

SENATE BILL NO. 296—COMMITTEE ON  
HUMAN RESOURCES AND EDUCATION

(ON BEHALF OF THE DIVISION OF CHILD AND FAMILY SERVICES)

MARCH 24, 2005

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Referred to Committee on Human Resources and Education

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

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: No.

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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 children; making various changes concerning the information that must be contained in the Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; making various changes concerning the maintenance of records of persons requesting or receiving information from the Central Registry; revising the provisions concerning the release and expungement of information from the Central Registry; requiring certain persons to report newborn infants who are identified as being affected by substance abuse or exposure to illegal substances or alcohol; providing that a child is in need of protection if he is affected by illegal substance abuse or alcohol abuse or has withdrawal symptoms resulting from prenatal exposure to such substances; providing a penalty; 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 432.100 is hereby amended to read as follows:  
2       432.100 1. There is hereby established a Statewide Central  
3 Registry for the Collection of Information Concerning the Abuse or  
4 Neglect of a Child. This Central Registry must be maintained by  
5 ~~[and in the Central Office of]~~ *the Division, and any requests for*  
6 *information from the Central Registry must be submitted to* the  
7 Division.

8       2. The Central Registry must contain:  
9       (a) ~~[The]~~ *All information reported pursuant to NRS 432B.310*  
10 *by an agency investigating a report of abuse or neglect of a child;*

11       (b) *After information concerning a report of abuse or neglect*  
12 *of a child is reported pursuant to NRS 432B.310, the information*  
13 *in* ~~[any report of child abuse or neglect]~~ *the report* made pursuant to  
14 NRS 432B.220 ~~[, and the results, if any, of the investigation of the~~  
15 ~~report;~~

16 ~~—(b)]~~ ;  
17       (c) Statistical information on the protective services provided in  
18 this State; and

19       ~~[(e)]~~ (d) Any other information which the Division determines  
20 to be in furtherance of NRS 432.100 to 432.130, inclusive, and  
21 432B.010 to 432B.400, inclusive.

22       ~~[3. The Division may designate a county hospital in each~~  
23 ~~county whose population is 100,000 or more as a regional registry~~  
24 ~~for the collection of information concerning the abuse or neglect of~~  
25 ~~a child.]~~

26       **Sec. 2.** NRS 432.110 is hereby amended to read as follows:

27       432.110 ~~[The]~~  
28       1. *Except as otherwise provided in subsection 2, the* Division  
29 shall maintain a record of ~~[the]~~ :

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

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

36       2. *The Division is not required to maintain a record of*  
37 *information concerning requests for information from or the*  
38 *receipt of information by employees of the Division who request or*  
39 *receive information from the Central Registry in the performance*  
40 *of their official duties for the Division.*



1       **Sec. 3.** NRS 432.120 is hereby amended to read as follows:

2       432.120 1. Information contained in the ~~[central or regional~~  
3 ~~registries or obtained for these registries]~~ *Central Registry* must not  
4 be released unless the right of the applicant to the information is  
5 confirmed, *the information concerning the report of abuse or*  
6 *neglect of the child has been reported pursuant to NRS 432B.310*  
7 and the released information discloses ~~[the nature of]~~ the disposition  
8 of the case. ~~[or its current status.~~

9       ~~2. Unless an investigation of a report, conducted pursuant to~~  
10 ~~NRS 432.100 to 432.130, inclusive, and 432B.010 to 432B.400,~~  
11 ~~inclusive, reveals some credible evidence of alleged abuse or~~  
12 ~~neglect of a child, all information identifying the subject of a report~~  
13 ~~must be expunged from the central and regional registries at the~~  
14 ~~conclusion of the investigation or within 60 days after the report is~~  
15 ~~filed, whichever occurs first. In all other cases, the record of the~~  
16 ~~substantiated reports]~~

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

24       3. The Division shall adopt regulations ~~[to]~~:

25       (a) *To carry out the provisions of this section [.] ; and*

26       (b) *Concerning the expungement of information from the*  
27 *Central Registry, including, without limitation, regulations*  
28 *concerning the circumstances under which the Division will*  
29 *expunge information identifying the subject of a report of alleged*  
30 *abuse or neglect of a child from the Central Registry.*

31       **Sec. 4.** NRS 432.130 is hereby amended to read as follows:

32       432.130 Any person who willfully releases data or information  
33 contained in the ~~[central or regional registries]~~ *Central Registry* to  
34 unauthorized persons in violation of NRS 432.120 or 432B.290 is  
35 guilty of a misdemeanor.

