

ASSEMBLY BILL NO. 248—COMMITTEE ON HEALTH AND HUMAN SERVICES

(ON BEHALF OF DEPARTMENT OF HUMAN RESOURCES—DIVISION
OF CHILD AND FAMILY SERVICES)

FEBRUARY 27, 2001

Referred to Committee on Judiciary

SUMMARY—Requires adoption of regulations governing provision of certain information to foster or adoptive parents and revises certain provisions governing procedures for protection of children from abuse and neglect. (BDR 38-356)

FISCAL NOTE: Effect on Local Government: No.
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; requiring the adoption of regulations governing the provision of certain information to foster or adoptive parents; revising certain provisions governing procedures for the protection of children from abuse and neglect; clarifying and limiting certain provisions regarding the imposition of civil sanctions for the disclosure of confidential information; 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 424.038 is hereby amended to read as follows:
2 424.038 1. Before placing, and during the placement of, a child in a
3 family foster home, the division shall provide to the provider of family
4 foster care such information relating to the child as is necessary to ensure
5 the health and safety of the child and the other residents of the family foster
6 home. This information must include the medical history and previous
7 behavior of the child to the extent that such information is available.
8 2. The provider of family foster care may, at any time before, during
9 or after the placement of the child in his family foster home, request
10 information about the child from the division. After the child has left the
11 care of the provider, the division shall provide the information requested by
12 the provider, unless the information is otherwise declared to be confidential
13 by law or the division determines that providing the information is not in
14 the best interests of the child.



1 3. The provider of family foster care shall maintain the confidentiality
2 of information obtained pursuant to this section under the terms and
3 conditions otherwise required by law.

4 *4. The division shall adopt regulations specifying the procedure and*
5 *format for the provision of information pursuant to this section, which*
6 *may include the provision of a synopsis of certain information.*

7 **Sec. 2.** Chapter 432B of NRS is hereby amended by adding thereto a
8 new section to read as follows:

9 *1. An agency that obtains legal custody of a child pursuant to NRS*
10 *432B.550 shall:*

11 *(a) Adopt a plan for the permanent placement of the child for review*
12 *by the court at a hearing conducted pursuant to NRS 432B.590; and*

13 *(b) Make reasonable efforts to finalize the permanent placement of*
14 *the child in accordance with the plan adopted pursuant to paragraph (a).*

15 *2. If the child is not residing in his home and has been in foster care*
16 *for 14 or more of the immediately preceding 20 months, the agency shall*
17 *include the termination of parental rights to the child in the plan for the*
18 *permanent placement of the child, unless the agency determines that:*

19 *(a) The child is in the care of a relative;*

20 *(b) If the agency is required to make reasonable efforts to reunify the*
21 *family of the child, the agency has not provided to the family,*
22 *consistently within the period specified in the plan for the child, such*
23 *services as the agency deems necessary for the safe return of the child to*
24 *his home; or*

25 *(c) There are compelling reasons, which are documented in the plan*
26 *for the child, for concluding that the filing of a petition to terminate*
27 *parental rights to the child would not be in the best interests of the child.*

28 **Sec. 3.** NRS 432B.190 is hereby amended to read as follows:

29 432B.190 The division of child and family services shall adopt
30 ~~{regulations}~~ :

31 *1. Regulations* establishing reasonable and uniform standards for:

32 ~~{1-}~~ *(a)* Protective services provided in this state;

33 ~~{2-}~~ *(b)* Programs for the prevention of abuse or neglect of a child;

34 ~~{3-}~~ *(c)* The development of local councils involving public and private
35 organizations;

36 ~~{4-}~~ *(d)* Reports of abuse or neglect, records of these reports and the
37 response to these reports;

38 ~~{5-}~~ *(e)* Carrying out the provisions of NRS 432B.260, including,
39 without limitation, the qualifications of persons with whom agencies which
40 provide protective services enter into agreements to provide services to
41 children and families;

42 ~~{6-}~~ *(f)* The management and assessment of reported cases of abuse or
43 neglect;

44 *7. (g)* The protection of the legal rights of parents and children;

