
SENATE BILL NO. 111—SENATOR SETTELMAYER

PREFILED FEBRUARY 3, 2011

JOINT SPONSOR: ASSEMBLYMAN KITE

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions concerning the placement of certain children who are in protective custody. (BDR 38-697)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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; 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:

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 requires each agency which provides child welfare services to
7 develop and implement a written plan to ensure that the provisions and exceptions
8 for such placement of children in protective custody are understood and carried out.



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
6 department or the local department of juvenile services or any other
7 person who places a child in protective custody pursuant to this
8 chapter:

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

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

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

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

20 (b) If necessary to avoid separating siblings.

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

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

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

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

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

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



* S B 1 1 1 R 1 *

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

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

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

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

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

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

