



Resource Guide: 2011 Legislative Developments in Family Law

Adoptions

A.B. 111 - Adoption / Sibling Visitation

“Assembly Bill 111 authorizes prospective adoptive parents who live outside Nevada to attend by telephone a hearing on a petition for adoption of a child who is in the custody of an agency that provides child welfare services, if a representative of the agency responsible for supervising the child in that state attends the hearing and the court places the telephone call. The bill also authorizes the court to grant such a petition to a petitioner who has not resided in Nevada for six months, and to address a prospective adoptive parent by telephone, prior to entering an order, when the court inquires whether that person has knowledge of an agreement providing for post-adoptive contact. The bill also revises the provisions that apply to notice and scheduling of hearings on whether to include an order for visitation in an adoption decree relating to a child who is in the custody of a child welfare agency.”*

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=256>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB111_EN.pdf

S.B. 23 – Adoption of Children with Special Needs

“Senate Bill 23 clarifies that in the process of adopting a child with special needs, it is the child welfare or child placement agency with custody of the child that is responsible for scheduling necessary evaluations and providing certain assistance to the adoptive parents.”

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=47>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB23_EN.pdf

Child Custody

A.B. 313 - Parents in the Military

“Assembly Bill 313 enacts child custody laws applicable to families in which one or both parents are members of the military. The bill limits modifications in existing custody orders based on an actual or potential military deployment and authorizes temporary modifications in order to accommodate the deployment of a parent. It also authorizes a court to hold expedited hearings and allow testimony by

affidavit or electronic means for a parent whose ability or anticipated ability to appear in person at a regularly scheduled custody or visitation hearing is materially affected by his or her military duties. If military duties preclude adjudication of custody orders prior to deployment, A.B. 313 requires parents to cooperate to reach a mutually agreeable resolution. If the court has issued a custody order, the bill deems the absence of a child from Nevada during a deployment temporary.”

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=657>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB313_EN.pdf

Child Welfare

A.B. 148 - Voluntary Relinquishment of Infants

“Assembly Bill 148 requires a provider of emergency services to notify a law enforcement agency within 24 hours of assuming possession of an abandoned child who is or appears to be not more than 30 days old. The law enforcement agency must notify the Clearinghouse of missing children established by the Attorney General, and as necessary investigate further whether the child has been reported missing. Results of the investigation must be provided to the child welfare services agency, which shall maintain such information for statistical and research purposes.”

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=356>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB148_EN.pdf

A.B. 154 - Children’s Bill of Rights

“Assembly Bill 154 establishes certain rights of children placed in foster homes. These rights include the right to be treated with dignity and respect; receive appropriate food, shelter and medical care; and be free from abuse or neglect. In addition, children are granted the right to maintain personal income, communicate with any person involved in his or her case unless prohibited by the court, participate in his or her placement options, and have access to education and related activities. A provider of family foster care must inform a child of his or her rights and provide a written copy to the child. The bill also prescribes that a child who believes his or her rights have been violated may raise and redress a grievance. Finally, A.B. 154 prohibits an employee of a school district from publicly disclosing any information relating to the fact that a pupil is in foster care.”

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=364>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB154_EN.pdf

A. B. 350 - NRS 432B Jurisdiction

“Assembly Bill 350 allows a juvenile court to retain jurisdiction over a child who turns 18 years of age while in the custody of the court if the child is not likely to be returned to his or her parents and the child requests an extension of the jurisdiction. The child must be offered pro bono legal services upon reaching

17 years of age to be advised of the consequences of remaining under jurisdiction. The agency responsible for providing child welfare services is also required to meet with the child before the child reaches 18 years of age to determine if the child wants to remain under jurisdiction and develop a transition plan towards independent living. If the child chooses to remain under the jurisdiction of the juvenile court, the child shall enter into a written agreement with the child welfare agency to be filed with the court. The child under jurisdiction would still be eligible to receive monetary payments from the child welfare agency in the form of a payment not to exceed the rate of payment for foster care. Termination of the jurisdiction would occur when the child turns 21 years of age, or if other conditions are met prior to that date. The bill also prescribes the process for terminating jurisdiction, which includes providing an opportunity for the child, the child welfare agency, and the child's attorney to attempt to resolve differences prior to requesting a hearing before a court. The child welfare agency must notify the juvenile court if the jurisdiction will be terminated. Finally, this bill establishes an order of priority for placing a child in protective custody."

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=728>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB350_EN.pdf

S.B. 57 - Pickup Orders for Abducted Children

"Senate Bill 57 authorizes the Children's Advocate or his or her designee to apply to a court for a warrant to take physical custody of a child if, during an investigation, it appears that probable cause exists to believe a child located in Nevada has been abducted and the act was not committed to protect the child from abuse or the person who abducted the child from domestic violence. If the court determines no exigent circumstances exist, the bill authorizes the court to issue the warrant after holding a hearing. If the court finds that exigent circumstances exist, the court may issue the warrant after an ex parte hearing, in which case the court must give the person or persons alleged to have abducted the child and having possession of the child, if different, to be heard at the earliest possible time and within 48 hours if possible. Senate Bill 57 directs the court to assume temporary emergency jurisdiction and issue a temporary emergency custody order if the court finds, by a preponderance of the evidence presented at a hearing, that the act of abduction was committed to protect the child or the person who abducted the child. The bill provides that there may be no filing fee for an application for a warrant, that the court must expedite the application, and that the Children's Advocate or his or her designee acts on behalf of the court and not on behalf of a party."

