

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 or by registered  
17 or certified mail, regardless of whether the person resides within or outside of this  
18 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; or*

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]~~

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

37 ~~[5:]~~ 6. If it appears that the child is in such condition or  
38 surroundings that the welfare of the child requires that custody be  
39 immediately assumed by the court, the court may order, by  
40 endorsement upon the summons, that the person serving it shall at  
41 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.

