

ASSEMBLY BILL NO. 268—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON  
CHILD WELFARE AND JUVENILE JUSTICE)

MARCH 12, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to foster care.  
(BDR 38-193)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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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 foster care; authorizing a licensing authority to conduct a background check on a person who routinely supervises a child in a foster home; requiring an applicant or person licensed to conduct a foster home to prevent such a person from being present in the foster home if the background check reports certain prior criminal convictions of the person; allowing a person who routinely supervises a child in a foster home for whom an investigation is conducted an opportunity to correct such information; requiring each applicant for a license to conduct a foster home and each person licensed to conduct a foster home to maintain records of certain information concerning certain persons who routinely supervise a child in a foster home; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law requires a person to be licensed to conduct a foster home. (NRS
- 2 424.030) Existing law requires the licensing authority that licenses foster homes to
- 3 obtain certain information on the background and personal history of each applicant
- 4 for a license, person who is licensed to conduct a foster home, employee of that
- 5 applicant or licensee and certain residents of a foster home who are 18 years of age
- 6 or older. (NRS 424.031) **Section 1** of this bill authorizes the licensing authority or a



7 person designated by the licensing authority to obtain such information on a person  
8 who is 18 years of age or older who routinely supervises a child in a foster home.

9 Existing law requires each applicant for a license to conduct a foster home,  
10 person who is licensed to conduct a foster home, employee of that applicant or  
11 licensee and certain residents of a foster home who are 18 years of age or older to  
12 submit a complete set of fingerprints and certain documentation to the licensing  
13 authority that licenses foster homes. If the licensing authority determines that the  
14 applicant or licensee has committed a certain crime, the licensing authority may  
15 deny, suspend or revoke the license. If the licensing authority determines that an  
16 employee or certain resident who is 18 years of age or older has committed a  
17 certain crime, the licensee is required to terminate the employment of that person,  
18 and may be subject to discipline for failing to do so. (NRS 424.033) **Section 2** of  
19 this bill requires a person who is 18 years of age or older who routinely supervises  
20 a child in a foster home for whom an investigation is conducted pursuant to **section**  
21 **1** to submit to the same background investigation by the licensing authority that  
22 licenses foster homes. In addition, if the licensing authority that licenses foster  
23 homes determines that the person has been convicted of a certain offense, the  
24 applicant or licensee is required to ensure that the person is not present in the home  
25 and may be subject to discipline for failing to do so.

26 Existing law requires an applicant or licensee to terminate the employment of  
27 an employee or remove a resident from the foster home upon receiving certain  
28 information regarding prior criminal convictions of the employee or resident.  
29 Existing law also provides such an employee or resident an opportunity to correct  
30 such information before being terminated. (NRS 424.0335) **Section 3** of this bill  
31 requires a licensee to prevent any person who is 18 years of age or older who  
32 routinely supervises a child in a foster home for whom an investigation is  
33 conducted pursuant to **section 1** from continuing to supervise a child in the foster  
34 home upon receiving such information about the person and allows the person to  
35 correct such information. Existing law requires each applicant for a license to  
36 conduct a foster home to maintain records concerning the personal backgrounds  
37 and certain criminal convictions of its employees and certain residents. (NRS  
38 424.034) **Section 4** of this bill requires such applicants and licensees to maintain  
39 such records concerning certain persons who are 18 years of age or older who  
40 routinely supervise a child in the foster home.

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

1 **Section 1.** NRS 424.031 is hereby amended to read as follows:  
2 424.031 1. The licensing authority or a person or entity  
3 designated by the licensing authority shall obtain from appropriate  
4 law enforcement agencies information on the background and  
5 personal history of each applicant for a license to conduct a foster  
6 home, person who is licensed to conduct a foster home, employee of  
7 that applicant or licensee, and resident of a foster home who is 18  
8 years of age or older, other than a resident who remains under the  
9 jurisdiction of a court pursuant to NRS 432B.594, to determine  
10 whether the person investigated has been arrested for, has charges  
11 pending for or has been convicted of:

12 (a) Murder, voluntary manslaughter or mayhem;



1 (b) Any other felony involving the use or threatened use of force  
2 or violence against the victim or the use of a firearm or other deadly  
3 weapon;

4 (c) Assault with intent to kill or to commit sexual assault or  
5 mayhem;

6 (d) Sexual assault, statutory sexual seduction, incest, lewdness,  
7 indecent exposure or any other sexually related crime or a felony  
8 relating to prostitution;

9 (e) Abuse or neglect of a child or contributory delinquency;

