

MINUTES OF THE  
MEETING OF THE SENATE COMMITTEE  
ON JUDICIARY

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
May 31, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 8:50 a.m., Sunday, May 31, 1981, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Melvin D. Close, Chairman  
Senator Keith Ashworth, Vice Chairman  
Senator Don W. Ashworth  
Senator Jean E. Ford  
Senator William J. Raggio  
Senator William H. Hernstadt  
Senator Sue Wagner

STAFF MEMBERS PRESENT:

Sally Boyes, Committee Secretary

ASSEMBLY BILL NO. 626:

Requires filing of case plan with court before child is permanently placed outside his home. (Exhibit C)

Mr. Ned Solomon, Clark County Juvenile Court, stated this bill requires that any department that plans out of home placement for a child should develop and file with the court, a case plan. The case plan would be a tool for any base work done; it determines the needs of the child and what can be done for the child. It also gives the parents an idea what has to be done in order for the child to be returned and the community resources available. Case plans are not developed in all jurisdictions of the state. He stated he felt this was important and all areas should have

Senate Committee on Judiciary  
May 31, 1981

a consistant case plan. Reviews would be more meaningful if a case plan was filed with the court; it would give accountability to the agency that provides a service. Chairman Close stated there was no fiscal note on the bill. He felt there would be some impact in providing that service. Mr. Solomon stated most agencies are doing this now; it is a matter of filing it with the court. Senator Wagner asked what other areas, beside Clark County, was this standard procedure. Mr. Solomon stated he could not answer that totally. Senator Raggio stated the judges in Washoe County felt this should not be locked into the statute. Mr. Solomon stated this would not require an appearance by a social worker i court; it would only require the filing of the case plan. He stated a pre-disposition report is completed and then the child is ordered to the custody of the Nevada State Welfare; that agency would then be asked to do a case plan. This plan would be complete and give an outline of the events of the placement of that child. Senator Raggio asked what point in time would a case plan be filed. Mr. Solomon stated Clark County allows 30 days; the court would have to determine the time allowed. He felt this would reduce the case load because the child involved was being kept track of better. Senator Ford stated in the committee she had worked on there was an extensive report from the Junior League of Las Vegas that had been involved in monitoring this type of thing and they were very concerned about having a case plan and following it.

Mr. Bill Labadie, State Welfare Division, stated not all jurisdictions do this type of plan; it depends on what the judge requires. He felt this bill would tell the staff in the department what to do. He stated every time a case plan would be made, the N.R.S. would have to be reviewed to determine what would be required by law. Senator Wagner stated the intent was positive and asked if there was any thing wrong with that. Mr. Labadie stated he felt the committee was being mislead; that the staff of the department did not know what they were doing. Senator Wagner stated that was not the implication; she felt a case plan was important to track the children. She asked what was so offensive in this bill. Mr. Labadie stated he felt law should not mandate what the welfare staff should do; if law did that to the welfare staff, it should do it for all people that worked with children. He stated the case plan in the division was in the case file, not filed with the court. Senator Raggio asked if a judge asked for a case plan it could be submitted to the court. Mr. Labadie stated it could be given to the court when asked for. Chairman Close asked what the minimum was that a court required for a case plan. Mr. Labadie stated each case was different and so was each case plan. He stated by and large the requirements were the same. Senator Ford asked if there was anything in the bill that was inappropriate or not applicable. Mr. Labadie stated number two; not all cases should a child be able to say what he wants at the beginning of a case. Chairman Close stated should the child have

Senate Committee on Judiciary  
May 31, 1981

no wishes, the word none could be inserted on that question.

Mr. Ned Solomon stated most of the provisions were taken from the Model Act; one was removed and it related to following the case plan. He stated this would apply to any agency that involved a non-delinquent child.

SENATE BILL NO. 257:

Changes certain provisions on restitution by offenders to victims of crime.

Chairman Close read amendment number 93 to the committee.

Senator Wagner moved to concur with the amendment.

Senator Hernstadt seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 451:

Amends provisions relating to county and city jails.

Chairman Close read the amendments of the bill to the committee.

Senator Wagner moved to concur with the amendment.

