

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.



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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 summary of certain information. If a*
7 *summary is provided pursuant to this section, the provider of family*
8 *foster care may also obtain the information set forth in subsections 1*
9 *and 2.*

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

12 *1. An agency that obtains legal custody of a child pursuant to NRS*
13 *432B.550 shall:*

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

16 *(b) Make reasonable efforts pursuant to NRS 432B.393 to finalize the*
17 *permanent placement of the child in accordance with the plan adopted*
18 *pursuant to paragraph (a).*

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

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

24 *(b) The plan for the child requires the agency to make reasonable*
25 *efforts pursuant to NRS 432B.393 to reunify the family of the child, and*
26 *the agency has not provided to the family, consistently within the period*
27 *specified in the plan for the child, such services as the agency deems*
28 *necessary for the safe return of the child to his home; or*

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

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

33 432B.190 The division of child and family services shall adopt
34 ~~regulations~~:

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

36 ~~1-1~~ *(a)* Protective services provided in this state;

37 ~~2-1~~ *(b)* Programs for the prevention of abuse or neglect of a child;

38 ~~3-1~~ *(c)* The development of local councils involving public and private
39 organizations;

40 ~~4-1~~ *(d)* Reports of abuse or neglect, records of these reports and the
41 response to these reports;

42 ~~5-1~~ *(e)* Carrying out the provisions of NRS 432B.260, including,
43 without limitation, the qualifications of persons with whom agencies which
44 provide protective services enter into agreements to provide services to
45 children and families;

46 ~~6-1~~ *(f)* The management and assessment of reported cases of abuse or
47 neglect;

48 ~~7-1~~ *(g)* The protection of the legal rights of parents and children;

49 ~~8-1~~ *(h)* Emergency shelter for a child;



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1 ~~19.1~~ (i) The prevention, identification and correction of abuse or neglect
2 of a child in residential institutions;
3 ~~110.1~~ (j) Evaluating the development and contents of a plan submitted
4 for approval pursuant to NRS 432B.395;
5 ~~111.1~~ (k) Developing and distributing to persons who are responsible
6 for a child's welfare a pamphlet that sets forth the procedures for taking a
7 child for placement in protective custody and the legal rights of persons
8 who are parties to a proceeding held pursuant to NRS 432B.410 to
9 432B.590, inclusive, *and section 2 of this act* during all stages of the
10 proceeding; and
11 ~~112.1~~ (l) Making the necessary inquiries required pursuant to NRS
12 432B.397 to determine whether a child is an Indian child ~~11~~; *and*
13 *2. Such other regulations as are necessary for the administration of*
14 *NRS 432B.010 to 432B.606, inclusive, and section 2 of this act.*
15 **Sec. 4.** NRS 432B.260 is hereby amended to read as follows:
16 432B.260 1. Upon the receipt of a report concerning the possible
17 abuse or neglect of a child, an agency which provides protective services or
18 a law enforcement agency shall promptly notify the appropriate licensing
19 authority, if any. A law enforcement agency shall promptly notify an
20 agency which provides protective services of any report it receives.
21 2. Upon receipt of a report concerning the possible abuse or neglect of
22 a child, an agency which provides protective services or a law enforcement
23 agency shall immediately initiate an investigation if the report indicates
24 that:
25 (a) The child is 5 years of age or younger;
26 (b) There is a high risk of serious harm to the child; or
27 (c) The child is ~~dead~~ *living in a household in which another child*
28 *has died, or the child* is seriously injured or has visible signs of physical
29 abuse.
30 3. Except as otherwise provided in subsection 2, upon receipt of a
31 report concerning the possible abuse or neglect of a child or notification
32 from a law enforcement agency that the law enforcement agency has
33 received such a report, an agency which provides protective services shall
34 conduct an evaluation not later than 3 days after the report or notification
35 was received to determine whether an investigation is warranted. For the
36 purposes of this subsection, an investigation is not warranted if:
37 (a) The child is not in imminent danger of harm;
38 (b) The child is not vulnerable as the result of any untreated injury,
39 illness or other physical, mental or emotional condition that threatens his
40 immediate health or safety;
41 (c) The alleged abuse or neglect could be eliminated if the child and his
42 family receive or participate in social or health services offered in the
43 community, or both; or
44 (d) The agency determines that the:
45 (1) Alleged abuse or neglect was the result of the reasonable exercise
46 of discipline by a parent or guardian of the child involving the use of
47 corporal punishment, including, without limitation, spanking or paddling;
48 and



