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

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

MARCH 24, 2005

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.

AN ACT relating to children; 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; requiring certain persons to notify an agency which provides child welfare services of newborn infants who are identified as being affected by illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure and to refer persons responsible for the welfare of such infants to such agencies for counseling, training and other services; revising the provisions governing when a child is in need of protection because he is affected by alcohol use, illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure; 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.** Chapter 432 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

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

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

8 432.100 1. There is hereby established a Statewide Central
9 Registry for the Collection of Information Concerning the Abuse or
10 Neglect of a Child. This Central Registry must be maintained by
11 ~~[and in the Central Office of]~~ the Division.

12 2. The Central Registry must contain:

13 (a) The information in any *substantiated* report of child abuse or
14 neglect made pursuant to NRS 432B.220 ; ~~[- and the results, if any,~~
15 ~~of the investigation of the report;]~~

16 (b) Statistical information on the protective services provided in
17 this State; and

18 (c) Any other information which the Division determines to be
19 in furtherance of NRS 432.100 to 432.130, inclusive, *and section 1*
20 *of this act*, and 432B.010 to 432B.400, inclusive.

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

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

29 (b) *Either:*

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

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

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

41 4. *Except as otherwise provided in this section or by specific*
42 *statute, information in the Central Registry may be accessed only*



1 *by an employee of the Division and by an agency which provides*
2 *child welfare services.*

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

4 432.110 ~~[The]~~

5 *1. Except as otherwise provided in subsection 2, the* Division
6 shall maintain a record of ~~[the]~~ :

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

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

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

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

18 432.120 1. Information contained in the ~~[central or regional~~
19 ~~registries or obtained for these registries]~~ *Central Registry* must not
20 be released unless the right of the applicant to the information is
21 confirmed ~~[and]~~, *the information concerning the report of abuse*
22 *or neglect of the child has been reported pursuant to NRS*
23 *432B.310*, the released information discloses ~~[the nature of]~~ the
24 disposition of the case ~~[for its current status].~~

25 ~~— 2. Unless an investigation of a report, conducted pursuant to~~
26 ~~NRS 432.100 to 432.130, inclusive, and 432B.010 to 432B.400,~~
27 ~~inclusive, reveals some credible evidence of alleged abuse or~~
28 ~~neglect of a child, all information identifying the subject of a report~~
29 ~~must be expunged from the central and regional registries at the~~
30 ~~conclusion of the investigation or within 60 days after the report is~~
31 ~~filed, whichever occurs first. In all other cases, the record of the~~
32 ~~substantiated reports]~~ *and, if the information is being provided*
33 *pursuant to subsection 3 of NRS 432.100, the person who is the*
34 *subject of the background investigation provides written*
35 *authorization for the release of the information.*

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

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



1 **Sec. 5.** NRS 432.130 is hereby amended to read as follows:
2 432.130 Any person who willfully releases data or information
3 contained in the ~~{central or regional registries}~~ *Central Registry* to
4 unauthorized persons in violation of NRS 432.120 or 432B.290 is
5 guilty of a misdemeanor.

6 **Sec. 6.** NRS 432B.160 is hereby amended to read as follows:
7 432B.160 1. Except as otherwise provided in subsection 2,
8 immunity from civil or criminal liability extends to every person
9 who in good faith:

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

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

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

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

17 (e) Provides a record, or a copy thereof, of a medical test
18 performed pursuant to NRS 432B.270 to an agency which provides
19 child welfare services to the child, a law enforcement agency that
20 participated in the investigation of the report ~~{of abuse or neglect of~~
21 ~~the child}~~ *made pursuant to NRS 432B.220* or the prosecuting
22 attorney's office;

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

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

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

29 (i) Participates in a judicial proceeding resulting from a referral
30 or recommendation.

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

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

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

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

38 ↳ there is a presumption that the person acted in good faith.

