MEMBERS PRESENT: Chairman Stewart
Vice Chairman Sader
Mr. Thompson
Mr. Beyer
Mr. Price
Mr. Chaney
Mr. Malone
Mrs. Cafferata
Mrs. Ham
Mr. Banner

MEMBERS ABSENT: Miss Foley

GUESTS PRESENT: MaryLee, Nevada State Welfare
Gloria Handley, Nevada State Welfare
Margaret Wright, CASA
Janet Bubnis, Clark County Juvenile Court/CASA
Carolyn Mann, Mental Hygiene/Mental Retardation
Ned B. Solomon, Clark County Juvenile Court
Judge Mendoza, Clark County District Court
Frank Carmen, Nevada Youth Services
Frank Sullivan

Chairman Stewart called the meeting to order at 8:16 a.m. and asked for testimony on AB 626.

AB 626: Requires filing of case plan with court before child is permanently placed outside his home.

Judge John Mendoza, Clark County District Court, passed out amendments to AB 626 (EXHIBIT A) to conform to the original intent of the original bill submitted to the bill drafter. This bill deals with the case plan as distinguised from the case review system. He reminded the committee of the testimony given on AB 531 which deals with the case review system. AB 626 is a companion to that bill. It was submitted for the reason that it is required by federal law, Public Law 96-272, that in order to continue to receive foster care funding and adoption assistance funding, the state must adopt a case plan as well as a case review system. The case review system has already been approved. The case plan is not up for discussion.

Judge Mendoza read the requirements of the federal statute, stating that in order for a state to receive a full share of funding under 4(b) of the Child Welfare Services Program and to receive federal reimbursement under the 4(e) program for children voluntarily placed in foster care or otherwise, the state must insure that every child in state supervised foster

care must have a written case plan which specifies the needs of the child and is designed to achieve placement in the least restrictive setting available, etc. The federal statute requires that for a state to be eligible for foster care funding, approximately $900,000 in Nevada, under Section 471(a) of Public Law 96-272 the following must be done: In order for the state to be eligible for payments under this part, it shall have a plan approved by the secretary which provides for foster care maintenance payments; . . . provides that the plan shall be effective in all political subdivisions. Judge Mendoza explained that the plan must be uniform throughout the state and cannot apply just to one county or district. . . . And if administered by them, be mandatory upon them.

It is therefore established that there are two things required by the federal law: (1) There must be a foster care maintenance system and (2) there has to be a plan which is effective and applicable throughout the state of Nevada. In Section 16 of the federal law, it continues to "provide(s) for the development of a case plan as defined in Section 475.1 for every child receiving foster care maintenance payments under the state plan and provides for a case review system which meets the requirements prescribed in Section 475.5(b) with respect to every child.

Judge Mendoza next turned to the definition of a case plan under the federal statutes. Referring to Section 475, the term "case plan" means a written document which includes at least the following: A description of the type of home or institution in which a child is to be placed, including a discussion of the appropriateness of the placement and how the agency which is responsible for the child's plans to carry out the judicial determination made with respect to the child in accordance with 472(a)(1). Section 472(a)(1) provides that every state with a plan approved under this act must, if the removal from the home was the result of a judicial determination to the effect that continuation therein would be contrary to the welfare of the child and that reasonable efforts of the type described in Section 471 has been made. In effect, it then says the agency must carry out what the court determined and then tell the court how they intend to do it.

The federal law continues to say that a plan for assuring that the child receives proper care and that services are provided to the parents, the child and the foster parents in order to improve the conditions in the parents' home, facilitate return of the child to his own home or the permanent placement of the child and address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided to the child under the plan.

Judge Mendoza felt the requirements rather broad as to what must be included in a case plan to be presented to the court. There has been discussion that this can be done in an out-of-court hearing as in the past. Judge Mendoza stated that is sheer folly and is not the law. The Federal Act requires that there be a judicial hearing with appropriate due process safeguards. If there are those that believe this is going to impact them on the hearings, they had better make a determination that the state will not accept any foster care funding. If review is not done in court, the state will not be eligible to secure the funding.

