
SENATE BILL NO. 111—SENATOR SETTELMEYER

PREFILED FEBRUARY 3, 2011

JOINT SPONSOR: ASSEMBLYMAN KITE

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes concerning the placement of certain children who are in protective custody in certain counties. (BDR 38-697)

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; revising provisions limiting the placement of certain children who are in protective custody in certain counties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a person from placing a child who is under 6 years of age
2 and who is in protective custody into a child care institution unless appropriate
3 foster care is not available at the time of the placement or certain other conditions
4 are met, including that the medical needs of the child cannot be met at any other
5 placement or if the placement is necessary to avoid separating siblings. (NRS
6 432B.3905) This bill provides an additional exception from the prohibition on the
7 placement of such a child in a child care institution for a child who is placed in a
8 child care institution in a county whose population is less than 100,000 (currently
9 counties other than Clark and Washoe Counties).

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

1 **Section 1.** NRS 432B.3905 is hereby amended to read as
2 follows:
3 432B.3905 1. An employee of an agency which provides
4 child welfare services or its designee, an agent or officer of a law
5 enforcement agency, an officer of a local juvenile probation



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1 department or the local department of juvenile services or any other
2 person who places a child in protective custody pursuant to this
3 chapter:

4 (a) Except as otherwise provided in subsection 2, shall not
5 transfer a child who is under the age of 6 years to, or place such a
6 child in, a child care institution unless appropriate foster care is not
7 available at the time of placement in the county in which the child
8 resides; and

9 (b) Shall make all reasonable efforts to place siblings in the
10 same location.

11 2. A child under the age of 6 years may be placed in a child
12 care institution:

13 (a) If the child requires medical services and such medical
14 services could not be provided at any other placement; ~~for~~

15 (b) If necessary to avoid separating siblings ~~for~~; or

16 (c) *If the child is being placed in a child care institution in a*
17 *county whose population is less than 100,000.*

18 3. If a child is transferred to or placed in a child care institution
19 in violation of subsection 1, the agency which provides child
20 welfare services that is responsible for the child shall immediately
21 notify the Director of the Department of Health and Human Services
22 and shall move the child to another placement as soon as possible.

23 4. The Director of the Department shall, on or before January 1
24 of each year, submit to the Director of the Legislative Counsel
25 Bureau for transmittal to the Legislature a written report concerning
26 any child under the age of 6 years who was placed in a child care
27 institution during the previous 12 months. Such a report must
28 include, without limitation:

29 (a) An explanation of the situation that required the transfer of
30 the child to or placement of the child in a child care institution;

31 (b) A summary of any actions that were taken to ensure the
32 health, welfare and safety of the child; and

33 (c) The length of time that the child was required to remain in
34 the child care institution.

35 ➤ The Director of the Legislative Counsel Bureau shall cause such
36 report to be made available to each Senator and member of the
37 Assembly.

38 5. As used in this section, "child care institution":

39 (a) Means any type of home or facility that:

40 (1) Provides care and shelter during the day and night to 16
41 or more children who are in protective custody of an agency which
42 provides child welfare services; or

43 (2) Provides care and shelter during the day and night,
44 through the use of caregivers who work in shifts, to children who



- 1 are in protective custody of an agency which provides child welfare
- 2 services.
- 3 (b) Does not include a home or facility that provides medical
- 4 services to children.

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