45 ~~{8-}~~ *(h)* Emergency shelter for a child;

46 ~~{9-}~~ *(i)* The prevention, identification and correction of abuse or neglect
47 of a child in residential institutions;

48 ~~{10-}~~ *(j)* Evaluating the development and contents of a plan submitted
49 for approval pursuant to NRS 432B.395;



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1 ~~111~~ (k) Developing and distributing to persons who are responsible
2 for a child's welfare a pamphlet that sets forth the procedures for taking a
3 child for placement in protective custody and the legal rights of persons
4 who are parties to a proceeding held pursuant to NRS 432B.410 to
5 432B.590, inclusive, *and section 2 of this act* during all stages of the
6 proceeding; and
7 ~~112~~ (l) Making the necessary inquiries required pursuant to NRS
8 432B.397 to determine whether a child is an Indian child ~~11~~; *and*
9 *2. Such other regulations as are necessary for the administration of*
10 *NRS 432B.010 to 432B.606, inclusive, and section 2 of this act.*
11 **Sec. 4.** NRS 432B.260 is hereby amended to read as follows:
12 432B.260 1. Upon the receipt of a report concerning the possible
13 abuse or neglect of a child, an agency which provides protective services or
14 a law enforcement agency shall promptly notify the appropriate licensing
15 authority, if any. A law enforcement agency shall promptly notify an
16 agency which provides protective services of any report it receives.
17 2. Upon receipt of a report concerning the possible abuse or neglect of
18 a child, an agency which provides protective services or a law enforcement
19 agency shall immediately initiate an investigation if the report indicates
20 that:
21 (a) The child is 5 years of age or younger;
22 (b) There is a high risk of serious harm to the child; or
23 (c) The child *or another child living in the same household* is dead, is
24 seriously injured or has visible signs of physical abuse.
25 3. Except as otherwise provided in subsection 2, upon receipt of a
26 report concerning the possible abuse or neglect of a child or notification
27 from a law enforcement agency that the law enforcement agency has
28 received such a report, an agency which provides protective services shall
29 conduct an evaluation not later than 3 days after the report or notification
30 was received to determine whether an investigation is warranted. For the
31 purposes of this subsection, an investigation is not warranted if:
32 (a) The child is not in imminent danger of harm;
33 (b) The child is not vulnerable as the result of any untreated injury,
34 illness or other physical, mental or emotional condition that threatens his
35 immediate health or safety;
36 (c) The alleged abuse or neglect could be eliminated if the child and his
37 family receive or participate in social or health services offered in the
38 community, or both; or
39 (d) The agency determines that the:
40 (1) Alleged abuse or neglect was the result of the reasonable exercise
41 of discipline by a parent or guardian of the child involving the use of
42 corporal punishment, including, without limitation, spanking or paddling;
43 and
44 (2) Corporal punishment so administered was not so excessive as to
45 constitute abuse or neglect as described in NRS 432B.150.
46 4. If the agency determines that an investigation is warranted, the
47 agency shall initiate the investigation not later than 3 days after the
48 evaluation is completed.



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1 5. Except as otherwise provided in this subsection, if the agency
2 determines that an investigation is not warranted, the agency may, as
3 appropriate:

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

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

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

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

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

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

28 **Sec. 5.** NRS 432B.290 is hereby amended to read as follows:

29 432B.290 1. Except as otherwise provided in subsections 2 ~~and 3~~,
30 *5 and 6*, data or information concerning reports and investigations thereof
31 made pursuant to this chapter may be made available only to:

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

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

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

41 (1) The child; or

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

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

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



- 1 (f) A person engaged in bona fide research or an audit, but information
2 identifying the subjects of a report must not be made available to him;
3 (g) The attorney and the guardian ad litem of the child;
4 (h) A grand jury upon its determination that access to these records is
5 necessary in the conduct of its official business;
6 (i) A federal, state or local governmental entity, or an agency of such an
7 entity, that needs access to the information to carry out its legal
8 responsibilities to protect children from abuse and neglect;
9 (j) *A person or an organization that has entered into a written
10 agreement with an agency which provides protective services to provide
11 assessments or services and that has been trained to make such
12 assessments or provide such services;*
13 (k) A team organized pursuant to NRS 432B.350 for the protection of a
14 child;
15 ~~(l)~~ (l) A team organized pursuant to NRS 432B.405 to review the
16 death of a child;
17 ~~(m)~~ (m) A parent or legal guardian of the child, if the identity of the
18 person responsible for reporting the alleged abuse or neglect of the child to
19 a public agency is kept confidential;
20 ~~(n)~~ (n) The persons who are the subject of a report;
21 ~~(o)~~ (o) An agency that is authorized by law to license foster homes or
22 facilities for children or to investigate persons applying for approval to
23 adopt a child, if the agency has before it an application for that license or is
24 investigating an applicant to adopt a child;
25 ~~(p)~~ (p) Upon written consent of the parent, any officer of this state or a
26 city or county thereof or legislator authorized, by the agency or department
27 having jurisdiction or by the legislature, acting within its jurisdiction, to
28 investigate the activities or programs of an agency that provides protective
29 services if:
30 (1) The identity of the person making the report is kept confidential;
31 and
32 (2) The officer, legislator or a member of his family is not the person
33 alleged to have committed the abuse or neglect;
34 ~~(q)~~ (q) The division of parole and probation of the department of
35 motor vehicles and public safety for use pursuant to NRS 176.135 in
36 making a presentence investigation and report to the district court or
37 pursuant to NRS 176.151 in making a general investigation and report;
38 ~~(r)~~ (r) *Any person who is required pursuant to NRS 432B.220 to
39 make a report to an agency which provides protective services or to a law
40 enforcement agency;*
41 (s) The rural advisory board to expedite proceedings for the placement
42 of children created pursuant to NRS 432B.602 or a local advisory board to
43 expedite proceedings for the placement of children created pursuant to
44 NRS 432B.604; or
45 ~~(t)~~ (t) The panel established pursuant to NRS 432B.396 to evaluate
46 agencies which provide protective services.
47 2. *Except as otherwise provided in subsection 3, data or information
48 concerning reports and investigations thereof made pursuant to this
49 chapter may be made available to any member of the general public if the*



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1 *child who is the subject of a report dies or is critically injured as a result*
2 *of alleged abuse or neglect, except that the data or information which*
3 *may be disclosed is limited to:*
4 *(a) The fact that a report of abuse or neglect has been made and, if*
5 *appropriate, a factual description of the contents of the report;*
6 *(b) Whether an investigation has been initiated pursuant to NRS*
7 *432B.260, and the result of a completed investigation; and*
8 *(c) Such other information as is authorized for disclosure by a court*
9 *pursuant to subsection 4.*
10 3. *An agency which provides protective services shall not disclose*
11 *data or information pursuant to subsection 2 if the agency determines*
12 *that the disclosure is not in the best interests of the child or if disclosure*
13 *of the information would adversely affect any pending investigation*
14 *concerning a report.*
15 4. *Upon petition, a court of competent jurisdiction may authorize the*
16 *disclosure of additional information to the public pursuant to subsection*
17 *2 if good cause is shown by the petitioner for the disclosure of the*
18 *additional information.*
19 5. An agency investigating a report of the abuse or neglect of a child
20 shall, upon request, provide to a person named in the report as allegedly
21 causing the abuse or neglect of the child:
22 (a) A copy of:
23 (1) Any statement made in writing to an investigator for the agency
24 by the person named in the report as allegedly causing the abuse or neglect
25 of the child; or
26 (2) Any recording made by the agency of any statement made orally
27 to an investigator for the agency by the person named in the report as
28 allegedly causing the abuse or neglect of the child; or
29 (b) A written summary of the allegations made against the person who
30 is named in the report as allegedly causing the abuse or neglect of the
31 child. The summary must not identify the person responsible for reporting
32 the alleged abuse or neglect.
33 ~~13-1~~ 6. An agency which provides protective services shall disclose the
34 identity of a person who makes a report or otherwise initiates an
35 investigation pursuant to this chapter if a court, after reviewing the record
36 in camera and determining that there is reason to believe that the person
37 knowingly made a false report, orders the disclosure.
38 ~~14-1~~ 7. Any person, except for:
39 (a) The subject of a report;
40 (b) A district attorney or other law enforcement officer initiating legal
41 proceedings; or
42 (c) An employee of the division of parole and probation of the
43 department of motor vehicles and public safety making a presentence
44 investigation and report to the district court pursuant to NRS 176.135 or
45 making a general investigation and report pursuant to
46 NRS 176.151,
47 who is given access, pursuant to subsection 1 ~~H~~ or 2, to information
48 identifying the subjects of a report and who makes this information public
49 is guilty of a misdemeanor.