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- 1 (2) Corporal punishment so administered was not so excessive as to
2 constitute abuse or neglect as described in NRS 432B.150.
- 3 4. If the agency determines that an investigation is warranted, the
4 agency shall initiate the investigation not later than 3 days after the
5 evaluation is completed.
- 6 5. Except as otherwise provided in this subsection, if the agency
7 determines that an investigation is not warranted, the agency may, as
8 appropriate:
- 9 (a) Provide counseling, training or other services relating to child abuse
10 and neglect to the family of the child, or refer the family to a person ~~that~~
11 *who* has entered into an agreement with the agency to provide those
12 services; or
- 13 (b) Conduct an assessment of the family of the child to determine what
14 services, if any, are needed by the family and, if appropriate, provide any
15 such services or refer the family to a person ~~that~~ *who* has entered into a
16 written agreement with the agency to make such an assessment.
- 17 If an agency determines that an investigation is not warranted for the
18 reason set forth in paragraph (d) of subsection 3, the agency shall take no
19 further action in regard to the matter and shall expunge all references to the
20 matter from its records.
- 21 6. If an agency which provides protective services enters into an
22 agreement with a person to provide services to a child or his family
23 pursuant to subsection 5, the agency shall require the person to notify the
24 agency if the child or his family refuse or fail to participate in the services,
25 or if the person determines that there is a serious risk to the health or safety
26 of the child.
- 27 7. An agency which provides protective services that determines that
28 an investigation is not warranted may, at any time, reverse that
29 determination and initiate an investigation.
- 30 8. An agency which provides protective services and a law
31 enforcement agency shall cooperate in the investigation, if any, of a report
32 of abuse or neglect of a child.
- 33 **Sec. 5.** NRS 432B.290 is hereby amended to read as follows:
34 432B.290 1. Except as otherwise provided in subsections 2 ~~and 3,~~
35 *5 and 6,* data or information concerning reports and investigations thereof
36 made pursuant to this chapter may be made available only to:
- 37 (a) A physician, if the physician has before him a child who he has
38 reasonable cause to believe has been abused or neglected;
- 39 (b) A person authorized to place a child in protective custody, if the
40 person has before him a child who he has reasonable cause to believe has
41 been abused or neglected and the person requires the information to
42 determine whether to place the child in protective custody;
- 43 (c) An agency, including, without limitation, an agency in another
44 jurisdiction, responsible for or authorized to undertake the care, treatment
45 or supervision of:
- 46 (1) The child; or
47 (2) The person responsible for the welfare of the child;



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



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1 expedite proceedings for the placement of children created pursuant to
2 NRS 432B.604; or

3 ~~13-1~~ (i) The panel established pursuant to NRS 432B.396 to evaluate
4 agencies which provide protective services.

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

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

13 (b) *Whether an investigation has been initiated pursuant to NRS*
14 *432B.260, and the result of a completed investigation; and*

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

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

22 4. *Upon petition, a court of competent jurisdiction may authorize the*
23 *disclosure of additional information to the public pursuant to subsection*
24 *2 if good cause is shown by the petitioner for the disclosure of the*
25 *additional information.*

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

29 (a) A copy of:

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

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

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

40 ~~13-1~~ 6. An agency which provides protective services shall disclose the
41 identity of a person who makes a report or otherwise initiates an
42 investigation pursuant to this chapter if a court, after reviewing the record
43 in camera and determining that there is reason to believe that the person
44 knowingly made a false report, orders the disclosure.

45 ~~14-1~~ 7. Any person, except for:

46 (a) The subject of a report;

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



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1 (c) An employee of the division of parole and probation of the
2 department of motor vehicles and public safety making a presentence
3 investigation and report to the district court pursuant to NRS 176.135 or
4 making a general investigation and report pursuant to
5 NRS 176.151,
6 who is given access, pursuant to subsection 1 ~~H~~ or 2, to information
7 identifying the subjects of a report and who makes this information public
8 is guilty of a misdemeanor.

9 ~~15-1~~ 8. The division of child and family services shall adopt
10 regulations to carry out the provisions of this section.

11 **Sec. 6.** NRS 432B.393 is hereby amended to read as follows:
12 432B.393 1. Except as otherwise provided in this section, an agency
13 which provides protective services shall make reasonable efforts to
14 preserve and reunify the family of a child :
15 (a) *Before the placement of the child in foster care*, to prevent or
16 eliminate the need for his removal from his home ; and ~~16-1~~
17 (b) *To* make it possible for his safe return to his home.

