

ASSEMBLY BILL NO. 426—COMMITTEE ON JUDICIARY

MARCH 26, 2021

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to the protection of children. (BDR 38-516)

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 the protection of children; authorizing an agency which provides child welfare service or its designee to request a warrant to place a child in protective custody under certain circumstances; revising the requirements for notice given to certain persons of certain hearings; authorizing the Attorney General to sign a petition alleging that a child is in need of protection; making various other changes relating to the protection of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an agent or officer of a law enforcement agency, an agent or officer of the local juvenile probation department or the local department of juvenile services, or a designee of an agency which provides child welfare services to place a child in protective custody if there is reasonable cause to believe that immediate action is necessary to protect the child from injury, abuse or neglect. (NRS 432B.390) **Section 1** of this bill authorizes an agency which provides child welfare services or its designee to request that the court issue a warrant to place a child in protective custody if there is reasonable cause to believe that the child is in need of protection from injury, abuse or neglect but the threat is not imminent in the time it would take to obtain a warrant. **Section 1** also: (1) sets forth the information that must be included in such a warrant; (2) provides that the warrant is enforceable in any jurisdiction in this State; (3) establishes that the warrant is valid for 10 days after the date of issuance, unless otherwise specified in the warrant; (4) requires that a copy of the warrant must be provided to the parent, guardian or custodian of the child; (5) clarifies that obtaining a warrant does not preclude an agency which provides child welfare services from requesting a subsequent warrant; (6) requires that a hearing on protective custody must be held in accordance with existing law if the warrant is executed; and (7) requires the



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application for the warrant and the warrant to be filed with the clerk of the court. **Section 2** of this bill makes a conforming change to indicate the placement of **section 1** in the Nevada Revised Statutes, and **sections 3 and 4** of this bill make conforming changes that are necessary as a result of the changes made by **section 1**.

Existing law grants the court exclusive original jurisdiction in proceedings concerning any child living or found within the county who is a child in need of protection or may be a child in need of protection. (NRS 432B.410) **Section 5** of this bill provides that the jurisdiction of the court also applies to any child who is domiciled within the county.

Existing law sets forth the circumstances under which a person is considered to have a special interest in a child and provides that if the court or a special master finds that a person has a special interest in a child, the court or the special master is required to: (1) ensure that the person is involved in and notified of any plan for the temporary or permanent placement of the child and is allowed to offer recommendations regarding the plan; and (2) allow the person to testify at any hearing to determine any temporary or permanent placement of the child. (NRS 432B.457) **Section 6** of this bill clarifies that such a finding: (1) may be made upon the initiative of the court or special master or the motion of a party; and (2) may be reviewed or modified by the court or special master at any time.

Existing law requires that certain persons be given notice of certain hearings regarding the placement of a child when the child has been placed in protective custody, when the court is conducting a review of the placement of the child and when the court is considering the permanent placement of the child. (NRS 432B.470, 432B.580, 432B.590) **Sections 7, 11 and 12** of this bill revise the provisions relating to the notice given to a parent or other person responsible for the child's welfare before such hearings. **Sections 11 and 12** also clarify that certain determinations by the court must be made based upon a preponderance of the evidence.

Existing law provides that a petition alleging that a child is in need of protection may be signed only by: (1) a representative of an agency which provides child welfare services; (2) a law enforcement officer or probation officer; or (3) the district attorney. (NRS 432B.510) **Section 8** of this bill authorizes the Attorney General to sign such a petition. **Section 9** of this bill makes a conforming change to reflect the change in **section 8** authorizing the Attorney General to sign such a petition.

Existing law authorizes the court to dispose of a case if the court finds by a preponderance of the evidence that the child was in need of protection at the time of the removal of the child from the home. (NRS 432B.530) **Section 10** of this bill authorizes the court to dispose of a case if the court finds by a preponderance of the evidence that the child was in need of protection at the time of the completion of the investigation by the agency which provides child welfare services, if the child was not removed from the home.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An agency which provides child welfare services or its designee may request that the court issue a warrant to place a child in protective custody if there is reasonable cause to believe that the child is in need of protection from injury, abuse or neglect



1 *but the threat is not imminent in the time it would take to obtain a*
2 *warrant.*

3 2. *If the court, after review of a verified statement or sworn*
4 *testimony presented by the agency which provides child welfare*
5 *services or its designee, finds that there is reasonable cause to*
6 *believe that the child is in need of protection from injury, abuse or*
7 *neglect, the court may issue a warrant authorizing the child to be*
8 *placed in protective custody.*