10 (f) A violation of any federal or state law regulating the  
11 possession, distribution or use of any controlled substance or any  
12 dangerous drug as defined in chapter 454 of NRS;

13 (g) Abuse, neglect, exploitation or isolation of older persons or  
14 vulnerable persons, including, without limitation, a violation of any  
15 provision of NRS 200.5091 to 200.50995, inclusive, or a law of any  
16 other jurisdiction that prohibits the same or similar conduct;

17 (h) Any offense involving fraud, theft, embezzlement, burglary,  
18 robbery, fraudulent conversion or misappropriation of property  
19 within the immediately preceding 7 years;

20 (i) Any offense relating to pornography involving minors,  
21 including, without limitation, a violation of any provision of NRS  
22 200.700 to 200.760, inclusive, or a law of any other jurisdiction that  
23 prohibits the same or similar conduct;

24 (j) Prostitution, solicitation, lewdness or indecent exposure, or  
25 any other sexually related crime that is punishable as a  
26 misdemeanor, within the immediately preceding 7 years;

27 (k) A crime involving domestic violence that is punishable as a  
28 felony;

29 (l) A crime involving domestic violence that is punishable as a  
30 misdemeanor, within the immediately preceding 7 years;

31 (m) A criminal offense under the laws governing Medicaid or  
32 Medicare, within the immediately preceding 7 years;

33 (n) Any offense involving the sale, furnishing, purchase,  
34 consumption or possession of alcoholic beverages by a minor  
35 including, without limitation, a violation of any provision of NRS  
36 202.015 to 202.067, inclusive, or driving a vehicle under the  
37 influence of alcohol or a controlled substance in violation of chapter  
38 484C of NRS or a law of any other jurisdiction that prohibits the  
39 same or similar conduct, within the immediately preceding 7 years;  
40 or

41 (o) An attempt or conspiracy to commit any of the offenses  
42 listed in this subsection within the immediately preceding 7 years.

43 2. *A licensing authority or a person or entity designated by*  
44 *the licensing authority may conduct an investigation of the*  
45 *background and personal history of a person who is 18 years of*



1 *age or older who routinely supervises a child in a foster home in*  
2 *the same manner as described in subsection 1.*

3 3. The licensing authority or its approved designee may charge  
4 each person investigated pursuant to this section for the reasonable  
5 cost of that investigation.

6 ~~3-~~ 4. Unless a preliminary Federal Bureau of Investigation  
7 Interstate Identification Index name-based check of the records of  
8 criminal history has been conducted pursuant to NRS 424.039, a  
9 person who is required to submit to an investigation pursuant to  
10 ~~this section~~ *subsection 1* shall not have contact with a child in a  
11 foster home without supervision before the investigation of the  
12 background and personal history of the person has been conducted.

13 ~~4-~~ 5. The licensing authority or its designee ~~shall~~ :

14 (a) *Shall* conduct an investigation of each licensee, employee  
15 and resident pursuant to this section at least once every 5 years after  
16 the initial investigation ~~H~~ ; and

17 (b) *May conduct an investigation of any person who is 18*  
18 *years of age or older who routinely supervises a child in a foster*  
19 *home not more than once every 5 years after the initial*  
20 *investigation.*

21 **Sec. 2.** NRS 424.033 is hereby amended to read as follows:

22 424.033 1. Each applicant for a license to conduct a foster  
23 home, person who is licensed to conduct a foster home, employee of  
24 that applicant or licensee, ~~or~~ resident of a foster home who is 18  
25 years of age or older, other than a resident who remains under the  
26 jurisdiction of a court pursuant to NRS 432B.594, *or person who is*  
27 *18 years of age or older who routinely supervises a child in a*  
28 *foster home for whom an investigation is conducted pursuant to*  
29 *paragraph (b) of subsection 1 of NRS 424.031*, must submit to the  
30 licensing authority or its approved designee:

31 (a) A complete set of fingerprints and written permission  
32 authorizing the licensing authority or its approved designee to  
33 forward those fingerprints to the Central Repository for Nevada  
34 Records of Criminal History for submission to the Federal Bureau  
35 of Investigation for its report to enable the licensing authority or its  
36 approved designee to conduct an investigation pursuant to NRS  
37 424.031; and

38 (b) Written permission to conduct a child abuse and neglect  
39 screening.

40 2. For each person who submits the documentation required  
41 pursuant to subsection 1, the licensing authority or its approved  
42 designee shall conduct a child abuse and neglect screening of the  
43 person in every state in which the person has resided during the  
44 immediately preceding 5 years.



1 3. The licensing authority or its approved designee may  
2 exchange with the Central Repository or the Federal Bureau of  
3 Investigation any information respecting the fingerprints submitted.