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=145>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB57_EN.pdf

S.B. 111 - Placement of Children into Childcare Institutions

"Senate Bill 111 requires each agency that provides child welfare services to develop and implement a written plan to ensure that the provisions and exceptions for placement of children in protective custody into a child care institution are understood and carried out."

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=264>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB111_EN.pdf

S.B. 113 - Disaster Planning

“Senate Bill 113 requires the Division of Child and Family Services of the Department of Health and Human Services, in consultation with other agencies that provide child welfare services, to adopt regulations to establish minimum requirements and procedures for plans regarding the care of children in their custody during a disaster. In addition, the measure requires each foster home, facility for the detention of children, and agency that provides child welfare services to develop and implement a plan for the care of children in its custody during a disaster that is consistent with those regulations. Each child welfare agency must also provide a copy of that plan to each person or entity under its jurisdiction that has physical custody of such children. Finally, the Division is required to develop a plan for the care of children in the custody of other child welfare agencies to ensure that the Division is prepared to meet the needs of those children during a disaster if any of those other agencies is unable to meet those needs.

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=266>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB113_EN.pdf

S.B. 246 -Medication Management

“Senate Bill 246 requires a medical facility that accepts custody of children pursuant to the order of a court adopt policies regarding the administration and management of medication provided to a child in the facility.”

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=606>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB246_EN.pdf

S.B. 371 - Psychiatric Care

“Senate Bill 371 requires a court approved appointment of a legally responsible person for the psychiatric care of a child in the custody of a child welfare agency, and such person shall make decisions concerning services, treatment, and psychotropic medication provided to the child. The child welfare agency shall nominate a person to be legally responsible for the psychiatric care although the court with jurisdiction shall make the appointment. The legally responsible person must provide written consent or written denial for routine treatment of psychiatric care and notify the parent, legal guardian, or child welfare agency. The bill further requires the legally responsible person to approve or deny the administration of psychotropic medication, and prohibits the administration without consent from the legally responsible person. The measure prescribes the circumstances in which a child may receive psychotropic medication without the approval of the legally responsible person, including cases of emergency. Finally, the bill requires certain health care providers to obtain written consent from the legally responsible person before

providing psychiatric care to a child in the custody of a child welfare agency, and the provider must keep a copy of the consent in the child's health care records.”

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=885>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB371_EN.pdf

S.B. 447 - Block Grant

“Senate Bill 447, as amended, requires the Division of Child and Family Services, to the extent that money has been appropriated, to award block grants to counties whose population is 100,000 or more (currently Clark and Washoe Counties) for the provision of child welfare services in those counties. The bill allows the counties that receive the block grants to use the money without restriction for child welfare services and without requirement to revert unspent money to the General Fund.”

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=1086>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB447_EN.pdf

S.B. 480 - Rural Counties

“Senate Bill 480 requires all rural counties, which excludes Clark and Washoe Counties, to pay to the Division of Child and Family Services an assessment for the provision of child protective services not to exceed the limit of legislative authorization for spending on child protective services by the Division in each such county. The measure allows a county to request an exemption from the assessment by submitting a proposal to the Governor for the county to carry out child protective services for the county. If the Governor approves the proposal, the Interim Finance Committee must consider whether to approve the exemption. If an exemption is approved, the county is required to carry out child protective services for the county in accordance with standards adopted by the Division and pay for the cost of those services. Finally, the measure inquires the Division to provide reports of certain information about the provision of child protective services and to provide to each rural county the total proposed budget of the Division for providing child protective services in that county for the next succeeding biennium.”

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=1119>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB480_EN.pdf

Guardianships

S.B. 128 – Private Professional Guardianships

“Senate Bill 128 requires a private professional guardian to submit to and pay for a background investigation and to make the results available to the court upon request. The bill requires a guardian to file a verified acknowledgement of the duties and responsibilities of a guardian and authorizes filing of a general acknowledgement if the guardian is responsible for multiple wards. Senate Bill 128 also prohibits

a court from removing a guardian if the sole reason for removal is the lack of the ward's assets to pay the compensation and expenses of the guardian.”

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=294>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB128_EN.pdf

S.B. 167 – Release of Confidential Information in Guardianship

“Senate Bill 167 specifies that data or information concerning reports of the abuse or neglect of a child, relating to a child over whom a guardianship is sought, may be released in certain circumstances to:

- The court that has jurisdiction over the proceeding;
- The person who filed or intends to file the petition;
- The proposed guardian or proposed successor guardian;
- The parent or guardian of the child; and
- The child, if he or she is at least 14 years of age.”

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=413>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB167_EN.pdf

A.B. 110 – Kinship Guardianship Assistance

“Assembly Bill 110 requires the Department of Health and Human Services to establish and administer the Kinship Guardianship Assistance Program in accordance with federal law to provide assistance to a relative of a child who is seeking appointment as the legal guardian of the child under certain circumstances. The child has to have been removed from his or her home, eligible for federal payments for foster care and adoption assistance for not less than six consecutive months, does not have an option for reunification or adoption, and demonstrates a strong attachment to the relative. Siblings of eligible children may be placed with the child and be deemed eligible for assistance. The bill requires that a relative demonstrate a strong commitment to the child, be a provider of family foster care and legal guardian, and enter into a written agreement for assistance. A relative may reside out of state which would require the agency that provides child welfare services to comply with any court orders associated with out-of-state guardianships. Finally, the bill prescribes the requirements for the written agreement between the child welfare agency and the relative.”

Legislative History:

<http://www.leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=255>

Bill, As Enrolled:

http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB110_EN.pdf

*All summaries provided by the Legislative Counsel Bureau.