
ASSEMBLY BILL NO. 112—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF LEGISLATIVE COMMITTEE ON CHILDREN,
YOUTH AND FAMILIES (NRS 218.53723))

FEBRUARY 13, 2003

Referred to Committee on Health and Human Services

SUMMARY—Requires examination by trained provider of health care of each child under age of 3 years who is reported as physically abused. (BDR 38-692)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 2)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 each agency investigating a report of physical abuse of a child under the age of 3 years to ensure that a provider of health care trained to recognize physical abuse of children examines the child; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 432B.160 is hereby amended to read as
2 follows:
3 432B.160 1. Except as otherwise provided in subsection 2,
4 immunity from civil or criminal liability extends to every person
5 who in good faith:
6 (a) Makes a report pursuant to NRS 432B.220;
7 (b) Conducts an interview or allows an interview to be taken
8 pursuant to NRS 432B.270;



1 (c) Allows or takes photographs or X rays pursuant to
2 NRS 432B.270;
3 (d) Causes a medical test to be performed pursuant to
4 NRS 432B.270;
5 (e) *Examines or requires an examination of a child under the*
6 *age of 3 years pursuant to subsection 3 of NRS 432B.270;*
7 (f) Provides a record, or a copy thereof, of a medical test *or*
8 *examination* performed pursuant to NRS 432B.270 to an agency
9 which provides child welfare services to the child, a law
10 enforcement agency that participated in the investigation of the
11 report of abuse or neglect of the child or the prosecuting attorney's
12 office;
13 ~~(g)~~ (g) Holds a child pursuant to NRS 432B.400, takes
14 possession of a child pursuant to NRS 432B.630 or places a child in
15 protective custody pursuant to any provision of this chapter;
16 ~~(h)~~ (h) Performs any act pursuant to subsection 2 of
17 NRS 432B.630;
18 ~~(i)~~ (i) Refers a case or recommends the filing of a petition
19 pursuant to NRS 432B.380; or
20 ~~(j)~~ (j) Participates in a judicial proceeding resulting from a
21 referral or recommendation.
22 2. The provisions of subsection 1 do not confer any immunity
23 from liability for the negligent performance of any act pursuant to
24 paragraph (b) of subsection 2 of NRS 432B.630.
25 3. In any proceeding to impose liability against a person for:
26 (a) Making a report pursuant to NRS 432B.220; or
27 (b) Performing any act set forth in paragraphs (b) to ~~(i)~~ (j)
28 inclusive, of subsection 1,
29 there is a presumption that the person acted in good faith.
30 **Sec. 2.** NRS 432B.270 is hereby amended to read as follows:
31 432B.270 1. ~~(A)~~ *Except as otherwise provided in subsection*
32 *3, a* designee of an agency investigating a report of abuse or neglect
33 of a child may, without the consent of and outside the presence of
34 any person responsible for the child's welfare, interview a child
35 concerning any possible abuse or neglect. The child may be
36 interviewed at any place where he is found. The designee shall,
37 immediately after the conclusion of the interview, if reasonably
38 possible, notify a person responsible for the child's welfare that the
39 child was interviewed, unless the designee determines that such
40 notification would endanger the child.
41 2. ~~(A)~~ *Except as otherwise provided in subsection 3, a*
42 *designee of an agency investigating a report of abuse or neglect of a*
43 *child may, without the consent of the person responsible for*
44 *a child's welfare:*



1 (a) Take or cause to be taken photographs of the child's body,
2 including the areas of trauma; and

3 (b) If indicated after consultation with a physician, cause X rays
4 or medical tests to be performed on a child.

5 3. *Each agency investigating a report of abuse or neglect of a*
6 *child under the age of 3 years which involves physical abuse of the*
7 *child shall ensure that the child is examined, with or without the*
8 *consent of the person responsible for the child's welfare, by a*
9 *provider of health care who is trained to recognize indications of*
10 *physical abuse of children. In addition, a designee of an agency*
11 *investigating such a report may engage in any activity set forth in*
12 *subsection 1 or 2.*

13 4. Upon the taking of any photographs or X rays , or the
14 performance of any medical tests pursuant to subsection 2 ~~1~~ *or 3 or*
15 *the performance of an examination pursuant to subsection 3,* the
16 person responsible for the child's welfare must be notified
17 immediately, if reasonably possible, unless the designee *or agency,*
18 *if the examination was performed pursuant to subsection 3, or the*
19 *photograph or X ray was taken or the medical test was performed*
20 *pursuant to an examination conducted pursuant to subsection 3,*
21 determines that the notification would endanger the child. The
22 reasonable cost of these photographs, X rays , ~~or~~ medical tests *or*
23 *examinations* must be paid by the agency which provides child
24 welfare services if money is not otherwise available.

