

Amendment No. 36

Senate Amendment to Senate Bill No. 111 (BDR 38-697)

Proposed by: Senate Committee on Health and Human Services

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) green bold italic underlining is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold underlining is newly added transitory language.

DLJ/RBL



Date: 4/4/2011

S.B. No. 111—Makes various changes concerning the placement of certain children who are in protective custody in certain counties. (BDR 38-697)



SENATE BILL NO. 111—SENATOR SETTELMAYER

PREFILED FEBRUARY 3, 2011

JOINT SPONSOR: ASSEMBLYMAN KITE

Referred to Committee on Health and Human Services

SUMMARY—~~[Makes various changes]~~ **Revises provisions** concerning the placement of certain children who are in protective custody ~~in certain counties.]~~ (BDR 38-697)

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 the protection of children; ~~[revising provisions limiting the placement of certain children who are in protective custody in certain counties;]~~ **requiring agencies which provide child welfare services to develop and implement a plan to ensure that certain requirements concerning the placement of children in protective custody are understood and carried out;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a person from placing a child who is under 6 years of age and who
2 is in protective custody into a child care institution unless appropriate foster care is not
3 available at the time of the placement or certain other conditions are met, including that the
4 medical needs of the child cannot be met at any other placement or if the placement is
5 necessary to avoid separating siblings. (NRS 432B.3905) This bill ~~[provides an additional~~
6 ~~exception from the prohibition on the placement of such a child in a child care institution for a~~
7 ~~child who is placed in a child care institution in a county whose population is less than~~
8 ~~100,000 (currently counties other than Clark and Washoe Counties).]~~ **requires each agency**
9 **which provides child welfare services to develop and implement a written plan to ensure**
10 **that the provisions and exceptions for such placement of children in protective custody**
11 **are understood and carried out.**

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

1 **Section 1.** NRS 432B.3905 is hereby amended to read as follows:
2 432B.3905 1. An employee of an agency which provides child welfare
3 services or its designee, an agent or officer of a law enforcement agency, an officer

1 of a local juvenile probation department or the local department of juvenile services
2 or any other person who places a child in protective custody pursuant to this
3 chapter:

4 (a) Except as otherwise provided in subsection 2, shall not transfer a child who
5 is under the age of 6 years to, or place such a child in, a child care institution unless
6 appropriate foster care is not available at the time of placement in the county in
7 which the child resides; and

8 (b) Shall make all reasonable efforts to place siblings in the same location.

9 2. A child under the age of 6 years may be placed in a child care institution:

10 (a) If the child requires medical services and such medical services could not
11 be provided at any other placement; or

12 (b) If necessary to avoid separating siblings. ~~for~~

13 ~~(c) If the child is being placed in a child care institution in a county whose~~
14 ~~population is less than 100,000.]~~

15 3. If a child is transferred to or placed in a child care institution in violation of
16 subsection 1, the agency which provides child welfare services that is responsible
17 for the child shall immediately notify the Director of the Department of Health and
18 Human Services and shall move the child to another placement as soon as possible.

19 4. The Director of the Department shall, on or before January 1 of each year,
20 submit to the Director of the Legislative Counsel Bureau for transmittal to the
21 Legislature a written report concerning any child under the age of 6 years who was
22 placed in a child care institution during the previous 12 months. Such a report must
23 include, without limitation:

24 (a) An explanation of the situation that required the transfer of the child to or
25 placement of the child in a child care institution;

26 (b) A summary of any actions that were taken to ensure the health, welfare and
27 safety of the child; and

28 (c) The length of time that the child was required to remain in the child care
29 institution.

30 ~~↳~~ The Director of the Legislative Counsel Bureau shall cause such report to be
31 made available to each Senator and member of the Assembly.

32 5. Each agency which provides child welfare services shall develop and
33 implement a written plan to ensure that the provisions of this section are
34 understood and carried out.

35 6. As used in this section, "child care institution":

36 (a) Means any type of home or facility that:

37 (1) Provides care and shelter during the day and night to 16 or more
38 children who are in protective custody of an agency which provides child welfare
39 services; or

40 (2) Provides care and shelter during the day and night, through the use of
41 caregivers who work in shifts, to children who are in protective custody of an
42 agency which provides child welfare services.

43 (b) Does not include a home or facility that provides medical services to
44 children.