

SENATE BILL NO. 148—COMMITTEE ON
HEALTH AND HUMAN SERVICES

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

FEBRUARY 12, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises requirements governing certain child welfare proceedings. (BDR 38-195)

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 child welfare; revising requirements concerning service of a summons to a hearing on a petition that a child is in need of protection; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a court to hold an adjudicatory hearing within 30 days of
2 the filing of a petition that a child who was removed from his or her home is in
3 need of protection. (NRS 432B.530) As a result of such a hearing, the court may
4 return the child to the custody of his or her parent or guardian or place the child in
5 the temporary custody of a relative, a fictive kin, another suitable person or certain
6 public or private agencies or institutions. (NRS 432B.550) Before such a hearing,
7 the court is required to issue a summons to the person who has custody or control
8 of the child. If this person is not the parent or guardian of the child, the summons
9 must also be issued to the parent or guardian of the child. If the person summoned
10 resides in this State, the summons must be served personally. If the person cannot
11 be found in this State or does not reside in this State, the summons must be served
12 by registered or certified mail. If the child is a newborn and was delivered to a
13 provider of emergency services and the location of the parent is unknown, the
14 summons must be served by publication. (NRS 432B.520) Except when a newborn
15 child is delivered to a provider of emergency services and the location of the parent
16 is unknown, this bill requires the summons to be served personally, by registered or
17 certified mail or by posting a written notice on the door of the residence of the
18 person served, regardless of whether the person resides within or outside of this
19 State.



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

1 **Section 1.** NRS 432B.520 is hereby amended to read as
2 follows:

3 432B.520 1. After a petition has been filed, the court shall
4 direct the clerk to issue a summons requiring the person who has
5 custody or control of the child to appear personally and bring the
6 child before the court at a time and place stated in the summons. If
7 the person so summoned is other than a parent or guardian of the
8 child, then the parent or guardian, or both, must also be notified by a
9 similar summons of the pendency of the hearing and of the time and
10 place appointed.

11 2. Summons may be issued requiring the appearance of any
12 other person whose presence, in the opinion of the court, is
13 necessary.

14 3. Each summons must include notice of the right of parties to
15 counsel at the adjudicatory hearing. A copy of the petition must be
16 attached to each summons.

17 4. ~~[(If the:)]~~ *Except as provided in subsection 5, the summons*
18 *must be served by:*

19 (a) ~~[(Person summoned resides in this state, the summons must~~
20 ~~be served personally;)]~~ *Personal service of a written notice;*

21 (b) ~~[(Person summoned cannot be found within this state or does~~
22 ~~not reside in this state, the summons must be mailed by registered]~~
23 *Registered* or certified mail to the last known address of the person;
24 or

25 (c) ~~[(Child)]~~ *Posting a written notice on the door of the*
26 *residence of the person.*

27 5. *If the child* was delivered to a provider of emergency
28 services pursuant to NRS 432B.630 and the location of the parent is
29 unknown, the summons must be served on the parent by publication
30 at least once a week for 3 consecutive weeks in a newspaper
31 published in the county and if no such newspaper is published, then
32 a newspaper published in this state that has a general circulation in
33 the county. The failure of the parent to appear in the action after the
34 service of summons on the parent pursuant to this paragraph shall be
35 deemed to constitute a waiver by the parent of any further notice of
36 the proceedings that would otherwise be required pursuant to this
37 chapter.

38 ~~[(5:)]~~ 6. If it appears that the child is in such condition or
39 surroundings that the welfare of the child requires that custody be
40 immediately assumed by the court, the court may order, by
41 endorsement upon the summons, that the person serving it shall at
42 once deliver the child to an agency which provides child welfare



1 services in whose custody the child must remain until the further
2 order of the court.

3 ~~6.7~~ 7. If the summons cannot be served or the person who has
4 custody or control of the child fails to obey it, or:

5 (a) In the judge's opinion, the service will be ineffectual or the
6 welfare of the child requires that the child be brought forthwith into
7 the custody of the court; or

8 (b) A person responsible for the child's welfare has absconded
9 with the child or concealed the child from a representative of an
10 agency which provides child welfare services,

11 ↪ the court may issue a writ for the attachment of the child's
12 person, commanding a law enforcement officer or a representative
13 of an agency which provides child welfare services to place the
14 child in protective custody.