36       **Sec. 5.** NRS 432B.160 is hereby amended to read as follows:

37       432B.160 1. Except as otherwise provided in subsection 2,  
38 immunity from civil or criminal liability extends to every person  
39 who in good faith:

40       (a) Makes a report pursuant to NRS 432B.220;

41       (b) Conducts an interview or allows an interview to be taken  
42 pursuant to NRS 432B.270;

43       (c) Allows or takes photographs or X rays pursuant to  
44 NRS 432B.270;



1 (d) Causes a medical test to be performed pursuant to  
2 NRS 432B.270;

3 (e) Provides a record, or a copy thereof, of a medical test  
4 performed pursuant to NRS 432B.270 to an agency which provides  
5 child welfare services to the child, a law enforcement agency that  
6 participated in the investigation of the report ~~of abuse or neglect of~~  
7 ~~the child~~ *made pursuant to NRS 432B.220* or the prosecuting  
8 attorney's office;

9 (f) Holds a child pursuant to NRS 432B.400, takes possession of  
10 a child pursuant to NRS 432B.630 or places a child in protective  
11 custody pursuant to any provision of this chapter;

12 (g) Performs any act pursuant to subsection 2 of NRS 432B.630;

13 (h) Refers a case or recommends the filing of a petition pursuant  
14 to NRS 432B.380; or

15 (i) Participates in a judicial proceeding resulting from a referral  
16 or recommendation.

17 2. The provisions of subsection 1 do not confer any immunity  
18 from liability for the negligent performance of any act pursuant to  
19 paragraph (b) of subsection 2 of NRS 432B.630.

20 3. In any proceeding to impose liability against a person for:

21 (a) Making a report pursuant to NRS 432B.220; or

22 (b) Performing any act set forth in paragraphs (b) to (i),  
23 inclusive, of subsection 1,

24 → there is a presumption that the person acted in good faith.

25 **Sec. 6.** NRS 432B.170 is hereby amended to read as follows:

26 432B.170 Nothing in the provisions of this chapter or NRS  
27 432.100 to 432.130, inclusive, prohibits an agency which provides  
28 child welfare services from sharing information with other state or  
29 local agencies if:

30 1. The purpose for sharing the information is for the  
31 development of a plan for the care, treatment or supervision of a  
32 child who has been abused or neglected, *or an infant who has been*  
33 *affected by prenatal illegal substance abuse or alcohol abuse* or of  
34 a person responsible for the child's *or infant's* welfare;

35 2. The other agency has standards for confidentiality equivalent  
36 to those of the agency which provides child welfare services; and

37 3. Proper safeguards are taken to ensure the confidentiality of  
38 the information.

39 **Sec. 7.** NRS 432B.180 is hereby amended to read as follows:

40 432B.180 The Division of Child and Family Services shall:

41 1. Administer any money granted to the State by the Federal  
42 Government.

43 2. Plan, coordinate and monitor the delivery of child welfare  
44 services provided throughout the State.



1 3. Provide child welfare services directly or arrange for the  
2 provision of those services in a county whose population is less than  
3 100,000.

4 4. Coordinate its activities with and assist the efforts of any law  
5 enforcement agency, a court of competent jurisdiction, an agency  
6 which provides child welfare services and any public or private  
7 organization which provides social services for the prevention,  
8 identification and treatment of abuse or neglect of children *or the*  
9 *effect of prenatal illegal substance abuse or alcohol abuse on*  
10 *infants and children* and for permanent placement of children.

11 5. Involve communities in the improvement of child welfare  
12 services.

13 6. Evaluate all child welfare services provided throughout the  
14 State and withhold money from any agency providing child welfare  
15 services which is not complying with the regulations adopted by the  
16 Division of Child and Family Services.

17 7. Evaluate the plans submitted for approval pursuant to  
18 NRS 432B.395.

19 8. In consultation with each agency which provides child  
20 welfare services, request sufficient money for the provision of child  
21 welfare services throughout this State.