1 ~~15.1~~ 8. The division of child and family services shall adopt regulations
2 to carry out the provisions of this section.

3 **Sec. 6.** NRS 432B.393 is hereby amended to read as follows:

4 432B.393 1. Except as otherwise provided in this section, an agency
5 which provides protective services shall make reasonable efforts to
6 preserve and reunify the family of a child :

7 (a) *Before the placement of the child in foster care*, to prevent or
8 eliminate the need for his removal from his home ; and ~~to~~

9 (b) *To* make it possible for his safe return to his home.

10 2. In determining the reasonable efforts required by subsection 1, the
11 health and safety of the child must be the paramount concern. The agency
12 which provides protective services may make reasonable efforts to place
13 the child for adoption or with a legal guardian concurrently with making
14 the reasonable efforts required pursuant to subsection 1. If the court
15 determines that continuation of the reasonable efforts required by
16 subsection 1 is inconsistent with the plan for the permanent placement of
17 the child, the agency which provides protective services shall make
18 reasonable efforts to place the child in a timely manner in accordance with
19 that plan and to complete whatever actions are necessary to finalize the
20 permanent placement of the child.

21 3. An agency which provides protective services is not required to
22 make the reasonable efforts required by subsection 1 if the court finds that:

23 (a) A parent or other primary caretaker of the child has:

24 (1) Committed, aided or abetted in the commission of, or attempted,
25 conspired or solicited to commit murder or voluntary manslaughter;

26 (2) Caused the abuse or neglect of the child, or of another child of the
27 parent or primary caretaker, which resulted in substantial bodily harm to
28 the abused or neglected child;

29 (3) Caused the abuse or neglect of the child, a sibling of the child or
30 another child in the household, and the abuse or neglect was so extreme or
31 repetitious as to indicate that any plan to return the child to his home would
32 result in an unacceptable risk to the health or welfare of the child; or

33 (4) Abandoned the child for 60 or more days, and the identity of the
34 parent of the child is unknown and cannot be ascertained through
35 reasonable efforts;

36 (b) A parent of the child has, for the previous 6 months, had the ability
37 to contact or communicate with the child and made no more than token
38 efforts to do so;

39 (c) The parental rights of a parent to a sibling of the child have been
40 terminated by a court order upon any basis other than the execution of a
41 voluntary relinquishment of those rights by a natural parent, and the court
42 order is not currently being appealed;

43 (d) The child or a sibling of the child was previously removed from his
44 home, adjudicated to have been abused or neglected, returned to his home
45 and subsequently removed from his home as a result of additional abuse or
46 neglect; or

47 (e) The child is less than 1 year of age, the father of the child is not
48 married to the mother of the child and the father of the child:



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1 (1) Has failed within 60 days after learning of the birth of the child,
2 to visit the child, to commence proceedings to establish his paternity of the
3 child or to provide financial support for the child; or

4 (2) Is entitled to seek custody of the child but fails to do so within 60
5 days after learning that the child was placed in foster care.

6 **Sec. 7.** NRS 432B.396 is hereby amended to read as follows:

7 432B.396 The division of child and family services shall:

8 1. Establish a panel comprised of volunteer members to evaluate the
9 extent to which agencies which provide protective services are effectively
10 discharging their responsibilities for the protection of children.