9 3. *The warrant to place a child in protective custody:*

10 (a) *Must include a finding that it is contrary to the welfare of*
11 *the child to remain in the home;*

12 (b) *Must identify the basis for the finding that that there is*
13 *reasonable cause to believe that the child is in need of protection*
14 *from injury, abuse or neglect;*

15 (c) *Must authorize the agency which provides child welfare*
16 *services or its designee to immediately place the child in protective*
17 *custody; and*

18 (d) *May, if there is reasonable cause to believe that the child or*
19 *the person placing the child in protective custody may be*
20 *threatened with harm, authorize an agent or officer of a law*
21 *enforcement agency or an agent or officer of a local juvenile*
22 *probation department or the local department of juvenile services*
23 *to assist the agency which provides child welfare services or its*
24 *designee in placing the child in protective custody.*

25 4. *A warrant issued pursuant to this section:*

26 (a) *Is enforceable in any jurisdiction in this State; and*

27 (b) *Is valid for 10 days after the date of issuance, unless*
28 *otherwise specified in the order.*

29 5. *A copy of a warrant issued pursuant to this section must be*
30 *provided to the parent, guardian or custodian of a child placed in*
31 *protective custody.*

32 6. *The provisions of this section do not preclude an agency*
33 *which provides child welfare services or its designee that has*
34 *obtained a warrant pursuant to this section from requesting a*
35 *subsequent warrant if there remains reasonable cause to believe*
36 *that the child is in need of protection from injury, abuse or*
37 *neglect.*

38 7. *If a warrant issued pursuant to this section is executed, a*
39 *hearing on protective custody must be held in accordance with the*
40 *provisions of NRS 432B.470 and 432B.480.*

41 8. *The application for the warrant and the warrant must be*
42 *filed with the clerk of the court.*

43 **Sec. 2.** NRS 432B.260 is hereby amended to read as follows:

44 432B.260 1. Upon the receipt of a report concerning the
45 possible abuse or neglect of a child, an agency which provides child



welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

(a) There is a high risk of serious harm to the child;

(b) The child has suffered a fatality; or

(c) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

(a) The child is not in imminent danger of harm;

(b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens the immediate health or safety of the child;

(c) The alleged abuse or neglect of the child or the alleged effect of a fetal alcohol spectrum disorder or prenatal substance use disorder on or the withdrawal symptoms resulting from any prenatal substance exposure of the newborn infant could be eliminated if the child and the family of the child are referred to or participate in social or health services offered in the community, or both; or

(d) The agency determines that the:

(1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment; and

(2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant to NRS 432B.010 to 432B.400, inclusive, *and section 1 of this act*, the agency shall inform the person responsible for the child's



welfare who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.

6. If the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or the family of the child pursuant to subsection 6, the agency shall require the person to notify the agency if the child or the family refuses or fails to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

8. If an agency which provides child welfare services determines pursuant to subsection 3 that an investigation is not warranted, the agency may, at any time, reverse that determination and initiate an investigation.

9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

Sec. 3. NRS 432B.340 is hereby amended to read as follows:

432B.340 1. If the agency which provides child welfare services determines that a child needs protection, but is not in imminent danger from abuse or neglect ~~it~~ **and does not need to be placed in protective custody pursuant to NRS 432B.390**, it may:

(a) Offer to the parents or guardian a plan for services and inform the parents or guardian that the agency has no legal authority to compel the parents or guardian to accept the plan but that it has the authority to petition the court pursuant to NRS 432B.490 or to refer the case to the district attorney or a law enforcement agency; or

(b) File a petition pursuant to NRS 432B.490 and, if a child is adjudicated in need of protection, request that the child be removed from the custody of the parents or guardian or that the child remain at home with or without the supervision of the court or of any person or agency designated by the court.



2. If the parent or guardian accepts the conditions of the plan offered by the agency pursuant to paragraph (a) of subsection 1, the agency may elect not to file a petition and may arrange for appropriate services, including medical care, care of the child during the day, management of the home or supervision of the child, the parents or guardian.