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

29 3. An agency which provides protective services is not required to
30 make the reasonable efforts required by subsection 1 if the court finds that:
31 (a) A parent or other primary caretaker of the child has:
32 (1) Committed, aided or abetted in the commission of, or attempted,
33 conspired or solicited to commit murder or voluntary manslaughter;
34 (2) Caused the abuse or neglect of the child, or of another child of the
35 parent or primary caretaker, which resulted in substantial bodily harm to
36 the abused or neglected child;
37 (3) Caused the abuse or neglect of the child, a sibling of the child or
38 another child in the household, and the abuse or neglect was so extreme or
39 repetitious as to indicate that any plan to return the child to his home would
40 result in an unacceptable risk to the health or welfare of the child; or
41 (4) Abandoned the child for 60 or more days, and the identity of the
42 parent of the child is unknown and cannot be ascertained through
43 reasonable efforts;
44 (b) A parent of the child has, for the previous 6 months, had the ability
45 to contact or communicate with the child and made no more than token
46 efforts to do so;
47 (c) The parental rights of a parent to a sibling of the child have been
48 terminated by a court order upon any basis other than the execution of a



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1 voluntary relinquishment of those rights by a natural parent, and the court
2 order is not currently being appealed;

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

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

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

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

14 4. *Except as otherwise provided in subsection 6, for the purposes of*
15 *this section, unless the context otherwise requires, "reasonable efforts"*
16 *have been made if an agency which provides protective services to*
17 *children with legal custody of a child has exercised diligence and care in*
18 *arranging appropriate and available services for the child, with the*
19 *health and safety of the child as its paramount concerns. The exercise of*
20 *such diligence and care includes, without limitation, obtaining necessary*
21 *and appropriate information concerning the child for the purposes of*
22 *NRS 127.152, 127.410 and 424.038.*

23 5. *In determining whether reasonable efforts have been made*
24 *pursuant to subsection 4, the court shall:*

25 (a) *Evaluate the evidence and make findings based on whether a*
26 *reasonable person would conclude that reasonable efforts were made;*

27 (b) *Consider any input from the child;*

28 (c) *Consider only the efforts made and the evidence presented since*
29 *the previous finding of the court concerning reasonable efforts;*

30 (d) *Consider only the diligence and care that the agency is legally*
31 *authorized and able to exercise;*

32 (e) *Recognize and take into consideration the legal obligations of the*
33 *agency to comply with any applicable laws and regulations;*

34 (f) *Base its determination on the circumstances and facts concerning*
35 *the particular family or plan for the permanent placement of the child at*
36 *issue; and*

37 (g) *Consider whether the provisions of subsection 6 are applicable.*

38 6. *An agency which provides protective services may satisfy the*
39 *requirement of making reasonable efforts pursuant to this section by*
40 *taking no action concerning a child or making no effort to provide*
41 *services to a child if it is reasonable, under the circumstances, to do so.*

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

43 432B.396 The division of child and family services shall:

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

47 2. Adopt regulations to carry out the provisions of subsection 1 which
48 must include, without limitation, the imposition of appropriate restrictions
49 on the disclosure of information obtained by the panel and civil sanctions



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1 for the violation of those restrictions. *The civil sanctions may provide for*
2 *the imposition in appropriate cases of a civil penalty of not more than*
3 *\$500. The division may bring an action to recover any civil penalty*
4 *imposed and shall deposit any money recovered with the state treasurer*
5 *for credit to the state general fund.*

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

7 432B.440 The agency which provides protective services shall assist
8 the court during all stages of any proceeding in accordance with NRS
9 432B.410 to 432B.590, inclusive ~~11~~, and *section 2 of this act.*

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

11 432B.480 1. *At each hearing conducted pursuant to NRS*
12 *432B.470:*

13 (a) At the commencement of the hearing, ~~1on protective custody;~~ the
14 court shall advise the parties of their right to be represented by an attorney
15 and of their right to present evidence.

16 ~~12. If the court finds, as a result of the hearing that~~

17 (b) *The court shall determine whether* there is reasonable cause to
18 believe ~~1~~

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

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

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

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

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

31 ~~13-1~~ 2. If the court issues an order keeping the child in protective
32 custody pending a disposition by the court and it is in the best interests of
33 the child, the court may:

34 (a) Place the child in the temporary custody of a grandparent, great-
35 grandparent or other person related within the third degree of
36 consanguinity to the child who the court finds has established a meaningful
37 relationship with the child, with or without supervision upon such
38 conditions as the court prescribes, regardless of whether the relative resides
39 within this state; or

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

43 ~~14-1~~ 3. If the court finds that the best interests of the child do not
44 require that the child remain in protective custody, the court shall order his
45 immediate release.

46 ~~15-1~~ 4. If a child is placed with any person who resides outside this
47 state, the placement must be in accordance with NRS 127.330.



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

2 432B.530 1. An adjudicatory hearing must be held within 30 days
3 after the filing of the petition, unless good cause is shown.

4 2. At the hearing, the court shall inform the parties of the specific
5 allegations in the petition and give them an opportunity to admit or deny
6 them. If the allegations are denied, the court shall hear evidence on the
7 petition.