11 2. Adopt regulations to carry out the provisions of subsection 1 which
12 must include, without limitation, the imposition of appropriate restrictions
13 on the disclosure of information obtained by the panel and civil sanctions
14 for the violation of those restrictions. *The civil sanctions may provide for*
15 *the imposition in appropriate cases of a civil penalty of not more than*
16 *\$500. The division may bring an action to recover any civil penalty*
17 *imposed and shall deposit any money recovered with the state treasurer*
18 *for credit to the state general fund.*

19 **Sec. 8.** NRS 432B.440 is hereby amended to read as follows:

20 432B.440 The agency which provides protective services shall assist
21 the court during all stages of any proceeding in accordance with NRS
22 432B.410 to 432B.590, inclusive ~~1-1~~, and *section 2 of this act.*

23 **Sec. 9.** NRS 432B.480 is hereby amended to read as follows:

24 432B.480 1. *At each hearing conducted pursuant to NRS*
25 *432B.470:*

26 (a) At the commencement of the hearing, ~~on protective custody,~~ the
27 court shall advise the parties of their right to be represented by an attorney
28 and of their right to present evidence.

29 ~~2. If the court finds, as a result of the hearing that~~

30 (b) *The court shall determine whether* there is reasonable cause to
31 believe ~~1-~~

32 ~~—(a) That the child may be harmed if released from protective custody; or~~

33 ~~—(b) A parent or other person responsible for the child's welfare is not~~
34 ~~available to care for the child,~~ *that it would be:*

35 (1) *Contrary to the welfare of the child for him to reside at his*
36 *home; or*

37 (2) *In the best interests of the child to place him outside of his*
38 *home.*

39 *The court shall prepare an explicit statement of the facts upon which*
40 *each of its determinations is based. If the court makes an affirmative*
41 *finding regarding either subparagraph (1) or (2), the court shall issue an*
42 *order keeping the child in protective custody pending a disposition by the*
43 *court.*

44 ~~1-1~~ 2. If the court issues an order keeping the child in protective
45 custody pending a disposition by the court and it is in the best interests of
46 the child, the court may:

47 (a) Place the child in the temporary custody of a grandparent, great-
48 grandparent or other person related within the third degree of
49 consanguinity to the child who the court finds has established a meaningful



1 relationship with the child, with or without supervision upon such
2 conditions as the court prescribes, regardless of whether the relative resides
3 within this state; or

4 (b) Grant the grandparent, great-grandparent or other person related
5 within the third degree of consanguinity to the child a reasonable right to
6 visit the child while he is in protective custody.

7 ~~14.1~~ 3. If the court finds that the best interests of the child do not
8 require that the child remain in protective custody, the court shall order his
9 immediate release.

10 ~~15.1~~ 4. If a child is placed with any person who resides outside this
11 state, the placement must be in accordance with NRS 127.330.

12 **Sec. 10.** NRS 432B.530 is hereby amended to read as follows:

13 432B.530 1. An adjudicatory hearing must be held within 30 days
14 after the filing of the petition, unless good cause is shown.

15 2. At the hearing, the court shall inform the parties of the specific
16 allegations in the petition and give them an opportunity to admit or deny
17 them. If the allegations are denied, the court shall hear evidence on the
18 petition.

19 3. In adjudicatory hearings, all relevant and material evidence helpful
20 in determining the questions presented, including oral and written reports,
21 may be received by the court and may be relied upon to the extent of its
22 probative value. The parties or their attorney must be afforded an
23 opportunity to examine and controvert written reports so received and to
24 cross-examine individuals making reports when reasonably available.

25 4. The court may require the child to be present in court at the hearing.

26 5. If the court finds by a preponderance of the evidence that the child
27 ~~has~~ was in need of protection ~~at the time of his removal from his home,~~
28 it shall record its findings of fact and may proceed immediately or at
29 another hearing held within 15 working days, to make a proper disposition
30 of the case. If the court finds that the allegations in the petition have not
31 been established, it shall dismiss the petition and, if the child is in
32 protective custody, order the immediate release of the child.