Judge Mendoza cited Section 475.5 of the Federal Act which says, referring to a case review system, "With respect to each such child, procedural safeguards will be applied, among other things, to insure each child in foster care under supervision of the state of a dispositional hearing to be held." Judge Mendoza explained this as meaning confrontation, notice, cross examination, etc. ". . . In a family or juvenile court or other court, including a tribal court, or administrative body appointed by the court or approved by the court." It could be heard by a referee or a local board of review, as is the case in some instances. The Federal Act continues, ". . . no later than 18 months after the original placement." The 18 month provision was for those states that had never reviewed such as New York and Illinois. Thereafter, there will be semiannual hearings: ". . . and periodically thereafter during the continuation of the foster care." The section prior states once every 6 months. "Including but not limited to which hearing (or the dispositional hearing) shall determine the future status of the child, including but not limited to whether the child should be returned to the parent, should be continued in foster care for a specified period, should be placed for adoption or should, because of the child's special need or circumstances, be continued in foster care on permanent or long term basis; and procedural safeguards shall also be applied with respect to the parental rights."

Judge Mendoza felt this lays to rest the concern that they have the right to disregard in-court hearings. In-court includes hearings before referees or review boards as appointed by the court. If a review board is appointed, it is an arm of the court, very similar to a master's hearing proceeding. There must be those constitutional safeguards to the family and to the child.

AB 626 provides more specifically what is given in broad general language in this Federal Act. Judge Mendoza proceeded to explain the proposes amendments, explaining that an additional amendment should appear at page 1 of EXHIBIT A, line 21, reading as follows: "The agency which is charged with the care and custody of (the) a non-delinquent child." This is done because paragraph (b) refers to foster care review or children who are non-delinquent. Paragraph (a) applies to all other children.

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The bill provides that if a child is non-delinquent or any other child who comes before the court, a petition should be filed and that the court first direct a predispositional study and report to the court in writing, by probation officer or other agency, concerning the child, his family, and his environment or other matters relevant to the need for treatment or disposition of the case.

The next paragraph was deleted by the bill drafter and should remain since it says that an investigation is not started into the life of a family until jurisdiction has been ascertain, or in other words, that there has been a determination by the court that the child is neglected, abused or delinquent.

The following paragraph requires the filing of a case plan, conforming with the federal statute, to include the social history of the child and the family, the wishes of the child relating to his placement. This is required because the court wants child input. If due process is being provided for children, then obviously, the court must listen to what they have to say. It is further required that the plan include a statement of conditions which require intervention by the court. That is specifically required by subparagraph 477.5 in the federal statute, which states, ". . . a statement of conditions which require intervention by the court and whether the removal of the child from the home was a result of a judicial determination and that his continuance in the home be contrary to his welfare.

Section 4 was explained by Judge Mendoza as removing the bill drafter's language and including the original statement, "a statement of the likely harms a child may suffer as a result of the removal." He explained that the single brackets are the brackets of the bill drafter. The double brackets are the new language attempting to bring the bill back to its original intent.

Paragraph 5 requires a discussion of the types of reasonable efforts made by the agency prior to the placement of the child in foster care to prevent or eliminate the need of the removal of the child from the home. The problem is that sometimes children have been removed from their homes when support for the family should have been provided. This section asks what the agency has done to make certain that the child remains with the family before removing him.

Paragraphs 6 and 7 conform to the requirements of the federal statute, with 7 following that portion which requires that each child have a case plan designed to achieve placement in the least restrictive, most family-like home setting.

Section 8 is an attempt to avoid a permanent foster placement.

Section 9 deals with the issue of what is being offered to the parents prior to termination.

Mrs. Cafferata asked how often parental rights are terminated. Judge Mendoza stated that the Deputy Attorney General provided the following statistics: 1979 - 43 termination cases; 1980 - 62 termination cases. He believes that this number will double in 1981. The Judge explained that the juvenile court does not terminate parental rights. That is done in other court proceedings. The juvenile court can only recommend to the agency the appropriateness of the case for termination. The attorney general then may or may not file the petition. If they file the petition, a federal court order requires attorneys to be appointed. That order is now on appeal to the 9th Circuit Court Appeals in the case of Brown v. Guy, in which every judge in Clark County was joined. Now when there is a termination case with indigent parents, the court is required to appoint counsel for them.

Mr. Beyer asked which "agency" the bill is referring to. Judge Mendoza stated it could be Nevada State Welfare, Mental Health & Retardation, Desert Development, or any other state or county agency.

