
SENATE BILL NO. 113—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
CHILD WELFARE AND JUVENILE JUSTICE)

PREFILED FEBRUARY 3, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the care of certain children during disasters. (BDR 38-198)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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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 children; requiring foster homes to develop and implement plans to care for children during a disaster; requiring the Division of Child and Family Services of the Department of Health and Human Services to develop a plan to care for certain children during a disaster; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill requires a foster home to develop and implement a plan
2 for the care of children in the foster home during disasters and requires the Division
3 of Child and Family Services of the Department of Health and Human Services to
4 prescribe the minimum requirements and procedures for such plans. A violation of
5 the requirement to develop and implement a plan pursuant to **section 1** is a
6 misdemeanor. (NRS 424.100)
7 **Section 3** of this bill requires the Division to develop a plan to care for children
8 during disasters if an agency which provides child welfare services is unable to
9 respond to the needs of children in its custody during such disasters. **Section 3** also
10 requires the Division to provide a summary of the plan to the Legislative
11 Committee on Child Welfare and Juvenile Justice and to post a summary of the
12 plan on its Internet website.



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

1 **Section 1.** Chapter 424 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *A licensee that operates a foster home shall develop and*
4 *implement a plan for the care of children in the foster home*
5 *during disasters. The plan must be developed and implemented in*
6 *accordance with the regulations adopted pursuant to subsection 2.*

7 2. *The Division shall, in consultation with each licensing*
8 *authority in a county whose population is 100,000 or more, adopt*
9 *regulations concerning the development and implementation of*
10 *plans for the care of children in foster homes during disasters,*
11 *including, without limitation, minimum requirements and*
12 *procedures for such plans.*

13 3. *As used in this section, "disaster" means a fire, flood,*
14 *earthquake, explosion, civil disturbance or any other occurrence*
15 *or threatened occurrence that, regardless of cause:*

16 (a) *Results in, or may result in, widespread or severe damage*
17 *to property or injury to, or the death of, persons in a foster home;*
18 *or*

19 (b) *As determined by a licensing authority or a licensee that*
20 *operates a foster home, requires immediate action to protect the*
21 *health, safety and welfare of persons in the foster home.*

22 **Sec. 2.** NRS 424.090 is hereby amended to read as follows:

23 424.090 The provisions of NRS 424.020 to 424.090, inclusive,
24 *and section 1 of this act* do not apply to homes in which:

25 1. Care is provided only for a neighbor's or friend's child on an
26 irregular or occasional basis for a brief period, not to exceed 90
27 days.

28 2. Care is provided by the legal guardian.

29 3. Care is provided for an exchange student.

30 4. Care is provided to enable a child to take advantage of
31 educational facilities that are not available in his or her home
32 community.

33 5. Any child or children are received, cared for and maintained
34 pending completion of proceedings for adoption of such child or
35 children, except as otherwise provided in regulations adopted by the
36 Division.

37 6. Except as otherwise provided in regulations adopted by the
38 Division, care is voluntarily provided to a minor child who is:

39 (a) Related to the caregiver by blood, adoption or marriage; and

40 (b) Not in the custody of an agency which provides child
41 welfare services.



1 7. Care is provided to a minor child who is in the custody of an
2 agency which provides child welfare services pursuant to chapter
3 432B of NRS if:

4 (a) The caregiver is related to the child within the fifth degree of
5 consanguinity; and

6 (b) The caregiver is not licensed pursuant to the provisions of
7 NRS 424.020 to 424.090, inclusive **[]**, *and section 1 of this act.*

8 **Sec. 3.** Chapter 432 of NRS is hereby amended by adding
9 thereto a new section to read as follows:

10 *1. The Division shall develop a plan for the care of children*
11 *in the custody of agencies which provide child welfare services*
12 *during disasters to ensure that the Division or a designee of the*
13 *Division meets the needs of children in the custody of agencies*
14 *which provide child welfare services if an agency is unable to meet*
15 *the needs of children in its custody during a disaster.*

16 *2. The Division shall submit to the Legislative Committee on*
17 *Child Welfare and Juvenile Justice and post on its Internet*
18 *website a summary of the plan for the care of children during*
19 *disasters developed pursuant to this section. If the Division makes*
20 *any changes to the plan, the Division shall provide to the*
21 *Committee and post on its Internet website an updated summary of*
22 *the plan.*

23 *3. As used in this section, "disaster" means a fire, flood,*
24 *earthquake, explosion, civil disturbance or any other occurrence*
25 *or threatened occurrence that, regardless of cause:*

26 *(a) Results in, or may result in, widespread or severe damage*
27 *to property or injury to, or the death of, children in the custody of*
28 *an agency which provides child welfare services; or*

29 *(b) As determined by the Division, requires immediate action*
30 *to protect the health, safety and welfare of children in the custody*
31 *of an agency which provides child welfare services.*

32 **Sec. 4.** NRS 432.0305 is hereby amended to read as follows:

33 432.0305 The Department, through the Division, shall:

34 1. Observe and study the changing nature and extent of the
35 need for child welfare services and develop through tests and
36 demonstrations effective ways of meeting those needs.

37 2. Cooperate with the Federal Government in adopting state
38 plans, in all matters of mutual concern, including the adoption of
39 methods of administration found by the Federal Government to be
40 necessary for the efficient operation of programs for child welfare,
41 and in increasing the efficiency of those programs by prompt and
42 judicious use of new federal grants which will assist the Division in
43 carrying out the provisions of NRS 432.010 to 432.085, inclusive **[]**
44 *, and section 3 of this act.* The Department shall consider any



- 1 request for a change in the state plan submitted by an agency which
2 provides child welfare services.
- 3 3. Enter into reciprocal agreements with other states relative to
4 services for child welfare and institutional care, when deemed
5 necessary or convenient by the Administrator.
- 6 4. Enter into agreements with an agency which provides child
7 welfare services in a county whose population is 100,000 or more
8 when deemed necessary or convenient by the Administrator.
- 9 5. Accept money from and cooperate with the United States or
10 any of its agencies in carrying out the provisions of NRS 432.010 to
11 432.085, inclusive, *and section 3 of this act* and of any federal acts
12 pertaining to public child welfare and youth services, insofar as
13 authorized by the Legislature.
- 14 **Sec. 5.** This act becomes effective on July 1, 2011.