22 **Sec. 8.** NRS 432B.190 is hereby amended to read as follows:

23 432B.190 The Division of Child and Family Services shall, in  
24 consultation with each agency which provides child welfare  
25 services, adopt:

26 1. Regulations establishing reasonable and uniform standards  
27 for:

28 (a) Child welfare services provided in this State;

29 (b) Programs for the prevention of abuse or neglect of a child  
30 and the achievement of the permanent placement of a child;

31 (c) The development of local councils involving public and  
32 private organizations;

33 (d) Reports of abuse or neglect, *reports of infants affected by*  
34 *prenatal illegal substance abuse or alcohol abuse, reports of*  
35 *infants with withdrawal symptoms resulting from prenatal*  
36 *exposure to illegal substances or alcohol*, records of these reports  
37 and the response to these reports;

38 (e) Carrying out the provisions of NRS 432B.260, including,  
39 without limitation, the qualifications of persons with whom agencies  
40 which provide child welfare services enter into agreements to  
41 provide services to children and families;

42 (f) The management and assessment of reported cases of abuse  
43 or neglect ~~and~~, *reported cases of infants affected by prenatal illegal*  
44 *substance abuse or alcohol abuse and reported cases of infants*



1 *with withdrawal symptoms resulting from prenatal exposure to*  
2 *illegal substances or alcohol;*

3 (g) The protection of the legal rights of parents and children;

4 (h) Emergency shelter for a child;

5 (i) The prevention, identification and correction of abuse or  
6 neglect of a child in residential institutions;

7 (j) Evaluating the development and contents of a plan submitted  
8 for approval pursuant to NRS 432B.395;

9 (k) Developing and distributing to persons who are responsible  
10 for a child's welfare a pamphlet that sets forth the procedures for  
11 taking a child for placement in protective custody and the legal  
12 rights of persons who are parties to a proceeding held pursuant to  
13 NRS 432B.410 to 432B.590, inclusive, during all stages of the  
14 proceeding; and

15 (l) Making the necessary inquiries required pursuant to NRS  
16 432B.397 to determine whether a child is an Indian child; and

17 2. Such other regulations as are necessary for the  
18 administration of NRS 432B.010 to 432B.606, inclusive.

19 **Sec. 9.** NRS 432B.200 is hereby amended to read as follows:

20 432B.200 The Division of Child and Family Services shall  
21 establish and maintain a center with a toll-free telephone number to  
22 receive reports of abuse or neglect of a child , *reports of infants*  
23 *affected by prenatal illegal substance abuse or alcohol abuse and*  
24 *reports of infants with withdrawal symptoms resulting from*  
25 *prenatal exposure to illegal substances or alcohol* in this State 24  
26 hours a day, 7 days a week. Any reports made to this center must be  
27 promptly transmitted to the agency which provides child welfare  
28 services in the community where the child is located.

29 **Sec. 10.** NRS 432B.220 is hereby amended to read as follows:

30 432B.220 1. Any person who is described in subsection 3  
31 and who, in his professional or occupational capacity, knows or has  
32 reasonable cause to believe that a child has been abused or neglected  
33 , *and any person who is described in paragraph (a) of subsection 3*  
34 *who delivers or provides medical services to a newborn infant and*  
35 *who, in his professional or occupational capacity, knows or has*  
36 *reasonable cause to believe that the infant has been affected by*  
37 *prenatal illegal substance abuse or alcohol abuse or has*  
38 *withdrawal symptoms resulting from prenatal exposure to illegal*  
39 *substances or alcohol* shall:

40 (a) Except as otherwise provided in subsection 2, report the  
41 abuse or neglect of the child *or the effect of illegal substances or*  
42 *alcohol on the infant* to an agency which provides child welfare  
43 services or to a law enforcement agency; and



1 (b) Make such a report as soon as reasonably practicable but not  
2 later than 24 hours after the person knows or has reasonable cause to  
3 believe that ~~the~~ :

4 (1) *The* child has been abused or neglected ~~;~~ ; or

5 (2) *The infant has been affected by prenatal illegal*  
6 *substance abuse or alcohol abuse or has withdrawal symptoms*  
7 *resulting from prenatal exposure to illegal substances or alcohol.*

8 2. If a person who is required to make a report pursuant to  
9 subsection 1 knows or has reasonable cause to believe that the abuse  
10 or neglect of the child involves an act or omission of:

11 (a) A person directly responsible or serving as a volunteer for or  
12 an employee of a public or private home, institution or facility  
13 where the child is receiving child care outside of his home for a  
14 portion of the day, the person shall make the report to a law  
15 enforcement agency.

16 (b) An agency which provides child welfare services or a law  
17 enforcement agency, the person shall make the report to an agency  
18 other than the one alleged to have committed the act or omission,  
19 and the investigation of the abuse or neglect of the child must be  
20 made by an agency other than the one alleged to have committed the  
21 act or omission.