Mr. Beyer next asked what circumstances would surround the termination of parental rights. Judge Mendoza explained the most recent case of a prostitute mother and step-father who decided to turn out their 15 year old daughter. They proceeded through the sex orgies of training her how to be a prostitute and took her out on the Strip. That child will always be at risk in the home and will never go back.

To Mr. Beyer's question about federal cut-backs, Judge Mendoza felt that no matter what the Administration does, there will be funds for foster care.

Mr. Sader asked for an estimate on the court system as a result of this procedure. Judge Mendoza stated there would be none in Las Vegas, and felt that other counties are doing much the same thing. He stated this is just good case planning and doesn't require that much more. The first dispositional report will be the most extensive and the others will be follow-up.

Bill LaBadie of State Welfare stated they have had case plans for years, although they may be called other things. He stated it works in Clark County and requires a lot of work by his staff. It was his feeling that it should not be imposed on the rest of the state since different judges want different things.

Mr. Price asked why the other judges had not notified the committee that they did not like the bill and have not appeared to testify against it. Mr. LaBadie stated there was a letter from Judge Fondi and Judge Griffin and knew that some of the judges did not like the bill.

Gloria Handley of State Welfare stated that it is not required by federal law, commenting that Welfare had carefully reviewed the federal law. She stated that assuming this law stands and there is federal funding, federal people will be reviewing the agency's records.

Ms. Handley commented that Block Grant Funding for social services is probably coming, which will mean 25% less federal money for social services. There is a potential for even greater cutbacks. This will require cutting back on staff. Welfare will need some flexibility in order to meet federal requirements with the staff available to them. She stated that Welfare does not disagree with the case plan concept, but does not want something written into the law that they may have difficulty with due to the lack of funds to carry it out.

To Mr. Sader's question about what areas of the bill the Welfare Division has difficulty with, Ms. Handley stated that there is no basic problem with the bill, except the requirement of presenting a case plan to the court, explaining that it requires staff time to appear in court and write the reports.

Mr. Price asked how much control a judge has over a child that has been placed with an agency. Mr. LaBadie stated currently a judge has the authority to give custody, but not to control where the agency places the child.

Mrs. Cafferata asked how many children are in foster care at the present time. Ms. Handley stated that as of April 1, 1981, there were 641 children in foster care and 108 in some sort of institutional type setting, including some children in temporary care, detention, or child havens. Mr. LaBadie stated there were 1129 in some form of care. Ms. Handley stated there was an 18% increase in the number of children in care from January, 1980 to January, 1981, and a 10% cut in staff.

Mr. Beyer asked how the children are kept track of. Mr. LaBadie stated they have an elaborate reporting system so that no one falls through the cracks. There are reports every month which show where the kids are and where they have been, etc. Ms. Handley stated there are requirements imposed upon the staff in terms of what they are expected to do as far as visiting once a month, contacts with the schools, natural parents, etc.

To Mr. Beyer's question, Mr. LaBadie stated that most of the children come to the custody of the Welfare Division, which works with other agencies in placing them. It is Welfare's responsibility to keep track of all of these children. They have no control over the delinquent children.

Mrs. Cafferata asked what the average number of children processed per year is. Ms. Handley stated that in 1980, 390 cases were closed and there were 18% more open at the end of 1980. She did not have a percentage of the caseload handled. She added that there are 99 case workers and not all are assigned to child welfare. In the rural areas, some workers provide child welfare services in addition to the other services. There will be a 10% decrease in the number this year.

Mr. Sader asked which of the criteria listed in the bill the Welfare Division does not feel are required. Mr. LaBadie stated they would prepare a comparison of the bill to the federal law showing which they feel are required and which are not and have that available by Monday, May 18.

Mr. Sader asked if Welfare agreed that a dispositional hearing was required. Mr. LaBadie agreed that it was every 18 months. Mr. Sader then asked if they were in agreement with the requirement for procedural safeguards and asked what those were. Ms. Handley stated that the law merely says procedural safeguards. When the Feds wrote the regulations, they came out with some interpretation of what are "procedural safeguards" which would have imposed horrendous requirements upon the Welfare Division. She stated the agency is hopeful that is one of the areas which will be changed when the regulations are rewritten. An example given of those requirements is the notices required to be sent to parents.