Sec. 4. NRS 432B.390 is hereby amended to read as follows:

432B.390 1. An agent or officer of a law enforcement agency, an officer of the local juvenile probation department or the local department of juvenile services, or a designee of an agency which provides child welfare services ~~{}~~ *may place a child in protective custody:*

(a) ~~{May place a child in protective custody without the consent of} If the {person responsible for the child's welfare if} parent or legal guardian consents to the child being placed in protective custody.~~

(b) If the agent, officer or designee has reasonable cause to believe that immediate action is necessary to protect the child from injury, abuse or neglect.

~~{(b) Shall place a child in protective custody upon}~~

(c) *Upon the issuance of a warrant to place a child in protective custody pursuant to section 1 of this act.*

(d) *Upon* the death of a parent of the child, ~~{without the consent of the person responsible for the welfare of the child,}~~ if the agent, officer or designee has reasonable cause to believe that the death of the parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.

2. When an agency which provides child welfare services receives a report pursuant to subsection 2 of NRS 432B.630, a designee of the agency which provides child welfare services shall immediately place the child in protective custody.

3. If there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, a protective custody hearing must be held pursuant to NRS 432B.470, whether the child was placed in protective custody or with a relative. If an agency other than an agency which provides child welfare services becomes aware that there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, that agency shall immediately notify the agency which provides child welfare services and a protective custody hearing must be scheduled.

4. An agency which provides child welfare services shall request the assistance of a law enforcement agency in the removal of



1 a child if the agency has reasonable cause to believe that the child or
2 the person placing the child in protective custody may be threatened
3 with harm.

4 5. Before taking a child for placement in protective custody,
5 the person taking the child shall show his or her identification to any
6 person who is responsible for the child and is present at the time the
7 child is taken. If a person who is responsible for the child is not
8 present at the time the child is taken, the person taking the child
9 shall show his or her identification to any other person upon request.
10 The identification required by this subsection must be a single card
11 that contains a photograph of the person taking the child and
12 identifies the person as a person authorized pursuant to this section
13 to place a child in protective custody.

14 6. A child placed in protective custody pending an
15 investigation and a hearing held pursuant to NRS 432B.470 must be
16 placed, except as otherwise provided in NRS 432B.3905, in the
17 following order of priority:

18 (a) In a hospital, if the child needs hospitalization.

19 (b) With a person who is related within the fifth degree of
20 consanguinity or a fictive kin, and who is suitable and able to
21 provide proper care and guidance for the child, regardless of
22 whether the relative or fictive kin resides within this State.

23 (c) In a foster home that is licensed pursuant to chapter 424
24 of NRS.

25 (d) In any other licensed shelter that provides care to such
26 children.

27 7. Whenever possible, a child placed pursuant to subsection 6
28 must be placed together with any siblings of the child. Such a child
29 must not be placed in a jail or other place for detention,
30 incarceration or residential care of persons convicted of a crime or
31 children charged with delinquent acts.

32 8. A person placing a child in protective custody pursuant to
33 subsection 1 shall:

34 (a) Immediately take steps to protect all other children
35 remaining in the home or facility, if necessary;

36 (b) Immediately make a reasonable effort to inform the person
37 responsible for the child's welfare that the child has been placed in
38 protective custody; and

39 (c) As soon as practicable, inform the agency which provides
40 child welfare services and the appropriate law enforcement agency,
41 except that if the placement violates the provisions of NRS
42 432B.3905, the person shall immediately provide such notification.

43 9. If a child is placed with any person who resides outside this
44 State, the placement must be in accordance with NRS 127.330.



10. As used in this section, “fictive kin” means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 5. NRS 432B.410 is hereby amended to read as follows:

432B.410 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act, the court has exclusive original jurisdiction in proceedings concerning any child *domiciled*, living or found within the county who is a child in need of protection or may be a child in need of protection.

2. Action taken by the court because of the abuse or neglect of a child does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts.

Sec. 6. NRS 432B.457 is hereby amended to read as follows:

432B.457 1. If *, upon the initiative of the court or a special master appointed pursuant to NRS 432B.455 or the motion of a party,* the court or ~~{a}~~ special master ~~{appointed pursuant to NRS 432B.455}~~ finds that a person has a special interest in a child, the court or ~~{the}~~ special master shall:

(a) Except for good cause, ensure that the person is involved in and notified of any plan for the temporary or permanent placement of the child and is allowed to offer recommendations regarding the plan; and

(b) Allow the person to testify at any hearing held pursuant to this chapter to determine any temporary or permanent placement of the child.

