets the
16 requirements of subsection 8.

17 4. The school district and the charter school shall develop a
18 procedure for the notification of the parent or guardian of each
19 pupil to whom the instruction required by subsection 1 is to be
20 provided. The procedure must inform the parent or guardian that:

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

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

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

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

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

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

42 (c) Policies and procedures for the referral of a child who has
43 reported or experienced an incident that did or could have
44 threatened his or her personal safety, and his or her family or



guardian, if appropriate, to various services, including, without limitation, counseling or any other available services or resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade



1 levels, in all public schools, the Caliente Youth Center, the Nevada
2 Youth Training Center and any other state facility for the detention
3 of children that is operated pursuant to title 5 of NRS:

- 4 (a) English, including reading, composition and writing;
- 5 (b) Mathematics;
- 6 (c) Science; and
- 7 (d) Social studies, which includes only the subjects of history,
8 geography, economics and government.

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

- 11 (a) Four units of credit in English;
- 12 (b) Four units of credit in mathematics, including, without
13 limitation, Algebra I and geometry, or an equivalent course of study
14 that integrates Algebra I and geometry;
- 15 (c) Three units of credit in science, including two laboratory
16 courses; and
- 17 (d) Three units of credit in social studies, including, without
18 limitation:

- 19 (1) American government;
- 20 (2) American history; and
- 21 (3) World history or geography.

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

29 3. Except as otherwise provided in this subsection, in addition
30 to the core academic subjects, the following subjects must be taught
31 as applicable for grade levels and to the extent practicable in all
32 public schools, the Caliente Youth Center, the Nevada Youth
33 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
40 subject area set forth in this subsection for graduation from high
41 school or promotion to the next grade, a public school shall offer the
42 required course work. Except as otherwise provided for a course of
43 study in health prescribed by subsection 1 of NRS 389.0185 **and**
44 ***the instruction prescribed by subsection 1 of section 16 of this act,***
45 unless a subject is required for graduation from high school or



1 promotion to the next grade, a charter school is not required to
2 comply with this subsection.

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

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

8 2. This section and sections 1 to 13, inclusive, and 18 of this
9 act become effective on January 1, 2016, for all other purposes.

10 3. Sections 14 and 15 of this act become effective on July 1,
11 2016, for all other purposes.

12 4. Sections 16 and 17 of this act become effective on July 1,
13 2020, for all other purposes.