Frank Sullivan, the Chief Probation Officer in Washoe County, stated that Washoe County is not receiving federal monies. If the courts in Clark County want this type of study done, the judge merely needs to order it done. He stated that case plans are prepared and back-up plans as well. He did not agree with making this state law when the federal regulations have not yet been put into effect and did not believe the federal government should be able to dictate to our courts. He added that there are judicial reviews conducted in Washoe County and that if the judge wants something special done, he orders it.

Mr. Beyer asked what happens to the $900,000 that Judge Mendoza had referred to if it does not filter down to the county level. Mr. Sullivan stated that if the county places children, the county picks up the tab. Mr. LaBadie stated that the funds come to the

Welfare Division and is used to run the foster home program and the child welfare programs. Ms. Handley stated that part of the money goes for the direct foster care payment of children, part towards staff to provide services on behalf of the children. She added that the $900,000 in no way begins to pay for the total child welfare services program that is provided in the State of Nevada.

Mr. Beyer asked if the County's reports on their children go to the courts or to Welfare. Mr. Sullivan stated that if he had children who had not really done anything wrong, he would request that the court order them into State Welfare. At that time, Welfare might ask for help from Mr. Sullivan if they felt it necessary. He added that this all must be done through the courts. He continued by saying that there is also county welfare which might care for some of these children if it appears to be short term.

Mr. Price asked if the county tracks children placed with the State Welfare. Mr. Sullivan stated that sometimes if there is a fondness developed for one of these kids placed with the State, he would be more closely followed. Mr. Price then asked what the options would be if the county felt the placement was not in the best interests of the child. Mr. Sullivan stated he could contact the public defender and the district attorney or go directly to the court with the problem.

Mr. Price commented that under the current law the judge does not necessarily have the authority to order changes in placement of these children, but that this bill would allow him those options. Mr. Sullivan pointed out that under the law, a judge can modify any order already made.

Janet Bubnis, Supervisor at the Juvenile Court of the CASA Program, stated that the CASA Program recruits and trains volunteers to be matched to a foster case in the system to make independent inquiry into the facts, to arrive at their own independent assessments and to make recommendations to the judge about what should or should not be done in the particular child's life. She stated she had been doing this for almost a year and has about 80 volunteers functioning in this capacity. These people include homemakers, full-time professionals in a variety of helping services, as well as people from totally unrelated fields.

Ms. Bubnis continued by saying that most of these volunteers were of the impression that when the autorities removed a child from the home, the children lived happily ever after. They were quite surprised to discover that once the child came into the custody of the state, they were just at the beginning of an entire process.

To the earlier testimony that all case workers have a plan, Ms. Bubnis stated her people have come across a great many cases where the plan is very general. Some of the very important provisions of AB 626 are that it focuses and specifies the services, what is the rationale for these services, what reason do we have to believe they are going to affect the problem, what is their availability, and what is the plan for insuring their delivery. Ms. Bubnis stated there are a lot of things that go wrong and court reports get to be just a format, with practically every one getting referred to children's behavioral services, whether or not the presenting problem or the age of the child had anything to do with the services provided by children's behavioral services. She felt these plans are not always thought through and stated that children do get lost in the system, with some cases going 8 or 9 months with absolutely no case entries. She stated that it may be the intent that social workers visit the children every month, but it does not happen.

Ms. Bubnis commented that social workers carry big caseloads of tough cases. To the argument that tying them into stringent requirements is going to cause funding problems, she stated that the figures show that a very specific case plan with regular reviews with people being held accountable for the rationale, it reduces the time children stay in foster care. Not only does that save money, but it does much less harm to children.

To the issue that these requirements should not be imposed upon all the courts, Ms. Bubnis stated that from a common sense point of view, anyone who is going to be accountable and responsible for children needs to look at the issues addressed in the bill. She did not see any frivolous or arbitrary provisions in the bill.

Mr. Sader asked how the CASA workers relate to the case workers. Ms. Bubnis stated that the case worker holds the responsibility, but that they work closely and have understandings where the CASA volunteers can do things which the case workers cannot do. She added that the volunteers are sworn in as officers of the court and are entitled to have access to all privileged information. They do their own interviewing of all the primary people.

Mrs. Ham asked if the CASA people could fill in for the case workers where Welfare is losing staff. Ms. Bubnis felt that as things such as this bill mandate more accountability and more specificity, these cases will move through the system faster. She stated that a lot of time is lost in referring cases to an inappropriate service. Accountability will alleviate these errors.