Senator Ford seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 149:

Revises provisions relating to abuse and neglect of children.

Senator Ford moved to concur with the amendment.

Senator Wagner seconded the motion.

The motion carried unanimously.

Senate Committee on Judiciary  
May 31, 1981

ASSEMBLY BILL NO. 626:

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

Senator Ford moved do pass A.B. 626.

Senator Don Ashworth seconded the motion.

The motion carried unanimously.

ASSEMBLY BILL NO. 432:

Makes various revisions to law governing mobile home parks.

The committee discussed technical errors in the bill and agreed to revise the bill further.

Senator Ford moved to further amend and do pass A.B. 432.

Senator Hernstadt seconded the motion.

The motion carried unanimously. (Senators Don Ashworth and Keith Ashworth were absent for the vote.)

There being no further business, the meeting adjourned at 10:00 a.m.

Respectfully submitted by,

  
\_\_\_\_\_  
Sally Boyes, Secretary

APPROVED BY:

  
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Senator Melvin D. Close, Chairman

DATE: June 3, 1981

SENATE AGENDA

COMMITTEE MEETINGS

Committee on JUDICIARY, Room 213  
Day Sunday, Date May 31, Time 9:00 a.m.

Work Session

A. B. No. 626--Requires filing of case plan with court before child is permanently placed outside his home.



(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 626

ASSEMBLY BILL NO. 626—COMMITTEE ON JUDICIARY

MAY 6, 1981

Referred to Committee on Judiciary

SUMMARY—Requires filing of case plan with court before child is permanently placed outside his home. (BDR 5-1818)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to juvenile courts; requiring the filing of a case plan with the court concerning certain children who are placed outside their homes by the court; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 62.197 is hereby amended to read as follows:  
 2 62.197 1. [After a petition has been filed pursuant to NRS 62.128,  
 3 the] *When a child who is not delinquent has been placed outside his home*  
 4 *by court order or after a petition has been filed pursuant to NRS 62.128*  
 5 *and the court finds the allegations in the petition to be true or a notice of*  
 6 *intent to admit the allegations is filed and the party consents thereto:*  
 7 (a) *The court shall direct that a predisposition study and report to the*  
 8 *court be made in writing by a probation officer or another agency author-*  
 9 *ized by law, concerning the child, his family, his environment and other*  
 10 *matters relevant to the need for treatment or disposition of the case;*  
 11 *and [ . The study and report shall not be made prior to a finding with*  
 12 *respect to the allegations in the petition unless a notice of intent to admit*  
 13 *the allegations is filed, and the party consents thereto.]*  
 14 (b) *The agency which is charged with the care and custody of the child*  
 15 *or the agency which has the responsibility for supervising the placement*  
 16 *of the child shall file with the court a case plan which includes:*  
 17 (1) *The social history of the child and his family;*  
 18 (2) *The wishes of the child relating to his placement;*  
 19 (3) *A statement of the conditions which require intervention by the*  
 20 *court and whether the removal of the child from his home was a result of*  
 21 *a judicial determination that his continuation in the home would be con-*  
 22 *trary to his welfare;*  
 23 (4) *A statement of the harm which the child is likely to suffer as a*  
 24 *result of the removal;*

1 (5) A discussion of the efforts made by the agency to avoid removing  
2 the child from his home before it placed him in foster care;

3 (6) The special programs available to the parents, guardian or cus-  
4 todian of the child which might prevent further harm to the child and  
5 the reason that each program is likely to be useful, and the overall plan  
6 of the agency to assure that the services are available;

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

10 (8) A description of the efforts made by the agency to facilitate the  
11 return of the child to his home or permanent placement of the child.

12 2. Where there are indications that the child may be mentally ill or  
13 mentally retarded, the court may order the child to be examined at a suit-  
14 able place by a physician, psychiatrist or psychologist [prior to] before a  
15 hearing on the merits of the petition. Such examinations made [prior to]  
16 before hearing or as part of the study provided for in subsection 1 [shall]  
17 must be conducted on an out-patient basis unless the court finds that  
18 placement in a hospital or other appropriate facility is necessary.

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