22 3. A report must be made pursuant to subsection 1 by the  
23 following persons:

24 (a) A physician, dentist, dental hygienist, chiropractor,  
25 optometrist, podiatric physician, medical examiner, resident, intern,  
26 professional or practical nurse, physician assistant, psychiatrist,  
27 psychologist, marriage and family therapist, alcohol or drug abuse  
28 counselor, athletic trainer, advanced emergency medical technician  
29 or other person providing medical services licensed or certified in  
30 this State. ~~;~~

31 (b) Any personnel of a hospital or similar institution engaged in  
32 the admission, examination, care or treatment of persons or an  
33 administrator, manager or other person in charge of a hospital or  
34 similar institution upon notification of suspected abuse or neglect of  
35 a child by a member of the staff of the hospital. ~~;~~

36 (c) A coroner. ~~;~~

37 (d) A clergyman, practitioner of Christian Science or religious  
38 healer, unless he has acquired the knowledge of the abuse or neglect  
39 from the offender during a confession. ~~;~~

40 (e) A social worker and an administrator, teacher, librarian or  
41 counselor of a school. ~~;~~

42 (f) Any person who maintains or is employed by a facility or  
43 establishment that provides care for children, children's camp or  
44 other public or private facility, institution or agency furnishing care  
45 to a child. ~~;~~



- 1 (g) Any person licensed to conduct a foster home. ~~§~~  
2 (h) Any officer or employee of a law enforcement agency or an  
3 adult or juvenile probation officer. ~~§~~  
4 (i) An attorney, unless he has acquired the knowledge of the  
5 abuse or neglect from a client who is or may be accused of the abuse  
6 or neglect. ~~§~~  
7 (j) Any person who maintains, is employed by or serves as a  
8 volunteer for an agency or service which advises persons regarding  
9 abuse or neglect of a child and refers them to persons and agencies  
10 where their requests and needs can be met. ~~§~~  
11 (k) Any person who is employed by or serves as a volunteer for  
12 an approved youth shelter. As used in this paragraph, "approved  
13 youth shelter" has the meaning ascribed to it in NRS 244.422. ~~§~~  
14 ~~and~~  
15 (l) Any adult person who is employed by an entity that provides  
16 organized activities for children.
- 17 4. A report may be made by any other person.  
18 5. If a person who is required to make a report pursuant to  
19 subsection 1 knows or has reasonable cause to believe that a child  
20 has died as a result of abuse or neglect, the person shall, as soon as  
21 reasonably practicable, report this belief to the appropriate medical  
22 examiner or coroner, who shall investigate the report and submit to  
23 an agency which provides child welfare services his written  
24 findings. The written findings must include, if obtainable, the  
25 information required pursuant to the provisions of subsection 2 of  
26 NRS 432B.230.
- 27 **Sec. 11.** NRS 432B.230 is hereby amended to read as follows:  
28 432B.230 1. A person may make a report pursuant to NRS  
29 432B.220 by telephone or, in light of all the surrounding facts and  
30 circumstances which are known or which reasonably should be  
31 known to the person at the time, by any other means of oral, written  
32 or electronic communication that a reasonable person would believe,  
33 under those facts and circumstances, is a reliable and swift means of  
34 communicating information to the person who receives the report. If  
35 the report is made orally, the person who receives the report must  
36 reduce it to writing as soon as reasonably practicable.
- 37 2. The report must contain the following information, if  
38 obtainable:  
39 (a) The name, address, age and sex of the child;  
40 (b) The name and address of the child's parents or other person  
41 responsible for his care;  
42 (c) The nature and extent of the abuse or neglect of the child ~~§~~  
43 *or the effect of prenatal illegal substance abuse or alcohol abuse*  
44 *on the infant;*  
45 (d) Any evidence of previously known or suspected ~~§~~:





- 1           (1) *Abuse* or neglect of the child or the child's siblings; *or*  
2           (2) *Effects of prenatal illegal substance abuse or alcohol*  
3 *abuse on the infant or the infant's siblings;*

4           (e) The name, address and relationship, if known, of the person  
5 who is alleged to have abused or neglected the child ~~§~~ *or caused*  
6 *the infant to be affected by prenatal illegal substance abuse or*  
7 *alcohol abuse;* and

8           (f) Any other information known to the person making the  
9 report that the agency which provides child welfare services  
10 considers necessary.

11       **Sec. 12.** NRS 432B.260 is hereby amended to read as follows:

12       432B.260 1. Upon the receipt of a report concerning the  
13 possible abuse or neglect of a child, *a report concerning an infant*  
14 *who is possibly affected by prenatal illegal substance abuse or*  
15 *alcohol abuse or a report concerning an infant who possibly has*  
16 *withdrawal symptoms resulting from prenatal exposure to illegal*  
17 *substances or alcohol,* an agency which provides child welfare  
18 services or a law enforcement agency shall promptly notify the  
19 appropriate licensing authority, if any. A law enforcement agency  
20 shall promptly notify an agency which provides child welfare  
21 services of any report it receives.