Mr. Chaney asked about this program assisting in counties other than Clark County. Ms. Bubnis stated it does not presently exist in the other counties, but there are some of the children under

the CASA caseload who are physically placed in other parts of the state. Therefore, there is contact with the other parts of the state and their procedures. She stated she would be delighted to talk with people from other parts of the state about instituting this type of program.

Mr. Chaney asked if the CASA volunteers receive any kind of compensation. Ms. Bubnis stated she could reimburse them for long distance phone calls and mileage.

Mr. Beyer asked what rights the parents have once their children are placed in foster homes. Ms. Bubnis stated that based upon their ability to pay, they have a responsibility to assist with support. Their rights to visitation are largely out of their control, with the court or the agency deciding the conditions of visitation. She commented on the punitive use of visitation which has nothing to do with the best interests of the child, but as a lever to get the parents to comply with some other aspects of the treatment plan. She pointed out that the CASAs can also give a new perspective on the child's view of what is happening to him

Judge Mendoza responded to the previous question of whether judges or administrative bodies have to review case plans by stating that the Federal Act requires it specifically at Section 475 where it states, "The term case review system means a procedure for assuring that the status of each child is reviewed periodically and not less frequently than once every 6 months by either a court or by administrative review as defined in paragraph 6 in order to determine (1) the continuing necessity for or appropriateness of the placement; (2) the extent with compliance of the case plan. . .".

To the previous question on procedural safeguards, Judge Mendoza stated he called the Children's Defense Fund in Washington, D.C. who advised him that through extensive testimony it was determined that procedural safeguards mean due process, procedural safeguards. In other words, in-court hearings, the right to notice, the right to be confronted and the right to present witnesses.

AB 627: Makes various changes in provisions regarding juveniles and juvenile courts.

Ned Solomon, the Deputy Director of the Clark County Juvenile Court, stated that there is a course in Clark County where anyone working with Chapter 62 becomes familiar with it. In going through it, there were found to be certain items which do not fit, resulting in these changes. He addressed the bill as follows:

1837

Page 1, line 9 addresses expectant mothers who are addicted to drugs. This section gives the opportunity to provide supervision during birth and immediately thereafter to avoid the necessity of proving neglect or abuse.

Page 2, lines 21 and 23 deals with traffic. It was the original intent, consistent with NRS 62.083 and NRS 62.170, that in the large counties the traffic be handled by the regular JP's and municipal judges. The language "sentencing and ordered to be imprisoned" must be removed since the judges do not have the authority to place a child in a lock-up situation. If that is required, they must be referred to the juvenile court for placement in the appropriate facility.

Page 3, line 6 states "it is the paramount duty of the probation committee to advise the court at its request". Line 25 also addresses this by changing the words "in cooperation with" to "the advice of".

Page 3, lines 29-37, removes Section (f), which provides that the probation committee shall give competitive examination. Mr. Solomon stated this is beyond their scope.

Page 4, line 41, 45, and page 5, line 4 puts the probation committee in the advisory role with the court and taking them out of the direct role of competitive examinations.

Page 5, lines 18 and 19 removes the language which states the probation committee actually gave the exams. In Clark County and other areas of the state, these are conducted by a personnel professional. This also appears on lines 40 and 42.

Page 6, lines 29-30 addresses the same situation, but applies only to Clark County where an eligibility list is established and is certified by the probation committee.

Page 7, line 1 makes this section consistent with Chapter 62.170 when necessary to have a writ of attachment, the child might be picked up.

Page 7, line 10 addresses costs expended by other states or people other than the state agency in the treatment of children. If in the custody of the State, the State shall pay. If not in the custody of the State, whoever makes the decision must be responsible for payment.

Page 7, line 43 deals with when jurisdiction takes place. Mr. Solomon stated that parents are charged for the care of their children and medical care is sometimes needed prior to the filing of a petition, such as in the case of an abused child. This will

allow for immediate care to be provided and charged to the parents prior to the filing of the petition.

Page 8, lines 12-13, is an additional section on the definition of "neglected child". This requires the parents to comply with the case plan for the child as well as the court's orders. If they do not, they are in violation of this section and their child may be termed neglected.

Page 8, line 23, deals with a conflict to other statutes. Children in the juvenile court have the right to confidentiality. This provides that for any child suspected of being involved in a crime, the name can be given to victims of crimes, members of the family or guardians. The intent should be to those certified as adults. For those with the need to know, there are provisions for application to the court for that information.