4 4. The Division shall assist the licensing authority of another  
5 state that is conducting a child abuse and neglect screening of a  
6 person who has resided in this State by providing information which  
7 is necessary to conduct the screening if the person who is the subject  
8 of the screening has signed a written permission authorizing the  
9 licensing authority to conduct a child abuse and neglect screening.  
10 The Division may charge a fee for providing such information in an  
11 amount which does not exceed the actual cost to the Division to  
12 provide the information.

13 5. When a report from the Federal Bureau of Investigation is  
14 received by the Central Repository, it shall immediately forward a  
15 copy of the report to the licensing authority or its approved  
16 designee.

17 6. Upon receiving a report pursuant to this section, the  
18 licensing authority or its approved designee shall determine whether  
19 the person has been convicted of a crime listed in NRS 424.031.

20 7. The licensing authority shall immediately inform the  
21 applicant for a license to conduct a foster home or the person who is  
22 licensed to conduct a foster home whether an employee or resident  
23 of the foster home , *or any other person who is 18 years of age or  
24 older who routinely supervises a child in the foster home for  
25 whom an investigation was conducted pursuant to paragraph (b)  
26 of subsection 1 of NRS 424.031*, has been convicted of a crime  
27 listed in NRS 424.031.

28 8. The licensing authority may deny an application for a  
29 license to operate a foster home or may suspend or revoke such a  
30 license if the licensing authority determines that the applicant or  
31 licensee has been convicted of a crime listed in NRS 424.031 or has  
32 failed to terminate an employee , ~~or~~ remove a resident of the foster  
33 home who is 18 years of age or older ~~and~~ *or prevent a person for  
34 whom an investigation was conducted pursuant to paragraph (b)  
35 of subsection 1 of NRS 424.031 from being present in the foster  
36 home, if such a person* has been convicted of any crime listed in  
37 NRS 424.031.

38 **Sec. 3.** NRS 424.0335 is hereby amended to read as follows:

39 424.0335 1. Upon receiving information from the licensing  
40 authority or its designee pursuant to NRS 424.033 or evidence from  
41 any other source that an employee of an applicant for a license to  
42 conduct a foster home , ~~or~~ a person who is licensed to conduct a  
43 foster home or a resident of an applicant or licensee who is 18 years  
44 of age or older , *or any other person who is 18 years of age or  
45 older who routinely supervises a child in a foster home for whom*



1 *an investigation was conducted pursuant to paragraph (b) of*  
2 *subsection 1 of NRS 424.031*, has been convicted of a crime listed  
3 in NRS 424.031, the applicant or licensee shall terminate the  
4 employment of the employee , ~~for~~ remove the resident from the  
5 foster home *or prevent the person who is 18 years of age or older*  
6 *who routinely supervises a child in the foster home from being*  
7 *present in the home* after allowing the employee , ~~for~~ resident *or*  
8 *other person* time to correct the information as required pursuant to  
9 subsection 2.

10 2. If an employee , ~~for~~ resident *or other person who is 18*  
11 *years of age or older who routinely supervises a child in a foster*  
12 *home* believes that the information provided pursuant to subsection  
13 1 is incorrect, the employee , ~~for~~ resident *or other person* must  
14 inform the applicant or licensee immediately. An applicant or  
15 licensee that is so informed shall give the employee , ~~for~~ resident *or*  
16 *other person* 30 days to correct the information.

17 3. During the period in which an employee , ~~for~~ resident *or*  
18 *other person who is 18 years of age or older who routinely*  
19 *supervises a child in a foster home* seeks to correct information  
20 pursuant to subsection 2, it is within the discretion of the applicant  
21 or licensee whether to allow the employee , ~~for~~ resident *or other*  
22 *person* to continue to work for , ~~for~~ reside at *or provide*  
23 *supervision of a child in* the foster home, as applicable, except that  
24 the employee , ~~for~~ resident *or other person* shall not have contact  
25 with a child in the foster home without supervision during any such  
26 period.

27 **Sec. 4.** NRS 424.034 is hereby amended to read as follows:

28 424.034 1. Each applicant for a license to conduct a foster  
29 home and each person licensed to conduct a foster home shall  
30 maintain records of the information concerning its employees , ~~and~~  
31 any residents of the foster home who are 18 years of age or older  
32 *and any other person who is 18 years of age or older who*  
33 *routinely supervises a child in a foster home* that is collected  
34 pursuant to NRS 424.031, 424.033 and 424.0335, including, without  
35 limitation:

36 (a) A copy of the fingerprints that were submitted to the Central  
37 Repository for Nevada Records of Criminal History and a copy of  
38 the written authorization that was provided by the employee , ~~for~~  
39 resident ~~for~~ *or other person*;

40 (b) Proof that the fingerprints of the employee , ~~for~~ resident *or*  
41 *other person* were submitted to the Central Repository; and

42 (c) Any other documentation of the information collected  
43 pursuant to NRS 424.031, 424.033 and 424.0335.