15 **Sec. 2.** NRS 432B.580 is hereby amended to read as follows:

16 432B.580 1. Except as otherwise provided in this section and
17 NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other
18 than with a parent, the placement must be reviewed by the court at
19 least semiannually, and within 90 days after a request by a party to
20 any of the prior proceedings. Unless the parent, guardian or the
21 custodian objects to the referral, the court may enter an order
22 directing that the placement be reviewed by a panel appointed
23 pursuant to NRS 432B.585.

24 2. An agency acting as the custodian of the child shall, before
25 any hearing for review of the placement of a child, submit a report
26 to the court, or to the panel if it has been designated to review the
27 matter, which includes:

28 (a) An evaluation of the progress of the child and the family of
29 the child and any recommendations for further supervision,
30 treatment or rehabilitation.

31 (b) Information concerning the placement of the child in relation
32 to the child's siblings, including, without limitation:

33 (1) Whether the child was placed together with the siblings;

34 (2) Any efforts made by the agency to have the child placed
35 together with the siblings;

36 (3) Any actions taken by the agency to ensure that the child
37 has contact with the siblings; and

38 (4) If the child is not placed together with the siblings:

39 (I) The reasons why the child is not placed together with
40 the siblings; and

41 (II) A plan for the child to visit the siblings, which must
42 be approved by the court.

43 (c) A copy of an academic plan developed for the child pursuant
44 to NRS 388.155, 388.165 or 388.205.



1 (d) A copy of any explanations regarding medication that has
2 been prescribed for the child that have been submitted by a foster
3 home pursuant to NRS 424.0383.

4 3. Except as otherwise provided in this subsection, a copy of
5 the report submitted pursuant to subsection 2 must be given to the
6 parents, the guardian ad litem and the attorney, if any, representing
7 the parent or the child. If the child was delivered to a provider of
8 emergency services pursuant to NRS 432B.630 and the parent has
9 not appeared in the action, the report need not be sent to that parent.

10 4. After a plan for visitation between a child and the siblings of
11 the child submitted pursuant to subparagraph (4) of paragraph (b) of
12 subsection 2 has been approved by the court, the agency which
13 provides child welfare services must request the court to issue an
14 order requiring the visitation set forth in the plan for visitation. If a
15 person refuses to comply with or disobeys an order issued pursuant
16 to this subsection, the person may be punished as for a contempt of
17 court.

18 5. The court or the panel shall hold a hearing to review the
19 placement, unless the parent, guardian or custodian files a motion
20 with the court to dispense with the hearing. If the motion is granted,
21 the court or panel may make its determination from any report,
22 statement or other information submitted to it.

23 6. Except as otherwise provided in this subsection and
24 ~~paragraph (c) of~~ subsection ~~[4] 5~~ of NRS 432B.520, notice of the
25 hearing must be given by registered or certified mail to:

26 (a) All the parties to any of the prior proceedings;

27 (b) Any persons planning to adopt the child;

28 (c) A sibling of the child, if known, who has been granted a
29 right to visitation of the child pursuant to NRS 127.171 and his or
30 her attorney, if any; and

31 (d) Any other relatives of the child or providers of foster care
32 who are currently providing care to the child.

33 7. The notice of the hearing required to be given pursuant to
34 subsection 6:

35 (a) Must include a statement indicating that if the child is placed
36 for adoption the right to visitation of the child is subject to the
37 provisions of NRS 127.171;

38 (b) Must not include any confidential information described in
39 NRS 127.140; and

40 (c) Need not be given to a parent whose rights have been
41 terminated pursuant to chapter 128 of NRS or who has voluntarily
42 relinquished the child for adoption pursuant to NRS 127.040.

43 8. The court or panel may require the presence of the child at
44 the hearing and shall provide to each person to whom notice was
45 given pursuant to subsection 6 a right to be heard at the hearing.



1 9. The court or panel shall review:

2 (a) The continuing necessity for and appropriateness of the
3 placement;

4 (b) The extent of compliance with the plan submitted pursuant
5 to subsection 2 of NRS 432B.540;

6 (c) Any progress which has been made in alleviating the
7 problem which resulted in the placement of the child; and

8 (d) The date the child may be returned to, and safely maintained
9 in, the home or placed for adoption or under a legal guardianship.

10 10. The provision of notice and a right to be heard pursuant to
11 this section does not cause any person planning to adopt the child,
12 any sibling of the child or any other relative, any adoptive parent of
13 a sibling of the child or a provider of foster care to become a party
14 to the hearing.

