

Senate Bill No. 111–Senator Settelmeyer

Joint Sponsor: Assemblyman Kite

CHAPTER.....

AN ACT relating to the protection of children; requiring agencies which provide child welfare services to develop and implement a plan to ensure that certain requirements concerning the placement of children in protective custody are understood and carried out; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a person from placing a child who is under 6 years of age and who is in protective custody into a child care institution unless appropriate foster care is not available at the time of the placement or certain other conditions are met, including that the medical needs of the child cannot be met at any other placement or if the placement is necessary to avoid separating siblings. (NRS 432B.3905) This bill requires each agency which provides child welfare services to develop and implement a written plan to ensure that the provisions and exceptions for such placement of children in protective custody are understood and carried out.

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. NRS 432B.3905 is hereby amended to read as follows:

432B.3905 1. An employee of an agency which provides child welfare services or its designee, an agent or officer of a law enforcement agency, an officer of a local juvenile probation department or the local department of juvenile services or any other person who places a child in protective custody pursuant to this chapter:

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

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

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

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



(b) If necessary to avoid separating siblings.

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

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

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

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

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

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

5. *Each agency which provides child welfare services shall develop and implement a written plan to ensure that the provisions of this section are understood and carried out.*

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

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

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

(2) Provides care and shelter during the day and night, through the use of caregivers who work in shifts, to children who are in protective custody of an agency which provides child welfare services.

(b) Does not include a home or facility that provides medical services to children.

