

Amendment No. CA29

First Conference Committee Amendment to Senate Bill No. 296 Third Reprint (BDR 38-372)

Proposed by: First Conference Committee

Amendment Box:

Resolves Conflicts with: N/A

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Amend the bill as a whole by renumbering sections 1 through 5 as sections 6 through 10 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

“Section 1. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this section and NRS 432.100 to 432.130, inclusive, “Central Registry” means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 2. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by ~~and in the Central Office of~~ the Division.

2. The Central Registry must contain:

AMI/RRY

Date: 6/5/2005

S.B. No. 296—Makes various changes concerning newborn infants who are identified as being affected by illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure.



- (a) The information in any *substantiated* report of child abuse or neglect made pursuant to NRS 432B.220 ; ~~[-, and the results, if any, of the investigation of the report;]~~
- (b) Statistical information on the protective services provided in this State; and
- (c) Any other information which the Division determines to be in furtherance of NRS 432.100 to 432.130, inclusive, *and section 1 of this act*, and 432B.010 to 432B.400, inclusive.

3. The Division may ~~[- designate a county hospital in each county whose population is 100,000 or more as a regional registry for the collection of information concerning the abuse or neglect of a child.]-~~ *release information contained in the Central Registry to an employer:*

(a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,

↳ but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. *Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by an employee of the Division and by an agency which provides child welfare services.*

Sec. 3. NRS 432.110 is hereby amended to read as follows:

432.110 ~~{The}~~

1. Except as otherwise provided in subsection 2, the Division shall maintain a record of ~~{the}~~ :

(a) The names and identifying data, dates and circumstances of any persons requesting or receiving information from the ~~{central or regional registries and any}~~ *Central Registry; and*

(b) Any other information which might be helpful in furthering the purposes of NRS 432.100 to 432.130, inclusive, *and section 1 of this act*, and 432B.010 to 432B.400, inclusive.

2. The Division is not required to maintain a record of information concerning requests for information from or the receipt of information by employees of an agency which provides child welfare services.

Sec. 4. NRS 432.120 is hereby amended to read as follows:

432.120 1. Information contained in the ~~{central or regional registries or obtained for these registries}~~ *Central Registry* must not be released unless the right of the applicant to the information is confirmed ~~{and}~~, *the information concerning the report of abuse or neglect of the child has been reported pursuant to NRS 432B.310*, the released information discloses ~~{the nature of}~~ the disposition of the case ~~{or its current status}~~.

~~—2.— Unless an investigation of a report, conducted pursuant to NRS 432.100 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive, reveals some credible evidence of alleged abuse or neglect of a child, all information identifying the subject of a report must be expunged from the central and regional registries at the conclusion of the investigation or within 60 days after the report is filed, whichever occurs first. In all other cases, the record of the substantiated reports} and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the~~

subject of the background investigation provides written authorization for the release of the information.

2. *The information* contained in the ~~[central or regional registries]~~ *Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services* must be ~~[sealed no]~~ *deleted from the Central Registry not* later than 10 years after the child who is the subject of the report reaches the age of 18 ~~[.]~~ *years.*

3. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 432.130 is hereby amended to read as follows:

432.130 Any person who willfully releases data or information contained in the ~~[central or regional registries]~~ *Central Registry* to unauthorized persons in violation of NRS 432.120 or 432B.290 is guilty of a misdemeanor.”.

Amend sec. 5, page 7, line 10, by deleting “expunge” and inserting “~~[expunge]~~ *delete*”.

Amend the bill as a whole by renumbering sections 6 and 7 as sections 13 and 14 and adding new sections designated sections 11 and 12, following sec. 5, to read as follows:

“**Sec. 11.** NRS 432B.290 is hereby amended to read as follows:

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

(a) A physician, if the physician has before him a child who he has reasonable cause to believe has been abused or neglected;

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

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The attorney and the guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(j) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(k) A team organized pursuant to NRS 432B.350 for the protection of a child;

- (l) A team organized pursuant to NRS 432B.405 to review the death of a child;
- (m) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;
- (n) The persons who are the subject of a report;
- (o) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;
- (p) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized, by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:
 - (1) The identity of the person making the report is kept confidential; and
 - (2) The officer, Legislator or a member of his family is not the person alleged to have committed the abuse or neglect;
- (q) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;
- (r) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(s) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604; ~~or~~

(t) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services ~~or~~; *or*

(u) An employer in accordance with subsection 3 of NRS 432.100.

2. Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available to any member of the general public if the child who is the subject of a report dies or is critically injured as a result of alleged abuse or neglect, except that the data or information which may be disclosed is limited to:

(a) The fact that a report of abuse or neglect has been made and, if appropriate, a factual description of the contents of the report;

(b) Whether an investigation has been initiated pursuant to NRS 432B.260, and the result of a completed investigation; and

(c) Such other information as is authorized for disclosure by a court pursuant to subsection 4.

3. An agency which provides child welfare services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning a report.

4. Upon petition, a court of competent jurisdiction may authorize the disclosure of additional information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional information.

5. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

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

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

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

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

7. Any person, except for:

(a) The subject of a report;

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

(c) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

↳ who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

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

Sec. 12. NRS 432B.310 is hereby amended to read as follows:

432B.310 **1.** Except as otherwise provided in subsection 5 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

~~1.~~ **(a)** Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

~~2.~~ **(b)** The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted and the severity of the injuries; and

~~3.~~ **(c)** The disposition of the case.

2. *An agency which provides child welfare services shall not report to the Central Registry any information concerning a child identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure unless the agency determines that a person has abused or neglected the child.*

3. *As used in this section, “Central Registry” has the meaning ascribed to it in section 1 of this act.”.*

Amend the bill as a whole by adding a new section designated sec. 15, following sec. 7, to read as follows:

“**Sec. 15.** As soon as practicable after October 1, 2005, each county hospital that was designated as a regional registry for the collection of information concerning the abuse or neglect of

a child pursuant to NRS 432.100 shall transfer any information that the county hospital collected for that purpose to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.”.

Amend the title of the bill, first line, after “children;” by inserting:

“revising the provisions governing the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; authorizing an employer to obtain under certain circumstances certain information concerning whether a person has been found to have abused or neglected a child;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing abuse or neglect of children. (BDR 38-372)”.