25 ~~4~~ 5. Any photographs or X rays taken or records of any
26 medical tests performed pursuant to subsection 2 ~~1~~ *or 3,* or any
27 medical records relating to the examination or treatment of a child
28 pursuant to this section, or copies thereof, must be sent to the
29 agency which provides child welfare services, the law enforcement
30 agency participating in the investigation of the report and the
31 prosecuting attorney's office. Each photograph, X ray, result of a
32 medical test or other medical record:

33 (a) Must be accompanied by a statement or certificate signed by
34 the custodian of medical records of the health care facility where the
35 photograph or X ray was taken or the treatment, examination or
36 medical test was performed, indicating:

37 (1) The name of the child;

38 (2) The name and address of the person who took the
39 photograph or X ray, performed the medical test, or examined or
40 treated the child; and

41 (3) The date on which the photograph or X ray was taken
42 or the treatment, examination or medical test was performed;

43 (b) Is admissible in any proceeding relating to the abuse or
44 neglect of the child; and



1 (c) May be given to the child's parent or guardian if he pays the
2 cost of duplicating them.

3 ~~[5.]~~ 6. As used in this section ~~[, "medical"]~~ :

4 (a) "Medical test" means any test performed by or caused to be
5 performed by a provider of health care, including, without
6 limitation, a computerized axial tomography scan and magnetic
7 resonance imaging.

8 (b) "Physical abuse of a child" means, except as otherwise
9 provided in this paragraph, physical injury of a nonaccidental
10 nature of, sexual abuse of or sexual exploitation of a child caused
11 or allowed by a person responsible for his welfare under
12 circumstances which indicate that the child's physical health is
13 harmed or threatened with harm. A child is not physically abused,
14 nor is his physical health harmed or threatened for the sole reason
15 that his:

16 (1) Parent delivers the child to a provider of emergency
17 services pursuant to NRS 432B.630, if the parent complies with
18 the requirements of paragraph (a) of subsection 3 of that section;
19 or

20 (2) Parent or guardian, in good faith, selects and depends
21 upon nonmedical remedial treatment for such child, if such
22 treatment is recognized and permitted under the laws of this state
23 in lieu of medical treatment. This subparagraph does not limit the
24 court in ensuring that a child receive a medical examination and
25 treatment pursuant to NRS 62.231.

26 As used in this paragraph, "allow" means to do nothing to prevent
27 or stop the physical abuse of a child in circumstances where the
28 person knows or has reason to know that a child is physically
29 abused.

30 **Sec. 3.** NRS 432B.290 is hereby amended to read as follows:

31 432B.290 1. Except as otherwise provided in subsections 2, 5
32 and 6 and NRS 432B.513, data or information concerning reports
33 and investigations thereof made pursuant to this chapter may be
34 made available only to:

35 (a) A physician, if the physician has before him a child who he
36 has reasonable cause to believe has been abused or neglected ~~[H]~~, or
37 a provider of health care who is examining a child under the age
38 of 3 years pursuant to subsection 3 of NRS 432B.270 if the
39 provider of health care has reasonable cause to believe the child
40 has been physically abused;

41 (b) A person authorized to place a child in protective custody, if
42 the person has before him a child who he has reasonable cause to
43 believe has been abused or neglected and the person requires the
44 information to determine whether to place the child in protective
45 custody;



- 1 (c) An agency, including, without limitation, an agency in
- 2 another jurisdiction, responsible for or authorized to undertake the
- 3 care, treatment or supervision of:
 - 4 (1) The child; or
 - 5 (2) The person responsible for the welfare of the child;
- 6 (d) A district attorney or other law enforcement officer who
- 7 requires the information in connection with an investigation or
- 8 prosecution of the abuse or neglect of a child;
- 9 (e) A court, for in camera inspection only, unless the court
- 10 determines that public disclosure of the information is necessary for
- 11 the determination of an issue before it;
- 12 (f) A person engaged in bona fide research or an audit, but
- 13 information identifying the subjects of a report must not be made
- 14 available to him;
- 15 (g) The attorney and the guardian ad litem of the child;
- 16 (h) A grand jury upon its determination that access to these
- 17 records is necessary in the conduct of its official business;
- 18 (i) A federal, state or local governmental entity, or an agency of
- 19 such an entity, that needs access to the information to carry out its
- 20 legal responsibilities to protect children from abuse and neglect;
- 21 (j) A person or an organization that has entered into a written
- 22 agreement with an agency which provides child welfare services to
- 23 provide assessments or services and that has been trained to make
- 24 such assessments or provide such services;
- 25 (k) A team organized pursuant to NRS 432B.350 for the
- 26 protection of a child;
- 27 (l) A team organized pursuant to NRS 432B.405 to review the
- 28 death of a child;
- 29 (m) A parent or legal guardian of the child and an attorney of a
- 30 parent or guardian of the child, if the identity of the person
- 31 responsible for reporting the alleged abuse or neglect of the child to
- 32 a public agency is kept confidential;
- 33 (n) The persons who are the subject of a report;
- 34 (o) An agency that is authorized by law to license foster homes
- 35 or facilities for children or to investigate persons applying for
- 36 approval to adopt a child, if the agency has before it an application
- 37 for that license or is investigating an applicant to adopt a child;
- 38 (p) Upon written consent of the parent, any officer of this state
- 39 or a city or county thereof or Legislator authorized, by the agency or
- 40 department having jurisdiction or by the Legislature, acting within
- 41 its jurisdiction, to investigate the activities or programs of an agency
- 42 which provides child welfare services if:
 - 43 (1) The identity of the person making the report is kept
 - 44 confidential; and