39 **Sec. 7.** NRS 432B.170 is hereby amended to read as follows:

40 432B.170 Nothing in the provisions of this chapter or NRS
41 432.100 to 432.130, inclusive, prohibits an agency which provides
42 child welfare services from sharing information with other state or
43 local agencies if:

44 1. The purpose for sharing the information is for the
45 development of a plan for the care, treatment or supervision of a



1 child who has been abused or neglected , *or an infant who is born*
2 *and has been affected by prenatal illegal substance abuse or has*
3 *withdrawal symptoms resulting from prenatal drug exposure* or of
4 a person responsible for the child's *or infant's* welfare;

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

7 3. Proper safeguards are taken to ensure the confidentiality of
8 the information.

9 **Sec. 8.** NRS 432B.220 is hereby amended to read as follows:

10 432B.220 1. Any person who is described in subsection ~~3~~ 4
11 and who, in his professional or occupational capacity, knows or has
12 reasonable cause to believe that a child has been abused or neglected
13 shall:

14 (a) Except as otherwise provided in subsection 2, report the
15 abuse or neglect of the child to an agency which provides child
16 welfare services or to a law enforcement agency; and

17 (b) Make such a report as soon as reasonably practicable but not
18 later than 24 hours after the person knows or has reasonable cause to
19 believe that the child has been abused or neglected.

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

23 (a) A person directly responsible or serving as a volunteer for or
24 an employee of a public or private home, institution or facility
25 where the child is receiving child care outside of his home for a
26 portion of the day, the person shall make the report to a law
27 enforcement agency.

28 (b) An agency which provides child welfare services or a law
29 enforcement agency, the person shall make the report to an agency
30 other than the one alleged to have committed the act or omission,
31 and the investigation of the abuse or neglect of the child must be
32 made by an agency other than the one alleged to have committed the
33 act or omission.

34 3. *Any person who is described in paragraph (a) of*
35 *subsection 4 who delivers or provides medical services to a*
36 *newborn infant and who, in his professional or occupational*
37 *capacity, knows or has reasonable cause to believe that the*
38 *newborn infant has been affected by prenatal illegal substance*
39 *abuse or has withdrawal symptoms resulting from prenatal drug*
40 *exposure shall, as soon as reasonably practicable but not later*
41 *than 24 hours after the person knows or has reasonable cause to*
42 *believe that the newborn infant is so affected or has such*
43 *symptoms, notify an agency which provides child welfare services*
44 *of the condition of the infant and refer each person who is*
45 *responsible for the welfare of the infant to an agency which*



1 *provides child welfare services for appropriate counseling,*
2 *training or other services. A notification and referral to an agency*
3 *which provides child welfare services pursuant to this subsection*
4 *shall not be construed to require prosecution for any illegal*
5 *action.*

6 4. A report must be made pursuant to subsection 1 by the
7 following persons:

8 (a) A physician, dentist, dental hygienist, chiropractor,
9 optometrist, podiatric physician, medical examiner, resident, intern,
10 professional or practical nurse, physician assistant, psychiatrist,
11 psychologist, marriage and family therapist, alcohol or drug abuse
12 counselor, *clinical social worker*, athletic trainer, advanced
13 emergency medical technician or other person providing medical
14 services licensed or certified in this State. [REDACTED]

15 (b) Any personnel of a hospital or similar institution engaged in
16 the admission, examination, care or treatment of persons or an
17 administrator, manager or other person in charge of a hospital or
18 similar institution upon notification of suspected abuse or neglect of
19 a child by a member of the staff of the hospital. [REDACTED]

20 (c) A coroner. [REDACTED]

21 (d) A clergyman, practitioner of Christian Science or religious
22 healer, unless he has acquired the knowledge of the abuse or neglect
23 from the offender during a confession. [REDACTED]

24 (e) A social worker and an administrator, teacher, librarian or
25 counselor of a school. [REDACTED]