2. *A finding that a person has a special interest in a child pursuant to subsection 1 may be reviewed or modified at any time by the court or special master.*

3. For the purposes of this section, a person “has a special interest in a child” if:

(a) The person is:

(1) A parent or other relative of the child;

(2) A foster parent or other provider of substitute care for the child;

(3) A provider of care for the medical or mental health of the child;

(4) An educational decision maker appointed for the child pursuant to NRS 432B.462; or

(5) A teacher or other school official who works directly with the child; and

(b) The person:

(1) Has a personal interest in the well-being of the child; or

(2) Possesses information that is relevant to the determination of the placement of the child.



Sec. 7. NRS 432B.470 is hereby amended to read as follows:

432B.470 1. A child ~~{taken into}~~ *placed in* protective custody pursuant to NRS 432B.390 must be given a hearing, conducted by a judge, master or special master appointed by the judge for that particular hearing, within 72 hours, excluding Saturdays, Sundays and holidays, after being ~~{taken into}~~ *placed in protective* custody, to determine whether the child should remain in protective custody pending further action by the court.

2. Except as otherwise provided in this subsection, notice of the time and place of the hearing must be given to a parent or other person responsible for the child's welfare:

(a) By personal service of a written notice;

(b) Orally ~~{;}~~ *, with a written notice mailed to the last known address of the parent or other person responsible for the child's welfare within 24 hours after the child is placed in protective custody;* or

(c) If the parent or other person responsible for the child's welfare cannot be located ~~{after a reasonable effort, by posting a written notice on the door of the residence of the parent or other person.}~~ *for personal or oral service, by mailing a written notice to the last known address of the parent or other person responsible for the child's welfare within 24 hours after the child is placed in protective custody.*

➤ If the child was delivered to a provider of emergency services pursuant to NRS 432B.630, the parent who delivered the child to the provider shall be deemed to have waived any right to notice of the hearing conducted pursuant to this section.

3. If ~~{notice is given by means of paragraph (b) or (c) of subsection 2, a copy of the notice must be mailed to the person at the last known address of the person within 24 hours after the child is placed in protective custody.}~~ *the parent or other person responsible for the child's welfare cannot be located for personal or oral notice and the last known address of the parent or other person responsible for the child's welfare cannot be ascertained, reasonable efforts must be made to locate and notify the parent or other person responsible for the child's welfare as soon as possible.*

4. *Actual notice of the hearing or appearance at the hearing shall be deemed to satisfy the requirements relating to notice set forth in this section.*

Sec. 8. NRS 432B.510 is hereby amended to read as follows:

432B.510 1. A petition alleging that a child is in need of protection may be signed only by:

(a) A representative of an agency which provides child welfare services;



(b) A law enforcement officer or probation officer; or

(c) The district attorney ~~H~~ *or the Attorney General*.

2. The district attorney shall countersign every petition alleging need of protection, *other than a petition signed by the Attorney General*, and shall represent the interests of the public in all proceedings. If the district attorney fails or refuses to countersign the petition, the petitioner may seek a review by the Attorney General. If the Attorney General determines that a petition should be filed, the Attorney General shall countersign the petition and shall represent the interests of the public in all subsequent proceedings.

3. Every petition must be entitled “In the Matter of....., a child,” and must be verified by the person who signs it.

4. Every petition must set forth specifically:

(a) The facts which bring the child within the jurisdiction of the court as indicated in NRS 432B.410.

(b) The name, date of birth and address of the primary residence of the child at the time of removal.

(c) The names and addresses of the residences of the child’s parents and any other person responsible for the child’s welfare, and spouse if any. If the parents or other person responsible for the welfare of the child do not reside in this State or cannot be found within the State, or if their addresses are unknown, the petition must state the name of any known adult relative residing within the State or, if there is none, the known adult relative residing nearest to the court.

(d) Whether the child is in protective custody and, if so:

(1) The agency responsible for placing the child in protective custody and the reasons therefor; and

(2) Whether the child has been placed in a home or facility in compliance with the provisions of NRS 432B.3905. If the placement does not comply with the provisions of NRS 432B.3905, the petition must include a plan for transferring the child to a placement which complies with the provisions of NRS 432B.3905.

5. When any of the facts required by subsection 4 are not known, the petition must so state.

Sec. 9. NRS 432B.515 is hereby amended to read as follows:

432B.515 1. A court clerk may allow any of the following documents to be filed electronically:

(a) A petition signed by the district attorney *or the Attorney General* pursuant to NRS 432B.510; or

(b) A report prepared pursuant to NRS 432B.540.