Page 9, lines 6 and 43, removes the x-ray exam as being the requirement since there is now a skin test given for TB.

Page 10 allows for fishing permits for children at Spring Mountain Youth Camp as for those at the Girls' School in Caliente and NYTC. Also included should be any facility which provides temporary care, foster care for children who are not delinquent. Mr. Sullivan would also like delinquents included.

Mary Lee of Nevada State Welfare stated that at page 1, line 9, the language should specify fetal alcohol syndrome and congenital drug addiction. It was felt that "proper prenatal care" is too vague, referring to a smoking mother. Mr. Solomon agreed.

The other section over which concern was expressed was Section 10, subparagraph 4 on page 8. Ms. Lee stated this is part of Chapter 128, the statute terminating parental rights. Subparagraph 4 allows for parents' rights to be terminated based on failure of parents to comply with a court order. It was felt that additional language should be added since this does not address the reasonableness of the court order or the inability of the parents to comply. It does not specify the time limits within which to comply with the court order. Ms. Lee asked for further clarification of the term "substantially". Judge Mendoza responded to these questions by commenting that this section was included to provide for a child who is neglected through the failure of a parent to comply with the treatment plan. The question of reasonability, feasability and substantialness are issues to be addressed by the hearing court. The judge hearing the termination will be a different judge than the one who made the order and will be addressing whether it was reasonable, feasable, etc.

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Mr. Sader asked if there are other sanctions which may be imposed aside from termination. Judge Mendoza stated that this would fall under the contempt powers with the option of jail.

Since there was no further testimony, the meeting was adjourned at 10:25 a.m.

Respectfully submitted,

Jor Jan M. Martin
Committee Stenographer

1980

EXHIBIT A

PROPOSED AMENDMENT TO A.B. 626

Section 1. NRS 62.197 is hereby amended to read as follows:

62.197 1. [After a petition has been filed pursuant to NRS 62.128, the] When a child who is not delinquent has been placed outside his home by court order or after a petition has been filed pursuant to NRS 62.128 and the court finds the allegations in the petition to be true or a notice of intent to admit the allegations is filed and the party consents thereto:

(a) The court shall direct that a predisposition study and report to the court be made in writing by a probation officer or another agency authorized by law, concerning the child, his family, his environment and other matters relevant to the need for treatment or disposition of the case; and [. The study and report shall not be made prior to a finding with respect to the allegations in the petition unless a notice of intent to admit the allegations if filed, and the party consents thereto.]

(b) The agency which is charged with the care and custody of the child or the agency which has the responsibility for supervising the placement of the child shall file with the court a case plan which includes:

(1) The social history of the child and his family;

(2) The wishes of the child relating to his placement;

(3) A statement of the conditions which required intervention by the court and whether the removal of the child from his home was a result of a judicial determination that his continuation in the home be contrary to his welfare;

(4) [[The disadvantages of removing the child from

his home;]] A statement of the likely harms the child may suffer as a result of removal;

(5) A discussion of the types of reasonable efforts made by the agency prior to the placement of the child in foster care to prevent or eliminate the need for removal of the child from his home.

(6) The special programs available to the parents, guardian or custodian of the child which might prevent further harm to the child [[and prevent the need for removal of the child from his home]] the reason why such programs are likely to be useful, the availability of any proposed services, and the overall plan of the agency to insure [[the usefulness of]] the services.

(7) A description of the type of home or institution in which the child could be placed [[including]] a plan for assuring that the child would receive proper care, and a description of the needs of the child.

(8) [[Any progress which]] A description of the efforts taken by the agency to facilitate the return of the child to his home or the efforts taken to facilitate a permanent [[foster]] placement of the child; and

(9) The steps which will be taken to terminate [[the rights of the parents, guardian or custodian]] parental rights if the parents do not substantially comply with the case plan.

2. Where there are indications that the child may be mentally ill or mentally retarded, the court may order the child to be examined at a suitable place by a physician, psychiatrist or psychologist [prior to] before a hearing on the merits of the petition. Such examinations made [prior to] before a hearing or as part of the study provided for in subsection 1 [shall] must

must be conducted on an out-patient basis unless the court finds that placement in a hospital or other appropriate facility is necessary.