44 2. The records maintained pursuant to subsection 1 must be:



1 (a) Maintained for the period of the employee's employment  
2 with ~~for~~ *the foster home or the* resident's presence at the foster  
3 home ~~or~~ *or the period during which a person who is 18 years of*  
4 *age or older for whom an investigation was conducted pursuant to*  
5 *paragraph (b) of subsection 1 of NRS 424.031 continues to*  
6 *routinely supervise a child in the foster home;* and

7 (b) Made available for inspection by the licensing authority or  
8 its approved designee at any reasonable time, and copies thereof  
9 must be furnished to the licensing authority upon request.

10 **Sec. 5.** NRS 179A.075 is hereby amended to read as follows:

11 179A.075 1. The Central Repository for Nevada Records of  
12 Criminal History is hereby created within the General Services  
13 Division of the Department.

14 2. Each agency of criminal justice and any other agency  
15 dealing with crime or delinquency of children shall:

16 (a) Collect and maintain records, reports and compilations of  
17 statistical data required by the Department; and

18 (b) Submit the information collected to the Central Repository  
19 in the manner approved by the Director of the Department.

20 3. Each agency of criminal justice shall submit the information  
21 relating to records of criminal history that it creates or issues, and  
22 any information in its possession relating to the DNA profile of a  
23 person from whom a biological specimen is obtained pursuant to  
24 NRS 176.09123 or 176.0913, to the Division. The information must  
25 be submitted to the Division:

26 (a) Through an electronic network;

27 (b) On a medium of magnetic storage; or

28 (c) In the manner prescribed by the Director of the Department,

29 ↪ within the period prescribed by the Director of the Department. If  
30 an agency has submitted a record regarding the arrest of a person  
31 who is later determined by the agency not to be the person who  
32 committed the particular crime, the agency shall, immediately upon  
33 making that determination, so notify the Division. The Division  
34 shall delete all references in the Central Repository relating to that  
35 particular arrest.

36 4. The Division shall, in the manner prescribed by the Director  
37 of the Department:

38 (a) Collect, maintain and arrange all information submitted to it  
39 relating to:

40 (1) Records of criminal history; and

41 (2) The DNA profile of a person from whom a biological  
42 specimen is obtained pursuant to NRS 176.09123 or 176.0913.

43 (b) When practicable, use a record of the personal identifying  
44 information of a subject as the basis for any records maintained  
45 regarding him or her.



1 (c) Upon request, provide the information that is contained in  
2 the Central Repository to the State Disaster Identification Team of  
3 the Division of Emergency Management of the Department.

4 (d) Upon request, provide, in paper or electronic form, the  
5 information that is contained in the Central Repository to a  
6 multidisciplinary team to review the death of the victim of a crime  
7 that constitutes domestic violence organized or sponsored by the  
8 Attorney General pursuant to NRS 228.495.

9 5. The Division may:

10 (a) Disseminate any information which is contained in the  
11 Central Repository to any other agency of criminal justice;

12 (b) Enter into cooperative agreements with repositories of the  
13 United States and other states to facilitate exchanges of information  
14 that may be disseminated pursuant to paragraph (a); and

15 (c) Request of and receive from the Federal Bureau of  
16 Investigation information on the background and personal history of  
17 any person whose record of fingerprints the Central Repository  
18 submits to the Federal Bureau of Investigation and:

19 (1) Who has applied to any agency of the State of Nevada or  
20 any political subdivision thereof for a license which it has the power  
21 to grant or deny;

22 (2) With whom any agency of the State of Nevada or any  
23 political subdivision thereof intends to enter into a relationship of  
24 employment or a contract for personal services;

25 (3) Who has applied to any agency of the State of Nevada or  
26 any political subdivision thereof to attend an academy for training  
27 peace officers approved by the Peace Officers' Standards and  
28 Training Commission;

29 (4) For whom such information is required *or authorized*  
30 be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031,  
31 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

32 (5) About whom any agency of the State of Nevada or any  
33 political subdivision thereof is authorized by law to have accurate  
34 personal information for the protection of the agency or the persons  
35 within its jurisdiction.