33 **Sec. 11.** NRS 432B.540 is hereby amended to read as follows:

34 432B.540 1. If the court finds that the allegations of the petition are
35 true, it shall order that a report be made in writing by an agency which
36 provides protective services, concerning the conditions in the child's place
37 of residence, the child's record in school, the mental, physical and social
38 background of his family, its financial situation and other matters relevant
39 to the case.

40 2. If the agency believes that it is necessary to remove the child from
41 the physical custody of his parents, it must submit with the report a plan
42 designed to achieve a placement of the child in a safe setting as near to the
43 residence of his parent as is consistent with the best interests and special
44 needs of the child. The plan must include:

45 (a) A description of the type, safety and appropriateness of the home or
46 institution in which the child could be placed, a plan for ensuring that he
47 would receive safe and proper care and a description of his needs;



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1 (b) A description of the services to be provided to the child and to a
2 parent to facilitate the return of the child to the custody of his parent or to
3 ensure his permanent placement;

4 (c) The appropriateness of the services to be provided under the plan;
5 and

6 (d) A description of how the order of the court will be carried out.

7 ~~{3. If the child is not residing in his home, the agency shall include as a~~
8 ~~part of the plan for the permanent placement of the child, established~~
9 ~~pursuant to NRS 432B.590, a recommendation to terminate parental rights~~
10 ~~unless it determines that initiating a petition for the termination of parental~~
11 ~~rights is not in the best interests of the child. If the agency conclusively~~
12 ~~determines that initiating a petition for the termination of parental rights is~~
13 ~~not in the best interests of the child, it shall include a full explanation of the~~
14 ~~basis for the determination as part of the plan.}~~

15 **Sec. 12.** NRS 432B.550 is hereby amended to read as follows:

16 432B.550 1. If the court finds that a child is in need of protection, it
17 ~~{shall determine whether the agency which provides protective services has~~
18 ~~made the reasonable efforts required by subsection 1 of NRS 432B.393.~~
19 ~~The court}~~ may, by its order, after receipt and review of the report from the
20 agency which provides protective services:

21 (a) Permit the child to remain in the temporary or permanent custody of
22 his parents or a guardian with or without supervision by the court or a
23 person or agency designated by the court, and with or without retaining
24 jurisdiction of the case, upon such conditions as the court may prescribe;

25 (b) Place him in the temporary or permanent custody of a relative or
26 other person who the court finds suitable to receive and care for him with
27 or without supervision, and with or without retaining jurisdiction of the
28 case, upon such conditions as the court may prescribe;

29 (c) Place him in the temporary custody of a public agency or institution
30 authorized to care for children, the local juvenile probation department, the
31 local department of juvenile services or a private agency or institution
32 licensed by the department of human resources to care for such a child; or

33 (d) Commit him to the custody of the superintendent of the northern
34 Nevada children's home or the superintendent of the southern Nevada
35 children's home, in accordance with chapter 423 of NRS.

36 In carrying out this subsection, the court may, in its sole discretion ~~H~~ *and*
37 *in compliance with the requirements of chapter 159 of NRS*, consider an
38 application ~~{pursuant to chapter 159 of NRS}~~ for the guardianship of the
39 child. If the court grants such an application, it may retain jurisdiction of
40 the case or transfer the case to another court of competent jurisdiction.

41 2. If, pursuant to subsection 1, a child is placed other than with a
42 parent:

43 (a) The parent retains the right to consent to adoption, to determine the
44 child's religious affiliation and to reasonable visitation, unless restricted by
45 the court. If the custodian of the child interferes with these rights, the
46 parent may petition the court for enforcement of his rights.

47 (b) The court shall set forth good cause why the child was placed other
48 than with a parent.



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1 3. If, pursuant to subsection 1, the child is to be placed with a relative,
2 the court may consider, among other factors, whether the child has resided
3 with a particular relative for 3 years or more before the incident which
4 brought the child to the court's attention.

5 4. A copy of the report prepared for the court by the agency which
6 provides protective services must be sent to the custodian and the parent or
7 legal guardian.