3. The court, after hearing, may order examination by a physician, [surgeon] psychiatrist or psychologist of a parent or custodian who gives his consent and whose ability to care for or supervise a child before the court is at issue.

LEGEND FOR PROPOSED AMENDMENT TO

A.B. 626

Single brackets is the material which we desire deleted from the statute as it stands now. [ ].

Double brackets is the material that we desire deleted from the bill A.B. 626 as drafted by the bill drafters. [[ ]].

The underlined sections is material that we propose to be added to A.B. 626.

EXHIBIT A

PROPOSED AMENDMENT TO A.B. 626

Section 1. NRS 62.197 is hereby amended to read as follows:

62.197 1. [After a petition has been filed pursuant to NRS 62.128, the] When a child who is not delinquent has been placed outside his home by court order or after a petition has been filed pursuant to NRS 62.128 and the court finds the allegations in the petition to be true or a notice of intent to admit the allegations is filed and the party consents thereto:

(a) The court shall direct that a predisposition study and report to the court be made in writing by a probation officer or another agency authorized by law, concerning the child, his family, his environment and other matters relevant to the need for treatment or disposition of the case; and [. The study and report shall not be made prior to a finding with respect to the allegations in the petition unless a notice of intent to admit the allegations if filed, and the party consents thereto.]

(b) The agency which is charged with the care and custody of the child or the agency which has the responsibility for supervising the placement of the child shall file with the court a case plan which includes:

(1) The social history of the child and his family;

(2) The wishes of the child relating to his placement;

(3) A statement of the conditions which required intervention by the court and whether the removal of the child from his home was a result of a judicial determination that his continuation in the home be contrary to his welfare;

(4) [[The disadvantages of removing the child from

his home;]] A statement of the likely harms the child may suffer as a result of removal;

(5) A discussion of the types of reasonable efforts made by the agency prior to the placement of the child in foster care to prevent or eliminate the need for removal of the child from his home.

(6) The special programs available to the parents, guardian or custodian of the child which might prevent further harm to the child [[and prevent the need for removal of the child from his home]] the reason why such programs are likely to be useful, the availability of any proposed services, and the overall plan of the agency to insure [[the usefulness of]] the services.

(7) A description of the type of home or institution in which the child could be placed [[including]] a plan for assuring that the child would receive proper care, and a description of the needs of the child.

(8) [[Any progress which]] A description of the efforts taken by the agency to facilitate the return of the child to his home or the efforts taken to facilitate a permanent [[foster]] placement of the child; and

(9) The steps which will be taken to terminate [[the rights of the parents, guardian or custodian]] parental rights if the parents do not substantially comply with the case plan.

2. Where there are indications that the child may be mentally ill or mentally retarded, the court may order the child to be examined at a suitable place by a physician, psychiatrist or psychologist [prior to] before a hearing on the merits of the petition. Such examinations made [prior to] before a hearing or as part of the study provided for in subsection 1 [shall] must

must be conducted on an out-patient basis unless the court finds that placement in a hospital or other appropriate facility is necessary.

3. The court, after hearing, may order examination by a physician, [surgeon] psychiatrist or psychologist of a parent or custodian who gives his consent and whose ability to care for or supervise a child before the court is at issue.

LEGEND FOR PROPOSED AMENDMENT TO

A.B. 626

Single brackets is the material which we desire deleted from the statute as it stands now. [ ].

Double brackets is the material that we desire deleted from the bill A.B. 626 as drafted by the bill drafters. [[ ]].

The underlined sections is material that we propose to be added to A.B. 626.

ASSEMBLY JUDICIARY COMMITTEE

GUEST LIST

DATE: 5/14/81

1909

PLEASE PRINT YOUR NAME	PLEASE PRINT WHO YOU REPRESENT	I WISH TO SPEAK FOR	AGAINST	BILL NO.
MARY LEE	NEV STATE WELFARE DIV.		X	627
✓ Gloria Handley	Nev State Welfare D.v.		X	626
MARGARET WRIGHT	PRIVATE CITIZEN (CASA.)			
Janet Bubnis	Clark County Juvenile Court/CASA			
Carolyn Mann	Div. of MH/MR - listen to AB626			
Ned B Solomon	Clark Co Juv. Ct	X		627
✓ J. MENDOZA	Clark C. - Dist. Ct.	X		626
T. CARMEN	DEW. Youth Services			
✓ FRANK SULLIVAN			X.	626