36 ➔ To request and receive information from the Federal Bureau of  
37 Investigation concerning a person pursuant to this subsection, the  
38 Central Repository must receive the person's complete set of  
39 fingerprints from the agency or political subdivision and submit the  
40 fingerprints to the Federal Bureau of Investigation for its report.

41 6. The Central Repository shall:

42 (a) Collect and maintain records, reports and compilations of  
43 statistical data submitted by any agency pursuant to subsection 2.

44 (b) Tabulate and analyze all records, reports and compilations of  
45 statistical data received pursuant to this section.





1 (c) Disseminate to federal agencies engaged in the collection of  
2 statistical data relating to crime information which is contained in  
3 the Central Repository.

4 (d) Investigate the criminal history of any person who:

5 (1) Has applied to the Superintendent of Public Instruction  
6 for the issuance or renewal of a license;

7 (2) Has applied to a county school district, charter school or  
8 private school for employment; or

9 (3) Is employed by a county school district, charter school or  
10 private school,

11 ↪ and notify the superintendent of each county school district, the  
12 governing body of each charter school and the Superintendent of  
13 Public Instruction, or the administrator of each private school, as  
14 appropriate, if the investigation of the Central Repository indicates  
15 that the person has been convicted of a violation of NRS 200.508,  
16 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or  
17 any offense involving moral turpitude.

18 (e) Upon discovery, notify the superintendent of each county  
19 school district, the governing body of each charter school or the  
20 administrator of each private school, as appropriate, by providing  
21 the superintendent, governing body or administrator with a list of all  
22 persons:

23 (1) Investigated pursuant to paragraph (d); or

24 (2) Employed by a county school district, charter school or  
25 private school whose fingerprints were sent previously to the  
26 Central Repository for investigation,

27 ↪ who the Central Repository's records indicate have been  
28 convicted of a violation of NRS 200.508, 201.230, 453.3385,  
29 453.339 or 453.3395, or convicted of a felony or any offense  
30 involving moral turpitude since the Central Repository's initial  
31 investigation. The superintendent of each county school district, the  
32 governing body of a charter school or the administrator of each  
33 private school, as applicable, shall determine whether further  
34 investigation or action by the district, charter school or private  
35 school, as applicable, is appropriate.

36 (f) Investigate the criminal history of each person who submits  
37 fingerprints or has fingerprints submitted pursuant to NRS 62B.270,  
38 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183,  
39 449.122, 449.123 or 449.4329.

40 (g) On or before July 1 of each year, prepare and present to the  
41 Governor a printed annual report containing the statistical data  
42 relating to crime received during the preceding calendar year.  
43 Additional reports may be presented to the Governor throughout the  
44 year regarding specific areas of crime if they are approved by the  
45 Director of the Department.



1 (h) On or before July 1 of each year, prepare and submit to the  
2 Director of the Legislative Counsel Bureau for submission to the  
3 Legislature, or to the Legislative Commission when the Legislature  
4 is not in regular session, a report containing statistical data about  
5 domestic violence in this State.

6 (i) Identify and review the collection and processing of  
7 statistical data relating to criminal justice and the delinquency of  
8 children by any agency identified in subsection 2 and make  
9 recommendations for any necessary changes in the manner of  
10 collecting and processing statistical data by any such agency.

11 7. The Central Repository may:

12 (a) In the manner prescribed by the Director of the Department,  
13 disseminate compilations of statistical data and publish statistical  
14 reports relating to crime or the delinquency of children.

15 (b) Charge a reasonable fee for any publication or special report  
16 it distributes relating to data collected pursuant to this section. The  
17 Central Repository may not collect such a fee from an agency of  
18 criminal justice, any other agency dealing with crime or the  
19 delinquency of children which is required to submit information  
20 pursuant to subsection 2 or the State Disaster Identification Team of  
21 the Division of Emergency Management of the Department. All  
22 money collected pursuant to this paragraph must be used to pay for  
23 the cost of operating the Central Repository.

24 (c) In the manner prescribed by the Director of the Department,  
25 use electronic means to receive and disseminate information  
26 contained in the Central Repository that it is authorized to  
27 disseminate pursuant to the provisions of this chapter.

28 8. As used in this section:

29 (a) "Personal identifying information" means any information  
30 designed, commonly used or capable of being used, alone or in  
31 conjunction with any other information, to identify a person,  
32 including, without limitation:

33 (1) The name, driver's license number, social security  
34 number, date of birth and photograph or computer-generated image  
35 of a person; and

36 (2) The fingerprints, voiceprint, retina image and iris image  
37 of a person.

38 (b) "Private school" has the meaning ascribed to it in  
39 NRS 394.103.

40 **Sec. 6.** This act becomes effective on July 1, 2015.