2. Any document that is filed electronically pursuant to this section must contain an image of the signature of the person who is filing the document.



1 **Sec. 10.** NRS 432B.530 is hereby amended to read as follows:
2 432B.530 1. An adjudicatory hearing must be held within 30
3 days after the filing of the petition, unless good cause is shown or
4 the hearing has been continued until a later date pursuant to
5 NRS 432B.513.

6 2. At the hearing, the court shall inform the parties of the
7 specific allegations in the petition and give them an opportunity to
8 admit or deny them. If the allegations are denied, the court shall
9 hear evidence on the petition.

10 3. In adjudicatory hearings, all relevant and material evidence
11 helpful in determining the questions presented, including oral and
12 written reports, may be received by the court and may be relied
13 upon to the extent of its probative value. The parties or their
14 attorney must be afforded an opportunity to examine and controvert
15 written reports so received and to ~~cross-examine~~ **examine**
16 individuals making reports when reasonably available.

17 4. The court may require the child to be present in court at the
18 hearing.

19 5. If the court finds by a preponderance of the evidence that the
20 child was in need of protection at the time of the removal of the
21 child from the home ~~or~~ **or, if the child was not removed from the**
22 **home, at the time of the completion of the investigation by the**
23 **agency which provides child welfare services,** it shall record its
24 findings of fact and may proceed immediately or at another hearing
25 held within 15 working days, to make a proper disposition of the
26 case. If the court finds that the allegations in the petition have not
27 been established, it shall dismiss the petition and, if the child is in
28 protective custody, order the immediate release of the child.

29 6. The findings of fact recorded by the court pursuant to
30 subsection 5 and any specific allegations in the petition admitted to
31 by the parties must be included as part of the disposition of the case
32 in the report required to be made to the Central Registry pursuant to
33 NRS 432B.310.

34 **Sec. 11.** NRS 432B.580 is hereby amended to read as follows:

35 432B.580 1. Except as otherwise provided in this section and
36 NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other
37 than with a parent, the placement must be reviewed by the court at
38 least semiannually, and within 90 days after a request by a party to
39 any of the prior proceedings. Unless the parent, guardian or the
40 custodian objects to the referral, the court may enter an order
41 directing that the placement be reviewed by a panel appointed
42 pursuant to NRS 432B.585.

43 2. An agency acting as the custodian of the child shall, before
44 any hearing for review of the placement of a child, submit a report



1 to the court, or to the panel if it has been designated to review the
2 matter, which includes:

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

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

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

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

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

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

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

16 (II) A plan for the child to visit the siblings, which must
17 be presented at the first hearing to occur after the siblings are
18 separated and approved by the court. The plan for visitation must be
19 updated as necessary to reflect any change in the placement of the
20 child or a sibling, including, without limitation, any such change
21 that occurs after the termination of parental rights to the child or a
22 sibling or the adoption of a sibling.

23 (c) Information concerning the child's education, including:

24 (1) A copy of any academic plan or individual graduation
25 plan developed for the child pursuant to NRS 388.155, 388.165,
26 388.205 or 388.227;

27 (2) The grade and school in which the child is enrolled;

28 (3) The name of each school the child attended before
29 enrolling in the school in which he or she is currently enrolled and
30 the corresponding dates of attendance;

31 (4) Whether the child has not completed or passed any
32 course of instruction that the child should have completed or passed
33 by the time the report is submitted, which has resulted in the child
34 having a deficiency in credits;

35 (5) A copy of any individualized education program
36 developed for the child;

37 (6) A copy of any plan developed in accordance with section
38 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

39 (7) A summary of any special education services received by
40 the child;

41 (8) A copy of the most recent report card of the child;

42 (9) A statement of the number of credits earned by the child
43 during the most recent semester, if applicable;



(10) A statement of the number of times the child has been absent from school during the current or most recent school year for which the child was enrolled in school;

(11) The scores the child received on any academic assessments or standardized examinations administered to the child;

(12) Any information provided by the educational decision maker appointed for the child pursuant to NRS 432B.462; and

(13) Whether a request that the child receive special education services has been made and, if so, the outcome of such a request.