- 1 (2) The officer, Legislator or a member of his family is not
2 the person alleged to have committed the abuse or neglect;
- 3 (q) The Division of Parole and Probation of the Department of
4 Public Safety for use pursuant to NRS 176.135 in making a
5 presentence investigation and report to the district court or pursuant
6 to NRS 176.151 in making a general investigation and report;
- 7 (r) Any person who is required pursuant to NRS 432B.220 to
8 make a report to an agency which provides child welfare services or
9 to a law enforcement agency;
- 10 (s) The Rural Advisory Board to Expedite Proceedings for the
11 Placement of Children created pursuant to NRS 432B.602 or a local
12 advisory board to expedite proceedings for the placement of
13 children created pursuant to NRS 432B.604; or
- 14 (t) The panel established pursuant to NRS 432B.396 to evaluate
15 agencies which provide child welfare services.
- 16 2. Except as otherwise provided in subsection 3, data or
17 information concerning reports and investigations thereof made
18 pursuant to this chapter may be made available to any member of
19 the general public if the child who is the subject of a report dies or is
20 critically injured as a result of alleged abuse or neglect, except that
21 the data or information which may be disclosed is limited to:
- 22 (a) The fact that a report of abuse or neglect has been made and,
23 if appropriate, a factual description of the contents of the report;
- 24 (b) Whether an investigation has been initiated pursuant to NRS
25 432B.260 ~~H~~ and the result of a completed investigation; and
- 26 (c) Such other information as is authorized for disclosure by a
27 court pursuant to subsection 4.
- 28 3. An agency which provides child welfare services shall not
29 disclose data or information pursuant to subsection 2 if the agency
30 determines that the disclosure is not in the best interests of the child
31 or if disclosure of the information would adversely affect any
32 pending investigation concerning a report.
- 33 4. Upon petition, a court of competent jurisdiction may
34 authorize the disclosure of additional information to the public
35 pursuant to subsection 2 if good cause is shown by the petitioner for
36 the disclosure of the additional information.
- 37 5. An agency investigating a report of the abuse or neglect of a
38 child shall, upon request, provide to a person named in the report as
39 allegedly causing the abuse or neglect of the child:
- 40 (a) A copy of:
- 41 (1) Any statement made in writing to an investigator for the
42 agency by the person named in the report as allegedly causing the
43 abuse or neglect of the child; or



1 (2) Any recording made by the agency of any statement
2 made orally to an investigator for the agency by the person named in
3 the report as allegedly causing the abuse or neglect of the child; or

4 (b) A written summary of the allegations made against the
5 person who is named in the report as allegedly causing the abuse or
6 neglect of the child. The summary must not identify the person
7 responsible for reporting the alleged abuse or neglect.

8 6. An agency which provides child welfare services shall
9 disclose the identity of a person who makes a report or otherwise
10 initiates an investigation pursuant to this chapter if a court, after
11 reviewing the record in camera and determining that there is reason
12 to believe that the person knowingly made a false report, orders the
13 disclosure.

14 7. Any person, except for:

15 (a) The subject of a report;

16 (b) A district attorney or other law enforcement officer initiating
17 legal proceedings; or

18 (c) An employee of the Division of Parole and Probation of the
19 Department of Public Safety making a presentence investigation and
20 report to the district court pursuant to NRS 176.135 or making a
21 general investigation and report pursuant to NRS 176.151,
22 who is given access, pursuant to subsection 1 or 2, to information
23 identifying the subjects of a report and who makes this information
24 public is guilty of a misdemeanor.

25 8. The Division of Child and Family Services shall adopt
26 regulations to carry out the provisions of this section.

27 **Sec. 4.** This act becomes effective on July 1, 2003.