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

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

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

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

23 432B.540 1. If the court finds that the allegations of the petition are
24 true, it shall order that a report be made in writing by an agency which
25 provides protective services, concerning the conditions in the child's place
26 of residence, the child's record in school, the mental, physical and social
27 background of his family, its financial situation and other matters relevant
28 to the case.

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

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

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

40 (c) The appropriateness of the services to be provided under the plan;
41 and

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

43 ~~3. If the child is not residing in his home, the agency shall include as a~~
44 ~~part of the plan for the permanent placement of the child, established~~
45 ~~pursuant to NRS 432B.590, a recommendation to terminate parental rights~~
46 ~~unless it determines that initiating a petition for the termination of parental~~
47 ~~rights is not in the best interests of the child. If the agency conclusively~~
48 ~~determines that initiating a petition for the termination of parental rights is~~



~~not in the best interests of the child, it shall include a full explanation of the basis for the determination as part of the plan.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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1 (b) If practicable, together with his siblings.
2 Any search for a relative with whom to place a child pursuant to this
3 section must be completed within 1 year after the initial placement of the
4 child outside of his home. If a child is placed with any person who resides
5 outside of this state, the placement must be in accordance with NRS
6 127.330.

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

9 *(a) Determine whether:*

10 *(1) The agency which provides protective services has made the*
11 *reasonable efforts required by paragraph (a) of subsection 1 of NRS*
12 *432B.393; or*

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

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

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

17 432B.555 In any proceeding held pursuant to NRS 432B.410 to
18 ~~432B.600;~~ 432B.590, inclusive, *and section 2 of this act*, if the court
19 determines that a custodial parent or guardian of a child who has been
20 placed in protective custody has ever been convicted of a violation of NRS
21 200.508, the court shall not release the child to that custodial parent or
22 guardian unless the court finds by clear and convincing evidence presented
23 at the proceeding that no physical or psychological harm to the child will
24 result from his release to that parent or guardian.

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

26 432B.590 1. ~~Except as otherwise provided in NRS 432B.600, the~~
27 *The* court shall hold a hearing concerning the permanent placement of a
28 child:

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

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

33 Notice of this hearing must be given by registered or certified mail to all of
34 the persons to whom notice must be given pursuant to subsection 4 of NRS
35 432B.580.

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

39 3. At the hearing, the court shall ~~reestablish a~~ *review any* plan for the
40 permanent placement of the child *adopted pursuant to section 2 of this act*
41 and determine : ~~whether:~~

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

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

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

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

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



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

~~(2)~~ (II) Establish a guardianship pursuant to chapter 159 of NRS ~~+~~ ; or

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

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

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

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

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

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

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

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

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

(1) The medical and sociological history of the child and the natural parents of the child; and

(2) Any behavioral, emotional or psychological problems that the child may have. Information regarding any behavioral, emotional or psychological problems that the child may have must be discussed in accordance with policies adopted by the division for the disclosure of such information.

2. The report created pursuant to subsection 1 must exclude any information that would lead to the identification of the natural parent.

3. The division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the adopting parents of the child may also obtain the information set forth in subsection 1.



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- 1 **Sec. 16.** Section 9 of chapter 517, Statutes of Nevada 1997, as last
2 amended by chapter 105, Statutes of Nevada 1999, at page 559, is hereby
3 amended to read as follows:
4 Sec. 9. The amendatory provisions of sections ~~11 to 5.5,~~
5 ~~inclusive,~~ **3 and 5.5** of this act expire by limitation on June 30, 2001.
6 **Sec. 17.** Section 5 of chapter 557, Statutes of Nevada 1999, at page
7 2912, is hereby amended to read as follows:
8 Sec. 5. ~~11-~~ This section and sections 1 and 3 of this act become
9 effective upon passage and approval.
10 ~~12. Sections 2 and 4 of this act become effective on June 30,~~
11 ~~2001.~~
12 ~~3. Sections 1 and 3 of this act expire by limitation on June 30,~~
13 ~~2001.~~
14 **Sec. 18.** 1. Sections 2 and 4 of chapter 557, Statutes of Nevada
15 1999, at pages 2911 and 2912, respectively, are hereby repealed.
16 2. NRS 432B.600 is hereby repealed.
17 **Sec. 19.** 1. This section and sections 16 and 17 of this act and
18 subsection 1 of section 18 of this act become effective upon passage and
19 approval.
20 2. Sections 1 to 4, inclusive, and 6 to 15, inclusive, of this act and
21 subsection 2 of section 18 of this act become effective on July 1, 2001.
22 3. Section 5 of this act becomes effective at 12:03 a.m. on July 1,
23 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
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*



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

