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SECOND REPRINT

A.B. 148

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

FEBRUARY 14, 2011

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.

AN ACT relating to the protection of children; requiring a law
enforcement agency 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 notify the Clearinghouse of missing children established by the Attorney General
16 and to investigate further, if necessary, to determine whether the child has been
17 reported as a missing child. Upon conclusion of the investigation, the law
18 enforcement agency is required to inform the agency which provides child welfare



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19 services of its determination, and the agency is required to maintain that
20 information for statistical and research purposes.

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 **[]**
34 **and, if the provider is not a law enforcement agency, to a law**
35 **enforcement agency. The law enforcement agency shall notify the**
36 **Clearinghouse and investigate further, if necessary, using any**
37 **other resources to determine whether the child has been reported**
38 **as a missing child. Upon conclusion of the investigation, the law**
39 **enforcement agency shall inform the agency which provides child**



1 *welfare services of its determination. The agency which provides*
2 *child welfare services shall maintain that information for*
3 *statistical and research purposes.*

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

6 (a) Shall leave the child:

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

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

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

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

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

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

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

31 (3) Must not be pursued or followed.

32 4. As used in this section ~~["provider"]~~:

33 (a) *"Clearinghouse" has the meaning ascribed to it in*
34 *NRS 432.150.*

35 (b) *"Provider of emergency services" means:*

36 ~~[(a)]~~ (1) A hospital, an obstetric center or an independent center
37 for emergency medical care licensed pursuant to chapter 449 of
38 NRS;

39 ~~[(b)]~~ (2) A public fire-fighting agency; or

40 ~~[(c)]~~ (3) A law enforcement agency.

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