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

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

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. Upon the issuance of such an order, the court shall provide each sibling of the child with the case number of the proceeding for the purpose of allowing the sibling to petition the court for visitation or enforcement of the order for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

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

6. Except as otherwise provided in subsection 7 and subsection 5 of NRS 432B.520, notice of the hearing *must be filed with the court and* must be given by ~~registered or certified~~ *first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice* to:

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

(b) Any persons planning to adopt the child;



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

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child; and

(e) The educational decision maker appointed for the child pursuant to NRS 432B.462.

7. The notice of the hearing required to be *filed and* given pursuant to subsection 6:

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

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

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

(d) Need not be given to a parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630.

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

9. The court or panel shall ~~[review:]~~ , *after considering the report provided in subsection 2 and any other relevant evidence, determine based on a preponderance of the evidence:*

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

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

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

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

(e) ~~[The information described in paragraph (c) of subsection 2 to determine whether]~~ *Whether* the child is making adequate academic progress and receiving the educational services or supports necessary to ensure the academic success of the child.

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

11. As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).



1 **Sec. 12.** NRS 432B.590 is hereby amended to read as follows:
2 432B.590 1. Except as otherwise provided in subsection 2
3 and NRS 432B.513, the court shall hold a hearing concerning the
4 permanent placement of a child:

5 (a) Not later than 12 months after the initial removal of the child
6 from the home of the child and annually thereafter.

7 (b) Within 30 days after making any of the findings set forth in
8 subsection 3 of NRS 432B.393.

9 ➡ Notice of this hearing *must be filed with the court and* must be
10 given by ~~registered or certified~~ *first-class* mail *or any other means*
11 *agreed upon in writing between the agency which provides child*
12 *welfare services and the recipient of the notice* to all the persons to
13 whom notice must be given pursuant to subsection 6 of
14 NRS 432B.580.

15 2. A parent who delivered a child to a provider of emergency
16 services pursuant to NRS 432B.630 shall be deemed to have waived
17 any right to notice pursuant to this section.

18 3. The court may require the presence of the child at the
19 hearing and shall provide to each person to whom notice was given
20 pursuant to subsection 1 a right to be heard at the hearing.

21 4. At the hearing, the court shall review *the report submitted*
22 *by the agency which provides child welfare services pursuant to*
23 *subsection 2 of NRS 432B.580*, any plan for the permanent
24 placement of the child adopted pursuant to NRS 432B.553 *and any*
25 *other relevant evidence* and, if the goal of the plan is a permanent
26 living arrangement other than reunification with his or her parents,
27 placement for adoption, placement with a legal guardian or
28 placement with a relative, ask the child about his or her desired
29 permanent living arrangement. After doing so, the court must
30 determine ~~if~~ *, based on a preponderance of the evidence:*

31 (a) Whether the agency with legal custody of the child has made
32 the reasonable efforts required by subsection 1 of NRS 432B.553;

33 (b) Whether, and if applicable when:

34 (1) The child should be returned to the parents of the child or
35 placed with other relatives;

36 (2) It is in the best interests of the child to:

37 (I) Initiate proceedings to terminate parental rights
38 pursuant to chapter 128 of NRS so that the child can be placed for
39 adoption;

40 (II) Initiate proceedings to establish a guardianship
41 pursuant to chapter 159A of NRS; or

42 (III) Establish a guardianship in accordance with NRS
43 432B.466 to 432B.468, inclusive; or

44 (3) The agency with legal custody of the child has produced
45 documentation of its conclusion that there is a compelling reason for



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the placement of a child who has attained the age of 16 years in another permanent living arrangement;

(c) If the child will not be returned to the parents of the child, whether the agency with legal custody of the child fully considered placement options both within and outside of this State;

(d) If the child has attained the age of 14 years, whether the child will receive the services needed to assist the child in transitioning to independent living; and

(e) If the child has been placed outside of this State, whether the placement outside of this State continues to be appropriate for and in the best interests of the child.

5. The court shall prepare an explicit statement of the facts upon which each of its determinations is based pursuant to subsection 4. If the court determines that it is not in the best interests of the child to be returned to his or her parents, or to be placed for adoption, with a legal guardian or with a relative, the court must include compelling reasons for this determination and an explanation of those reasons in its statement of the facts.

6. If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures.

7. The provisions of this section do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

8. If a child has been placed outside of the home and has resided outside of the home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

9. This hearing may take the place of the hearing for review required by NRS 432B.580.

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