22       2. Upon receipt of a report concerning the possible abuse or  
23 neglect of a child, *a report concerning an infant who is possibly*  
24 *affected by prenatal illegal substance abuse or alcohol abuse or a*  
25 *report concerning an infant who possibly has withdrawal*  
26 *symptoms resulting from prenatal exposure to illegal substances*  
27 *or alcohol,* an agency which provides child welfare services or a  
28 law enforcement agency shall immediately initiate an investigation  
29 if the report indicates that:

- 30       (a) The child is 5 years of age or younger;  
31       (b) There is a high risk of serious harm to the child; or  
32       (c) The child is living in a household in which another child has  
33 died, or the child is seriously injured or has visible signs of physical  
34 abuse.

35       3. Except as otherwise provided in subsection 2, upon receipt  
36 of a report concerning the possible abuse or neglect of a child , *a*  
37 *report concerning an infant who is possibly affected by prenatal*  
38 *illegal substance abuse or alcohol abuse, a report concerning an*  
39 *infant who possibly has withdrawal symptoms resulting from*  
40 *prenatal exposure to illegal substances or alcohol* or notification  
41 from a law enforcement agency that the law enforcement agency has  
42 received such a report, an agency which provides child welfare  
43 services shall conduct an evaluation not later than 3 days after the  
44 report or notification was received to determine whether an



1 investigation is warranted. For the purposes of this subsection, an  
2 investigation is not warranted if:

3 (a) The child is not in imminent danger of harm;

4 (b) The child is not vulnerable as the result of any untreated  
5 injury, illness or other physical, mental or emotional condition that  
6 threatens his immediate health or safety;

7 (c) The alleged abuse or neglect *of the child or the alleged*  
8 *effect of prenatal illegal substance abuse or alcohol abuse on the*  
9 *infant* could be eliminated if the child and his family receive or  
10 participate in social or health services offered in the community, or  
11 both; or

12 (d) The agency determines that the:

13 (1) Alleged abuse or neglect was the result of the reasonable  
14 exercise of discipline by a parent or guardian of the child involving  
15 the use of corporal punishment, including, without limitation,  
16 spanking or paddling; and

17 (2) Corporal punishment so administered was not so  
18 excessive as to constitute abuse or neglect as described in  
19 NRS 432B.150.

20 4. If the agency determines that an investigation is warranted,  
21 the agency shall initiate the investigation not later than 3 days after  
22 the evaluation is completed.

23 5. Except as otherwise provided in this subsection, if the  
24 agency determines that an investigation is not warranted, the agency  
25 may, as appropriate:

26 (a) Provide counseling, training or other services relating to  
27 child abuse and neglect *or relating to prenatal illegal substance*  
28 *abuse or alcohol abuse* to the family of the child, or refer the family  
29 to a person who has entered into an agreement with the agency to  
30 provide those services; or

31 (b) Conduct an assessment of the family of the child to  
32 determine what services, if any, are needed by the family and, if  
33 appropriate, provide any such services or refer the family to a  
34 person who has entered into a written agreement with the agency to  
35 make such an assessment.

36 ➤ If an agency determines that an investigation is not warranted for  
37 the reason set forth in paragraph (d) of subsection 3, the agency  
38 shall take no further action in regard to the matter and shall expunge  
39 all references to the matter from its records.

40 6. If an agency which provides child welfare services enters  
41 into an agreement with a person to provide services to a child or his  
42 family pursuant to subsection 5, the agency shall require the person  
43 to notify the agency if the child or his family refuse or fail to  
44 participate in the services, or if the person determines that there is a  
45 serious risk to the health or safety of the child.



1 7. An agency which provides child welfare services that  
2 determines that an investigation is not warranted may, at any time,  
3 reverse that determination and initiate an investigation.

4 8. An agency which provides child welfare services and a law  
5 enforcement agency shall cooperate in the investigation, if any, of a  
6 report of abuse or neglect of a child ~~§~~, *a report of an infant*  
7 *affected by prenatal illegal substance abuse or alcohol abuse or a*  
8 *report of an infant with withdrawal symptoms resulting from*  
9 *prenatal exposure to illegal substances or alcohol.*

10 **Sec. 13.** NRS 432B.270 is hereby amended to read as follows:

11 432B.270 1. A designee of an agency investigating a report  
12 of abuse or neglect of a child may, without the consent of and  
13 outside the presence of any person responsible for the child's  
14 welfare, interview a child concerning any possible abuse or neglect.  
15 The child may be interviewed at any place where he is found. The  
16 designee shall, immediately after the conclusion of the interview, if  
17 reasonably possible, notify a person responsible for the child's  
18 welfare that the child was interviewed, unless the designee  
19 determines that such notification would endanger the child.