8 5. In determining the placement of a child pursuant to this section, if
9 the child is not permitted to remain in the custody of his parents or
10 guardian, preference must be given to placing the child:

11 (a) With any person related within the third degree of consanguinity to
12 the child who is suitable and able to provide proper care and guidance for
13 the child, regardless of whether the relative resides within this state.

14 (b) If practicable, together with his siblings.

15 Any search for a relative with whom to place a child pursuant to this
16 section must be completed within 1 year after the initial placement of the
17 child outside of his home. If a child is placed with any person who resides
18 outside of this state, the placement must be in accordance with NRS
19 127.330.

20 *6. Within 60 days after the removal of a child from his home, the*
21 *court shall:*

22 *(a) Determine whether:*

23 *(1) The agency which provides protective services has made the*
24 *reasonable efforts required by paragraph (a) of subsection 1 of NRS*
25 *432B.393; or*

26 *(2) No such efforts are required in the particular case; and*

27 *(b) Prepare an explicit statement of the facts upon which its*
28 *determination is based.*

29 **Sec. 13.** NRS 432B.555 is hereby amended to read as follows:

30 432B.555 In any proceeding held pursuant to NRS 432B.410 to
31 ~~432B.600, 432B.590,~~ inclusive, *and section 2 of this act*, if the court
32 determines that a custodial parent or guardian of a child who has been
33 placed in protective custody has ever been convicted of a violation of NRS
34 200.508, the court shall not release the child to that custodial parent or
35 guardian unless the court finds by clear and convincing evidence presented
36 at the proceeding that no physical or psychological harm to the child will
37 result from his release to that parent or guardian.

38 **Sec. 14.** NRS 432B.590 is hereby amended to read as follows:

39 432B.590 1. ~~Except as otherwise provided in NRS 432B.600, the~~
40 *The* court shall hold a hearing concerning the permanent placement of a
41 child:

42 (a) Not later than 12 months after the initial removal of the child from
43 his home and annually thereafter.

44 (b) Within 30 days after making any of the findings set forth in
45 subsection 3 of NRS 432B.393.

46 Notice of this hearing must be given by registered or certified mail to all of
47 the persons to whom notice must be given pursuant to subsection 4 of NRS
48 432B.580.



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1 2. The court may require the presence of the child at the hearing and
2 shall provide to each person to whom notice was given pursuant to
3 subsection 1 an opportunity to be heard at the hearing.

4 3. At the hearing, the court shall ~~establish a~~ *review any* plan for the
5 permanent placement of the child *adopted pursuant to section 2 of this act*
6 and determine : ~~whether~~;

7 (a) *Whether the agency with legal custody of the child has made the*
8 *reasonable efforts required by subsection 1 of section 2 of this act; and*

9 (b) *Whether, and if applicable when:*

10 (1) The child should be returned to his parents or *placed with* other
11 relatives;

12 ~~[(b) The child's placement in the foster home or other similar institution~~
13 ~~should be continued; or~~

14 ~~—(c) (2) It is in the best interests of the child to initiate proceedings to:~~

15 ~~[(1)] (I) Terminate parental rights pursuant to chapter 128 of NRS so~~
16 that the child can be placed for adoption; or

17 ~~[(2)] (II) Establish a guardianship pursuant to chapter 159 of NRS~~ ~~[(1)]~~
18 ; or

19 (3) *The agency with legal custody of the child has produced*
20 *documentation of its conclusion that there is a compelling reason for the*
21 *placement of the child in another permanent living*
22 *arrangement.*

23 *The court shall prepare an explicit statement of the facts upon which*
24 *each of its determinations is based.* If the court determines that it is in the
25 best interests of the child to terminate parental rights, the court shall use its
26 best efforts to ensure that the procedures required by chapter 128 of NRS
27 are completed within 6 months after the date the court makes that
28 determination, including, without limitation, appointing a private attorney
29 to expedite the completion of the procedures.

30 4. If a child has been placed outside of his home and has resided
31 outside of his home pursuant to that placement for 14 months of any 20
32 consecutive months, the best interests of the child must be presumed to be
33 served by the termination of parental rights.

