Senate Bill No. 187–Senator Pazina

CHAPTER.....

AN ACT relating to child welfare; prescribing a time period within which an agency which provides child welfare services is required to take certain action relating to certain medical or mental health treatment for a child in the custody of the agency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes 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 to place a child in protective custody: (1) with the consent of the parent or legal guardian of the child; or (2) under certain circumstances indicating that the child is in need of protection from injury, abuse or neglect. (NRS 432B.390) Under existing law, within 72 hours after the placement of a child in protective custody, a court is required to hold a hearing to determine whether the child should remain in protective custody and, if so, where the child will be temporarily placed. (NRS 432B.470, 432B.480) If the court orders that the child remain in protective custody, existing law requires the agency which provides child welfare services to file a petition alleging that the child is in need of protection, unless good cause exists not to file such a petition. (NRS 432B.490) Within 30 days after the filing of such a petition, existing law requires the court to hold a hearing to determine the custody and placement of the child. (NRS 432B.530, 432B.550) Existing law requires the court to review such a placement at least semiannually and within 90 days after a request by a party to any of the prior proceedings. (NRS 432B.580)

Section 2 of this bill requires an agency which provides child welfare services to provide or deny consent to non-emergency medical care that is recommended by a provider of health care for a child who is in the custody of the agency within 14 days after the caseworker assigned to the child receives written notice of the recommendation or referral for such care. If the consent of any other person or entity is required before such a child may receive medical or mental health treatment, **section 2** requires the agency which provides child welfare services to make reasonable efforts to obtain such consent within 14 days after the caseworker assigned to the child receives written notice of the need for treatment. If a court order is required before such a child may receive non-emergency medical care recommended by a provider of health care, **section 2** requires the agency which provides child welfare services to make reasonable efforts to initiate such an order not later than 14 days after the caseworker assigned to the child receives written notice of the recommendation or referral for such care. **Section 2** requires the agency which provides child welfare services to notify the person or entity with whom the child is placed as soon as practicable and without delay after obtaining such an order or the denial of a request for such an order, as applicable.

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

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. If an agency which provides child welfare services is required to provide consent before a child who is in the custody of the agency may receive non-emergency medical care that is recommended by a provider of health care, the agency which provides child welfare services shall provide or deny such consent not later than 14 days after the caseworker assigned to the child receives written notice of the recommendation or referral for such care.***

2. If any person or entity, including, without limitation, a person legally responsible for the psychiatric care of a child appointed pursuant to NRS 432B.4685, is required to provide consent before a child who is in the custody of an agency which provides child welfare services may receive medical or mental health treatment, the agency which provides child welfare services shall:

(a) Make reasonable efforts to obtain such consent not later than 14 days after the caseworker assigned to the child receives written notice of the need for the treatment, which may be demonstrated by, without limitation, a referral for the treatment; and

(b) Notify the person or entity with whom the child is placed as soon as practicable and without delay after obtaining such consent or the denial of such consent.

3. If an order of the court is required before a child who is in the custody of an agency which provides child welfare services may receive non-emergency medical care that is recommended by a provider of health care, the agency which provides child welfare services shall:

(a) Make reasonable efforts to initiate such an order not later than 14 days after the caseworker assigned to the child receives written notice of the recommendation or referral for such care; and

(b) Notify the person or entity with whom the child is placed as soon as practicable and without delay after obtaining such an order or the denial of a request for such an order.

4. Nothing in this section shall be construed to prohibit a party with proper standing from seeking a court order for the medical treatment of a child in the custody of a child welfare agency.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Secs. 3-18. (Deleted by amendment.)

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