20 2. A designee of an agency investigating a report of abuse or  
21 neglect of a child, *a report of an infant affected by prenatal illegal*  
22 *substance abuse or alcohol abuse or a report of an infant with*  
23 *withdrawal symptoms resulting from prenatal exposure to illegal*  
24 *substances or alcohol* may, without the consent of the person  
25 responsible for a child's welfare:

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

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

30 3. Upon the taking of any photographs or X rays or the  
31 performance of any medical tests pursuant to subsection 2, the  
32 person responsible for the child's welfare must be notified  
33 immediately, if reasonably possible, unless the designee determines  
34 that the notification would endanger the child. The reasonable cost  
35 of these photographs, X rays or medical tests must be paid by the  
36 agency which provides child welfare services if money is not  
37 otherwise available.

38 4. Any photographs or X rays taken or records of any medical  
39 tests performed pursuant to subsection 2, or any medical records  
40 relating to the examination or treatment of a child pursuant to this  
41 section, or copies thereof, must be sent to the agency which provides  
42 child welfare services, the law enforcement agency participating in  
43 the investigation of the report and the prosecuting attorney's office.  
44 Each photograph, X ray, result of a medical test or other medical  
45 record:



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

5 (1) The name of the child;

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

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

11 (b) Is admissible in any proceeding relating to the abuse or  
12 neglect of the child ~~§~~ *or the effect of prenatal illegal substance*  
13 *abuse or alcohol abuse on the infant;* and

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

16 5. As used in this section, "medical test" means any test  
17 performed by or caused to be performed by a provider of health  
18 care, including, without limitation, a computerized axial  
19 tomography scan and magnetic resonance imaging.

20 **Sec. 14.** NRS 432B.290 is hereby amended to read as follows:  
21 432B.290 1. Except as otherwise provided in subsections 2, 5  
22 and 6 and NRS 432B.513, data or information concerning reports  
23 and investigations thereof made pursuant to this chapter may be  
24 made available only to:

25 (a) A physician, if the physician has before him a child who he  
26 has reasonable cause to believe has been abused or neglected ~~§~~ *or*  
27 *is affected by prenatal illegal substance abuse or alcohol abuse;*

28 (b) A person authorized to place a child in protective custody, if  
29 the person has before him a child who he has reasonable cause to  
30 believe has been abused or neglected *or is affected by prenatal*  
31 *illegal substance abuse or alcohol abuse* and the person requires  
32 the information to determine whether to place the child in protective  
33 custody;

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

37 (1) The child; or

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

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

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



- 1 (f) A person engaged in bona fide research or an audit, but  
2 information identifying the subjects of a report must not be made  
3 available to him;
- 4 (g) The attorney and the guardian ad litem of the child;
- 5 (h) A grand jury upon its determination that access to these  
6 records is necessary in the conduct of its official business;
- 7 (i) A federal, state or local governmental entity, or an agency of  
8 such an entity, that needs access to the information to carry out its  
9 legal responsibilities to protect children from abuse and neglect ~~§~~  
10 *or from prenatal illegal substance abuse or alcohol abuse;*
- 11 (j) A person or an organization that has entered into a written  
12 agreement with an agency which provides child welfare services to  
13 provide assessments or services and that has been trained to make  
14 such assessments or provide such services;
- 15 (k) A team organized pursuant to NRS 432B.350 for the  
16 protection of a child;
- 17 (l) A team organized pursuant to NRS 432B.405 to review the  
18 death of a child;
- 19 (m) A parent or legal guardian of the child and an attorney of a  
20 parent or guardian of the child, if the identity of the person  
21 responsible for reporting the alleged abuse or neglect of the child *or*  
22 *the effect of prenatal illegal substance abuse or alcohol abuse on*  
23 *the infant* to a public agency is kept confidential;
- 24 (n) The persons who are the subject of a report;
- 25 (o) An agency that is authorized by law to license foster homes  
26 or facilities for children or to investigate persons applying for  
27 approval to adopt a child, if the agency has before it an application  
28 for that license or is investigating an applicant to adopt a child;
- 29 (p) Upon written consent of the parent, any officer of this State  
30 or a city or county thereof or Legislator authorized, by the agency or  
31 department having jurisdiction or by the Legislature, acting within  
32 its jurisdiction, to investigate the activities or programs of an agency  
33 which provides child welfare services if:
- 34 (1) The identity of the person making the report is kept  
35 confidential; and
- 36 (2) The officer, Legislator or a member of his family is not  
37 the person alleged to have committed the abuse or neglect ~~§~~ *or*  
38 *caused the infant to be affected by prenatal illegal substance abuse*  
39 *or alcohol abuse;*
- 40 (q) The Division of Parole and Probation of the Department of  
41 Public Safety for use pursuant to NRS 176.135 in making a  
42 presentence investigation and report to the district court or pursuant  
43 to NRS 176.151 in making a general investigation and report;