34 5. This hearing may take the place of the hearing for review required
35 by NRS 432B.580.

36 6. The provision of notice and an opportunity to be heard pursuant to
37 this section does not cause any person planning to adopt the child, or any
38 relative or provider of foster care to become a party to the hearing.

39 **Sec. 15.** NRS 127.152 is hereby amended to read as follows:

40 127.152 1. Except as otherwise provided in subsection 2, the division
41 or a licensed child-placing agency shall provide the adopting parents of a
42 child with a report which includes:

43 (a) A copy of any medical records of the child which are in the
44 possession of the division or licensed child-placing agency; and

45 (b) Any information obtained by the division or licensed child-placing
46 agency during interviews of the natural parent regarding:



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1 (1) The medical and sociological history of the child and the natural
2 parents of the child; and
3 (2) Any behavioral, emotional or psychological problems that the
4 child may have. Information regarding any behavioral, emotional or
5 psychological problems that the child may have must be discussed in
6 accordance with policies adopted by the division for the disclosure of such
7 information.
8 2. The report created pursuant to subsection 1 must exclude any
9 information that would lead to the identification of the natural parent.
10 **3. *The division shall adopt regulations specifying the procedure and***
11 ***format for the provision of information pursuant to this section, which***
12 ***may include the provision of a synopsis of certain information.***
13 **Sec. 16.** Section 9 of chapter 517, Statutes of Nevada 1997, as last
14 amended by chapter 105, Statutes of Nevada 1999, at page 559, is hereby
15 amended to read as follows:
16 Sec. 9. The amendatory provisions of sections ~~11 to 5.5,~~
17 ~~inclusive,~~ **3 and 5.5** of this act expire by limitation on June 30, 2001.
18 **Sec. 17.** Section 5 of chapter 557, Statutes of Nevada 1999, at page
19 2912, is hereby amended to read as follows:
20 Sec. 5. ~~11-1~~ This section and sections 1 and 3 of this act become
21 effective upon passage and approval.
22 ~~12. Sections 2 and 4 of this act become effective on June 30,~~
23 ~~2001.~~
24 ~~3. Sections 1 and 3 of this act expire by limitation on June 30,~~
25 ~~2001.~~
26 **Sec. 18.** 1. Sections 2 and 4 of chapter 557, Statutes of Nevada
27 1999, at pages 2911 and 2912, respectively, are hereby repealed.
28 2. NRS 432B.600 is hereby repealed.
29 **Sec. 19.** 1. This section and sections 16 and 17 of this act and
30 subsection 1 of section 18 of this act become effective upon passage and
31 approval.
32 2. Sections 1 to 4, inclusive, and 6 to 15, inclusive, of this act and
33 subsection 2 of section 18 of this act become effective on July 1, 2001.
34 3. Section 5 of this act becomes effective at 12:03 a.m. on July 1,
35 2001.

TEXT OF REPEALED SECTIONS

Section 2 of chapter 557, Statutes of Nevada 1999:

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



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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.

Section 4 of chapter 557, Statutes of Nevada 1999:

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

432B.310 Except as otherwise provided in subsection ~~1~~ 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.

432B.600 Authorizes court to dispense with annual hearings on disposition of case if permanent placement is approved by court; notification of court by agency of removal of child or change of plan; resumption of annual hearings by court.

1. If the permanent placement of a child has been approved by the court, the court may enter an order dispensing with the annual hearings otherwise required by NRS 432B.590. The order must indicate that the plan for the placement of the child provides for his permanent placement in the home of a specific relative, foster parent or adoptive parent, unless the court determines that identification of that person would create a risk of harm to the child.

2. If the child is subsequently removed from his permanent placement or the plan for his permanent placement is subsequently changed, the agency acting as the custodian of the child shall notify the court within 30 days after the removal or change. The court shall, after receiving the notification, resume the annual hearings required by NRS 432B.590. The court shall review the permanent placement of the child not later than 6



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months after the date of the removal of the child or the change in the plan, whichever is earlier.

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