

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

Nevada Revised Statutes 218E.705

The following is a summary of the recommendations approved by the Legislative Committee on Child Welfare and Juvenile Justice during the 2009-2010 Interim at its July 19, 2010, meeting. At the meeting, the Committee conducted a work session and voted to forward six bill draft requests (BDRs) to the Legislative Commission for transmittal to the 76th Session of the Nevada Legislature in 2011. The Committee also voted to draft a letter to certain entities to request action on a specific issue and to include a statement of support for an independent BDR made by one of the Committee members in the Committee's final report. A summary of each BDR, the letter, and the statement follow.

During the drafting process, specific details of the following proposals for legislation and letter may be further clarified by staff in consultation with the Chair or others, as appropriate. If a proposal for legislation or letter includes reference to specific chapters or statutes of the *Nevada Revised Statutes* (NRS), as part of the drafting process, amendments to other related chapters or sections of the NRS may be made to fully implement the proposals.

1. Draft legislation to authorize, but not require, the child welfare agencies in the State to establish a kinship guardianship assistance program, as allowed by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). Amend NRS to require Nevada's Department of Health and Human Services (DHHS) to include in the State plan for child and family services a provision for kinship guardianship assistance payments in accordance with Title 42, *United States Code*, Sections 671 and 673(d), including, without limitation, minimum requirements for the kinship guardianship assistance agreements, the amounts that may be paid pursuant to such agreements, additional services that may be provided and any other requirements prescribed by federal law. Further, amend NRS to provide that child welfare agencies may, in accordance with the provisions of the State plan, enter into kinship guardianship assistance agreements. (See NRS 127.186 and 422A.650 for similar programs.) **(BDR –196)**
2. Draft legislation to amend NRS 127.060 to allow a court in Nevada to finalize the adoption of a child in the custody of a Nevada child welfare agency without regard to the state of residence of the proposed adopting parents, if the child welfare agency in the state of residence of the proposed adopting parents has agreed to the adoption. Also, provide that the proposed adopting parents may attend the hearing in person or by telephone. **(BDR –197)**
3. Draft legislation to require the Division of Child and Family Services (DCFS), DHHS, to develop a plan for the care of children during disasters in circumstances in which the

local child welfare or juvenile justice agency is unable to respond to the needs of children. A summary of the plan must be submitted to the Legislative Committee on Child Welfare and Juvenile Justice and made available on the Division's website. **(BDR —198)**

4. Draft legislation to require the DCFS to adopt regulations relating to planning for children during disasters, which prescribe the elements of a disaster plan that must be in place for a foster home, which provides care to a child in this State. **(BDR —198)**
5. Issue a letter to Clark County requesting that the County report at a future meeting of the Committee on the progress of negotiations between the Clark County District Attorney's Office and the County Manager's Office regarding resolution of disputes over the role of the District Attorney in child protection cases. The Committee will request that the Legislative Commission order a special meeting of the Committee, to be scheduled during the first weeks of the 2011 Session.
6. Include a statement of support in the Committee's final report for BDR —116 (2011 Session), requested by Assemblywoman Mastroluca, regarding revising provisions relating to the termination of parental rights.
7. Draft legislation to amend NRS 127.2827 to require that notice of a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption of a child in the custody of an agency which provides child welfare services, must be provided to any interested party. Also, amend NRS 127.2827 to provide that a hearing to determine whether to include an order for visitation with a sibling must be held at a date and time other than when the petition for adoption is granted. **(BDR —197)**
8. Draft legislation to amend Chapters 432 and 432B of NRS to allow child welfare records, including reports, recommendations, and orders, to be disclosed to the Juvenile Delinquency Court for child treatment, custodial, and case planning purposes. **(BDR —199)**
9. Draft legislation to amend NRS 201.320 to make it a category B felony (consistent with the penalties for pandering provided in NRS 201.300, 201.330, and 201.340) for living from earnings of a prostitute when the prostitute is a child. **(BDR —200)**
10. Draft legislation to amend subsection 1 of NRS 199.480 to add the crimes of pandering a child (NRS 201.300), pandering a child by furnishing transportation (NRS 201.340), trafficking of persons for financial gain (NRS 200.467), and solicitation of a child (subsection 3 of NRS 201.354), to the current list of offenses constituting category B felony conspiracy. **(BDR —200)**

11. Draft legislation to amend the appropriate chapters of NRS to require all facilities that provide residential services to children, including: (a) group foster homes which provide full-time care for 7 to 15 children (Chapter 424 of NRS); (b) child care facilities or institutions (Chapter 432A of NRS); (c) mental health treatment facilities, which will include any medical facility, residential facility for groups, agency to provide personal care services in the home or home for individual residential care that provides residential mental health services to children (Chapter 449 of NRS); (d) substance abuse treatment facilities (Chapters 449 and 641C of NRS); (e) detention and correction facilities at the State and local levels (Chapters 62G and 63 of NRS); and (f) resource centers (TBD) to obtain and receive the results of State and federal fingerprint background checks for all employees prior to allowing the employees to have independent unsupervised access to the children in those facilities. **(BDR —201)**
12. Draft legislation to amend the appropriate chapters of NRS (identified with group foster homes; substance abuse treatment facilities; detention and correction facilities; and resource centers under Recommendation No. 11 above) to specify the offenses for which a prior conviction would exclude a person from obtaining employment at a facility that provides residential services to children. Include offenses that currently prohibit a person from being employed by a child care facility under NRS 432A.170. **(BDR —201)**
13. Draft legislation to require all facilities that provide residential services to children to maintain the results of the background check for each employee for as long as that person remains employed by the facility. This recommendation would amend the appropriate chapters of NRS (identified with group foster homes; mental health treatment facilities; substance abuse treatment facilities; detention and correction facilities; and resource centers under Recommendation No. 11 above) to provide a similar requirement such as the current law requiring child care facilities to maintain records of its employees under NRS 432A.1785. **(BDR —201)**
14. Draft legislation to require background checks to be obtained periodically for persons remaining employed at a facility for a specified time. This recommendation would amend the appropriate chapters of NRS (identified with group foster homes; child care facilities or institutions; substance abuse treatment facilities; detention and correction facilities; and resource centers under Recommendation No. 11 above) to provide a similar requirement such as the current law requiring mental health treatment facilities to complete background checks for its employees every five years under NRS 449.179. **(BDR —201)**