1 (r) Any person who is required pursuant to NRS 432B.220 to  
2 make a report to an agency which provides child welfare services or  
3 to a law enforcement agency;

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

8 (t) The panel established pursuant to NRS 432B.396 to evaluate  
9 agencies which provide child welfare services.

10 2. Except as otherwise provided in subsection 3, data or  
11 information concerning reports and investigations thereof made  
12 pursuant to this chapter may be made available to any member of  
13 the general public if the child who is the subject of a report dies or is  
14 critically injured as a result of alleged abuse or neglect ~~[-]~~ *or alleged*  
15 *prenatal illegal substance abuse or alcohol abuse*, except that the  
16 data or information which may be disclosed is limited to:

17 (a) The fact that a report of abuse or neglect *or of prenatal*  
18 *illegal substance abuse or alcohol abuse* has been made and, if  
19 appropriate, a factual description of the contents of the report;

20 (b) Whether an investigation has been initiated pursuant to NRS  
21 432B.260, and the result of a completed investigation; and

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

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

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

33 5. An agency investigating a report of the abuse or neglect of a  
34 child *or a report of prenatal illegal substance abuse or alcohol*  
35 *abuse* shall, upon request, provide to a person named in the report as  
36 allegedly causing the abuse or neglect of the child ~~[-]~~ *or allegedly*  
37 *causing the infant to be affected by prenatal illegal substance*  
38 *abuse or alcohol abuse*;

39 (a) A copy of:

40 (1) Any statement made in writing to an investigator for the  
41 agency by the person named in the report as allegedly causing the  
42 abuse or neglect of the child ~~[-]~~ *or allegedly causing the prenatal*  
43 *illegal substance abuse or alcohol abuse*; or

44 (2) Any recording made by the agency of any statement  
45 made orally to an investigator for the agency by the person named in



1 the report as allegedly causing the abuse or neglect of the child ~~§~~ *or*  
2 *allegedly causing the prenatal illegal substance abuse or alcohol*  
3 *abuse*; 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 ~~§~~ *or allegedly causing the prenatal illegal*  
7 *substance abuse or alcohol abuse*. The summary must not identify  
8 the person responsible for reporting the alleged abuse or neglect ~~§~~  
9 *or the alleged prenatal illegal substance abuse or alcohol abuse*.

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

16 7. Any person, except for:

17 (a) The subject of a report;

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

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

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

29 **Sec. 15.** NRS 432B.320 is hereby amended to read as follows:

30 432B.320 1. An agency which provides child welfare  
31 services may waive a full investigation of a report of abuse or  
32 neglect of a child, *a report of an infant affected by prenatal illegal*  
33 *substance abuse or alcohol abuse or a report of an infant with*  
34 *withdrawal symptoms resulting from prenatal exposure to illegal*  
35 *substances or alcohol* made by another agency or a person if, after  
36 assessing the circumstances, it is satisfied that:

37 (a) The person or other agency who made the report can provide  
38 services to meet the needs of the child and the family, and this  
39 person or agency agrees to do so; and

40 (b) The person or other agency agrees in writing to report  
41 periodically on the child and to report immediately any threat or  
42 harm to the child's welfare.

43 2. The agency which provides child welfare services shall  
44 supervise for a reasonable period the services provided by the  
45 person or other agency pursuant to subsection 1.



