

Senate Bill No. 553–Senator Raggio

CHAPTER.....

AN ACT relating to the protection of children; providing that certain reasonable acts of discipline by a parent or guardian of a child do not warrant action by an agency which provides protective services to children or a law enforcement agency; providing that references to such acts must be expunged from the records of the agency which provides protective services to children or the law enforcement agency; and providing other matters properly relating thereto.

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

Section 1. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides protective services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides protective services of any report it receives.

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

- (a) The child is 5 years of age or younger;
- (b) There is a high risk of serious harm to the child; or
- (c) The child is dead, is seriously injured or has visible signs of physical abuse.

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

- (a) The child is not in imminent danger of harm;
- (b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens his immediate health or safety; ~~for~~
- (c) The alleged abuse or neglect could be eliminated if the child and his family receive or participate in social or health services offered in the community, or both ~~for~~ ; or

(d) The agency determines that the:

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

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

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

5. ~~HH~~ ***Except as otherwise provided in this subsection, if*** the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person that has entered into an agreement with the agency to provide those services; or

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

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

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

7. An agency which provides protective services that determines that an investigation is not warranted may, at any time, reverse that determination and initiate an investigation.

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

Sec. 2. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides protective services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any, and, within 3 working days, initiate an investigation. A law enforcement agency shall promptly notify an agency which provides protective services of any report it receives.

2. An agency which provides protective services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

3. If an agency which provides protective services or a law enforcement agency determines pursuant to an investigation initiated pursuant to this section that the:

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

(b) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150, the agency which provides protective services or the law enforcement agency shall take no further action in regard to the matter and shall expunge all references to the matter from its records.

Sec. 3. NRS 432B.310 is hereby amended to read as follows:

432B.310 ~~{The}~~ *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. 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. 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. The disposition of the case.

Sec. 4. NRS 432B.310 is hereby amended to read as follows:

432B.310 *Except as otherwise provided in subsection ~~{5}~~ 3 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. 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. 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. The disposition of the case.

Sec. 5. 1. This section and sections 1 and 3 of this act become effective upon passage and approval.

2. Sections 2 and 4 of this act become effective on June 30, 2001.

3. Sections 1 and 3 of this act expire by limitation on June 30, 2001.

~