26 (f) Any person who maintains or is employed by a facility or
27 establishment that provides care for children, children's camp or
28 other public or private facility, institution or agency furnishing care
29 to a child. [REDACTED]

30 (g) Any person licensed to conduct a foster home. [REDACTED]

31 (h) Any officer or employee of a law enforcement agency or an
32 adult or juvenile probation officer. [REDACTED]

33 (i) An attorney, unless he has acquired the knowledge of the
34 abuse or neglect from a client who is or may be accused of the abuse
35 or neglect. [REDACTED]

36 (j) Any person who maintains, is employed by or serves as a
37 volunteer for an agency or service which advises persons regarding
38 abuse or neglect of a child and refers them to persons and agencies
39 where their requests and needs can be met. [REDACTED]

40 (k) Any person who is employed by or serves as a volunteer for
41 an approved youth shelter. As used in this paragraph, "approved
42 youth shelter" has the meaning ascribed to it in NRS 244.422. [REDACTED]
43 and]

44 (l) Any adult person who is employed by an entity that provides
45 organized activities for children.



1 ~~[4.]~~ 5. A report may be made by any other person.
2 ~~[5.]~~ 6. If a person who is required to make a report pursuant to
3 subsection 1 knows or has reasonable cause to believe that a child
4 has died as a result of abuse or neglect, the person shall, as soon as
5 reasonably practicable, report this belief to the appropriate medical
6 examiner or coroner, who shall investigate the report and submit to
7 an agency which provides child welfare services his written
8 findings. The written findings must include, if obtainable, the
9 information required pursuant to the provisions of subsection 2 of
10 NRS 432B.230.

11 **Sec. 9.** NRS 432B.230 is hereby amended to read as follows:
12 432B.230 1. A person may make a report pursuant to NRS
13 432B.220 by telephone or, in light of all the surrounding facts and
14 circumstances which are known or which reasonably should be
15 known to the person at the time, by any other means of oral, written
16 or electronic communication that a reasonable person would believe,
17 under those facts and circumstances, is a reliable and swift means of
18 communicating information to the person who receives the report. If
19 the report is made orally, the person who receives the report must
20 reduce it to writing as soon as reasonably practicable.

21 2. The report must contain the following information, if
22 obtainable:

23 (a) The name, address, age and sex of the child;
24 (b) The name and address of the child's parents or other person
25 responsible for his care;

26 (c) The nature and extent of the abuse or neglect of the child ~~[;]~~,
27 *the effect of prenatal illegal substance abuse on the newborn*
28 *infant or the nature of the withdrawal symptoms resulting from*
29 *prenatal drug exposure of the newborn infant;*

30 (d) Any evidence of previously known or suspected ~~[abuse]~~ :
31 (1) *Abuse* or neglect of the child or the child's siblings; or
32 (2) *Effects of prenatal illegal substance abuse on or*
33 *evidence of withdrawal symptoms resulting from prenatal drug*
34 *exposure of the newborn infant;*

35 (e) The name, address and relationship, if known, of the person
36 who is alleged to have abused or neglected the child; and

37 (f) Any other information known to the person making the
38 report that the agency which provides child welfare services
39 considers necessary.

40 **Sec. 10.** NRS 432B.260 is hereby amended to read as follows:
41 432B.260 1. Upon the receipt of a report concerning the
42 possible abuse or neglect of a child, an agency which provides child
43 welfare services or a law enforcement agency shall promptly notify
44 the appropriate licensing authority, if any. A law enforcement



1 agency shall promptly notify an agency which provides child
2 welfare services of any report it receives.

3 2. Upon receipt of a report concerning the possible abuse or
4 neglect of a child, an agency which provides child welfare services
5 or a law enforcement agency shall immediately initiate an
6 investigation if the report indicates that:

- 7 (a) The child is 5 years of age or younger;
8 (b) There is a high risk of serious harm to the child; or
9 (c) The child is living in a household in which another child has
10 died, or the child is seriously injured or has visible signs of physical
11 abuse.

