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ASSEMBLY BILL NO. 148—ASSEMBLYMEN MASTROLUCA,  
OHRENSCHALL, SMITH, BOBZIEN; BENITEZ-THOMPSON,  
CONKLIN, DONDERO LOOP, FLORES, FRIERSON, HORNE  
AND PIERCE

FEBRUARY 14, 2011

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Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the voluntary  
relinquishment of an infant to a provider of  
emergency services. (BDR 38-589)

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.

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AN ACT relating to the protection of children; requiring an  
investigation to determine whether an infant who is  
relinquished to a provider of emergency services has been  
reported as a missing child; and providing other matters  
properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law allows the parent of a child who is not more than 30 days old to  
2 take the child to a provider of emergency services and leave the child with the  
3 provider of emergency services without the intent to return for the child. In such  
4 cases, the child so delivered is presumed abandoned. The parent of the child is not  
5 required to provide any information regarding the child and, unless there is  
6 reasonable cause to believe that the child has otherwise been abused or neglected,  
7 will not be investigated for abuse or neglect. The provider of emergency services is  
8 required to inform an agency which provides child welfare services that the  
9 provider has taken possession of the child within 24 hours after doing so. (NRS  
10 432B.630) Existing law requires the agency which provides child welfare services,  
11 upon receiving such notice, to immediately place the child in protective custody.  
12 (NRS 432B.390) This bill requires the provider of emergency services to also  
13 notify a law enforcement agency within 24 hours after the provider takes  
14 possession of an abandoned child and requires the law enforcement agency to  
15 investigate whether the child has been reported as a missing child.

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

1     **Section 1.** NRS 432B.630 is hereby amended to read as  
2 follows:

3     432B.630 1. A provider of emergency services shall take  
4 immediate possession of a child who is or appears to be not more  
5 than 30 days old:

6     (a) When:

7         (1) The child is voluntarily delivered to the provider by a  
8 parent of the child; and

9         (2) The parent does not express an intent to return for the  
10 child; or

11     (b) When the child is delivered to the provider by another  
12 provider of emergency services pursuant to paragraph (b) of  
13 subsection 2.

14     2. A provider of emergency services who takes possession of a  
15 child pursuant to subsection 1 shall:

16     (a) Whenever possible, inform the parent of the child that:

17         (1) By allowing the provider to take possession of the child,  
18 the parent is presumed to have abandoned the child;

19         (2) By failing or refusing to provide an address where the  
20 parent can be located, the parent waives any notice of the hearing to  
21 be conducted pursuant to NRS 432B.470; and

22         (3) Unless the parent contacts the local agency which  
23 provides child welfare services, action will be taken to terminate his  
24 or her parental rights regarding the child.

25     (b) Perform any act necessary to maintain and protect the  
26 physical health and safety of the child. If the provider is a public  
27 fire-fighting agency or a law enforcement agency, the provider shall  
28 immediately cause the safe delivery of the child to a hospital, an  
29 obstetric center or an independent center for emergency medical  
30 care licensed pursuant to chapter 449 of NRS.

31     (c) As soon as reasonably practicable but not later than 24 hours  
32 after the provider takes possession of the child, report that  
33 possession to an agency which provides child welfare services ~~and~~  
34 *and, if the provider is not a law enforcement agency, to a law*  
35 *enforcement agency. The law enforcement agency shall*  
36 *investigate through the Clearinghouse established pursuant to*  
37 *NRS 432.170 and other national resources to determine whether*  
38 *the child has been reported as a missing child.*

39     3. A parent who delivers a child to a provider of emergency  
40 services pursuant to paragraph (a) of subsection 1:

41     (a) Shall leave the child:



1 (1) In the physical possession of a person who the parent has  
2 reasonable cause to believe is an employee of the provider; or

3 (2) On the property of the provider in a manner and location  
4 that the parent has reasonable cause to believe will not threaten the  
5 physical health or safety of the child, and immediately contact the  
6 provider, through the local emergency telephone number or  
7 otherwise, and inform the provider of the delivery and location of  
8 the child. A provider of emergency services is not liable for any  
9 civil damages as a result of any harm or injury sustained by a child  
10 after the child is left on the property of the provider pursuant to this  
11 subparagraph and before the provider is informed of the delivery  
12 and location of the child pursuant to this subparagraph or the  
13 provider takes physical possession of the child, whichever occurs  
14 first.

15 (b) Shall be deemed to have given consent to the performance of  
16 all necessary emergency services and care for the child.

17 (c) Must not be required to provide any background or medical  
18 information regarding the child, but may voluntarily do so.

19 (d) Unless there is reasonable cause to believe that the child has  
20 been abused or neglected, excluding the mere fact that the parent  
21 has delivered the child to the provider pursuant to subsection 1:

22 (1) Must not be required to disclose any identifying  
23 information, but may voluntarily do so;

24 (2) Must be allowed to leave at any time; and

25 (3) Must not be pursued or followed.

26 4. As used in this section, "provider of emergency services"  
27 means:

28 (a) A hospital, an obstetric center or an independent center for  
29 emergency medical care licensed pursuant to chapter 449 of NRS;

30 (b) A public fire-fighting agency; or

31 (c) A law enforcement agency.

32 **Sec. 2.** This act becomes effective upon passage and approval.