1     **Sec. 16.** NRS 432B.330 is hereby amended to read as follows:

2     432B.330 1. A child is in need of protection if:

3     (a) He has been abandoned by a person responsible for his  
4     welfare;

5     (b) He is ~~[suffering from congenital drug addiction or fetal~~  
6     ~~alcohol syndrome because of the faults or habits of a person~~  
7     ~~responsible for his welfare;]~~ *identified as being affected by prenatal*  
8     *illegal substance abuse or alcohol abuse, or as having withdrawal*  
9     *symptoms resulting from prenatal exposure to illegal substances*  
10    *or alcohol;*

11    (c) He has been subjected to abuse or neglect by a person  
12    responsible for his welfare;

13    (d) He is in the care of a person responsible for his welfare and  
14    another child has died as a result of abuse or neglect by that person;

15    (e) He has been placed for care or adoption in violation of law;  
16    or

17    (f) He has been delivered to a provider of emergency services  
18    pursuant to NRS 432B.630.

19    2. A child may be in need of protection if the person  
20    responsible for his welfare:

21    (a) Is unable to discharge his responsibilities to and for the child  
22    because of incarceration, hospitalization, or other physical or mental  
23    incapacity;

24    (b) Fails, although he is financially able to do so or has been  
25    offered financial or other means to do so, to provide for the  
26    following needs of the child:

27       (1) Food, clothing or shelter necessary for the child's health  
28       or safety;

29       (2) Education as required by law; or

30       (3) Adequate medical care; or

31    (c) Has been responsible for the abuse or neglect of a child who  
32    has resided with that person.

33    3. A child may be in need of protection if the death of a parent  
34    of the child is or may be the result of an act by the other parent that  
35    constitutes domestic violence pursuant to NRS 33.018.

36    **Sec. 17.** NRS 432B.350 is hereby amended to read as follows:

37    432B.350 An agency which provides child welfare services  
38    may organize one or more teams for protection of a child to assist  
39    the agency in the evaluation and investigation of reports of abuse or  
40    neglect of a child, *reports of infants affected by prenatal illegal*  
41    *substance abuse or alcohol abuse, reports of infants with*  
42    *withdrawal symptoms resulting from prenatal exposure to illegal*  
43    *substances or alcohol, diagnosis and treatment of abuse or neglect*  
44    *or of the effect of prenatal illegal substance abuse or alcohol*  
45    *abuse* and the coordination of responsibilities. Members of the team





1 serve at the invitation of the agency and must include  
2 representatives of other organizations concerned with education, law  
3 enforcement or physical or mental health.

4 **Sec. 18.** NRS 432B.400 is hereby amended to read as follows:

5 432B.400 A physician treating a child or a person in charge of  
6 a hospital or similar institution may hold a child for no more than 24  
7 hours if there is reasonable cause to believe that the child has been  
8 abused or neglected *or has been affected by prenatal illegal*  
9 *substance abuse or alcohol abuse* and that he is in danger of further  
10 harm if released. The physician or other person shall immediately  
11 notify a law enforcement agency or an agency which provides child  
12 welfare services that he is holding the child.

13 **Sec. 19.** NRS 432B.405 is hereby amended to read as follows:

14 432B.405 1. An agency which provides child welfare  
15 services:

16 (a) May organize one or more multidisciplinary teams to review  
17 the death of a child; and

18 (b) Shall organize one or more multidisciplinary teams to review  
19 the death of a child under any of the following circumstances:

20 (1) Upon receiving a written request from an adult related to  
21 the child within the third degree of consanguinity, if the request is  
22 received by the agency within 1 year after the date of death of the  
23 child;

24 (2) If the child dies while in the custody of or involved with  
25 an agency which provides child welfare services, or if the child's  
26 family previously received services from such an agency;

27 (3) If the death is alleged to be from abuse or neglect of the  
28 child ~~or~~ *or from the effects of prenatal illegal substance abuse or*  
29 *alcohol abuse;*

30 (4) If a sibling, household member or daycare provider has  
31 been the subject of a child abuse and neglect investigation *or an*  
32 *investigation concerning the effect of prenatal illegal substance*  
33 *abuse or alcohol abuse on an infant* within the previous 12 months,  
34 including cases in which the report was unsubstantiated or the  
35 investigation is currently pending;

36 (5) If the child was adopted through an agency which  
37 provides child welfare services; or

38 (6) If the child died of Sudden Infant Death Syndrome.

39 2. A review conducted pursuant to subparagraph (2) of  
40 paragraph (b) of subsection 1 must occur within 3 months after the  
41 issuance of a certificate of death.

42 **Sec. 20.** As soon as practicable after October 1, 2005, each  
43 county hospital that was designated as a regional registry for the  
44 collection of information concerning the abuse or neglect of a child  
45 pursuant to NRS 432.100 shall transfer any information that the



- 1 county hospital collected for that purpose to the Central Registry for
- 2 the Collection of Information Concerning the Abuse or Neglect of a
- 3 Child established by NRS 432.100.

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