12 3. Except as otherwise provided in subsection 2, upon receipt
13 of a report concerning the possible abuse or neglect of a child or
14 notification from a law enforcement agency that the law
15 enforcement agency has received such a report, an agency which
16 provides child welfare services shall conduct an evaluation not later
17 than 3 days after the report or notification was received to determine
18 whether an investigation is warranted. For the purposes of this
19 subsection, an investigation is not warranted if:

- 20 (a) The child is not in imminent danger of harm;
21 (b) The child is not vulnerable as the result of any untreated
22 injury, illness or other physical, mental or emotional condition that
23 threatens his immediate health or safety;

24 (c) The alleged abuse or neglect *of the child or the alleged*
25 *effect of prenatal illegal substance abuse on or the withdrawal*
26 *symptoms resulting from prenatal drug exposure of the newborn*
27 *infant* could be eliminated if the child and his family receive or
28 participate in social or health services offered in the community, or
29 both; or

30 (d) The agency determines that the:

31 (1) Alleged abuse or neglect was the result of the reasonable
32 exercise of discipline by a parent or guardian of the child involving
33 the use of corporal punishment, including, without limitation,
34 spanking or paddling; and

35 (2) Corporal punishment so administered was not so
36 excessive as to constitute abuse or neglect as described in
37 NRS 432B.150.

38 4. If the agency determines that an investigation is warranted,
39 the agency shall initiate the investigation not later than 3 days after
40 the evaluation is completed.

41 5. Except as otherwise provided in this subsection, if the
42 agency determines that an investigation is not warranted, the agency
43 may, as appropriate:

44 (a) Provide counseling, training or other services relating to
45 child abuse and neglect to the family of the child, or refer the family



1 to a person who has entered into an agreement with the agency to
2 provide those services; or

3 (b) Conduct an assessment of the family of the child to
4 determine what services, if any, are needed by the family and, if
5 appropriate, provide any such services or refer the family to a
6 person who has entered into a written agreement with the agency to
7 make such an assessment.

8 ➔ If an agency determines that an investigation is not warranted for
9 the reason set forth in paragraph (d) of subsection 3, the agency
10 shall take no further action in regard to the matter and shall
11 ~~[expunge]~~ delete all references to the matter from its records.

12 6. If an agency which provides child welfare services enters
13 into an agreement with a person to provide services to a child or his
14 family pursuant to subsection 5, the agency shall require the person
15 to notify the agency if the child or his family refuse or fail to
16 participate in the services, or if the person determines that there is a
17 serious risk to the health or safety of the child.

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

21 8. An agency which provides child welfare services and a law
22 enforcement agency shall cooperate in the investigation, if any, of a
23 report of abuse or neglect of a child.

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

25 432B.290 1. Except as otherwise provided in subsections 2, 5
26 and 6 and NRS 432B.513, data or information concerning reports
27 and investigations thereof made pursuant to this chapter may be
28 made available only to:

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

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

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

39 (1) The child; or

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

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



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

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

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

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

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

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

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

19 (l) A team organized pursuant to NRS 432B.405 to review the
20 death of a child;

21 (m) A parent or legal guardian of the child and an attorney of a
22 parent or guardian of the child, if the identity of the person
23 responsible for reporting the alleged abuse or neglect of the child to
24 a public agency is kept confidential;

25 (n) The persons who are the subject of a report;

26 (o) An agency that is authorized by law to license foster homes
27 or facilities for children or to investigate persons applying for
28 approval to adopt a child, if the agency has before it an application
29 for that license or is investigating an applicant to adopt a child;

30 (p) Upon written consent of the parent, any officer of this State
31 or a city or county thereof or Legislator authorized, by the agency or
32 department having jurisdiction or by the Legislature, acting within
33 its jurisdiction, to investigate the activities or programs of an agency
34 which provides child welfare services if:

35 (1) The identity of the person making the report is kept
36 confidential; and

37 (2) The officer, Legislator or a member of his family is not
38 the person alleged to have committed the abuse or neglect;

39 (q) The Division of Parole and Probation of the Department of
40 Public Safety for use pursuant to NRS 176.135 in making a
41 presentence investigation and report to the district court or pursuant
42 to NRS 176.151 in making a general investigation and report;

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



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

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

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

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

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

17 (b) Whether an investigation has been initiated pursuant to NRS
18 432B.260, and the result of a completed investigation; and

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

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

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

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

33 (a) A copy of:

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

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

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

44 6. An agency which provides child welfare services shall
45 disclose the identity of a person who makes a report or otherwise



1 initiates an investigation pursuant to this chapter if a court, after
2 reviewing the record in camera and determining that there is reason
3 to believe that the person knowingly made a false report, orders the
4 disclosure.

5 7. Any person, except for:

6 (a) The subject of a report;

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

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

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

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

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

19 432B.310 **1.** Except as otherwise provided in subsection 5 of
20 NRS 432B.260, the agency investigating a report of abuse or neglect
21 of a child shall, upon completing the investigation, report to the
22 Central Registry:

23 ~~1-1~~ (a) Identifying and demographic information on the child
24 alleged to be abused or neglected, his parents, any other person
25 responsible for his welfare and the person allegedly responsible for
26 the abuse or neglect;

27 ~~1-2~~ (b) The facts of the alleged abuse or neglect, including the
28 date and type of alleged abuse or neglect, the manner in which the
29 abuse was inflicted and the severity of the injuries; and

30 ~~1-3~~ (c) The disposition of the case.

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

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

39 **Sec. 13.** NRS 432B.330 is hereby amended to read as follows:

40 432B.330 **1.** A child is in need of protection if:

41 (a) He has been abandoned by a person responsible for his
42 welfare;

43 (b) ~~He is suffering from congenital drug addiction or fetal~~
44 ~~alcohol syndrome because of the faults or habits of a person~~
45 ~~responsible for his welfare;~~



1 ~~—(e)~~ He has been subjected to abuse or neglect by a person
2 responsible for his welfare;

3 ~~[(d)]~~ (c) He is in the care of a person responsible for his welfare
4 and another child has died as a result of abuse or neglect by that
5 person;

6 ~~[(e)]~~ (d) He has been placed for care or adoption in violation of
7 law; or

8 ~~[(f)]~~ (e) He has been delivered to a provider of emergency
9 services pursuant to NRS 432B.630.

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

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

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

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

20 (2) Education as required by law; or

21 (3) Adequate medical care; or

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

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

27 *4. A child may be in need of protection if he is identified as*
28 *being affected by prenatal illegal substance abuse or as having*
29 *withdrawal symptoms resulting from prenatal drug exposure.*

30 **Sec. 14.** NRS 432B.400 is hereby amended to read as follows:

31 432B.400 A physician treating a child or a person in charge of
32 a hospital or similar institution may hold a child for no more than 24
33 hours if there is reasonable cause to believe that the child has been
34 abused or neglected *or has been affected by prenatal illegal*
35 *substance abuse or has withdrawal symptoms resulting from*
36 *prenatal drug exposure* and that he is in danger of further harm if
37 released. The physician or other person shall immediately notify a
38 law enforcement agency or an agency which provides child welfare
39 services that he is holding the child.

40 **Sec. 15.** As soon as practicable after October 1, 2005, each
41 county hospital that was designated as a regional registry for the
42 collection of information concerning the abuse or neglect of a child
43 pursuant to NRS 432.100 shall transfer any information that the
44 county hospital collected for that purpose to the Statewide Central



- 1 Registry for the Collection of Information Concerning the Abuse or
- 2 Neglect of a Child established by NRS 432.100.

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