

CHAPTER.....

AN ACT relating to the protection of children; providing that a child may be represented by an attorney in certain proceedings that involve the child and that his attorney has certain authority and rights; requiring each person who submits a report or information to a court for consideration in certain proceedings concerning protective services for a child to provide a copy of the report or information to the parent or guardian of the child and the attorney of the parent or guardian within a certain time before the proceeding under certain circumstances; providing that such a proceeding may be continued under certain circumstances; providing that the parent or guardian and the attorney of the parent or guardian is entitled to receive a copy of the recording or transcript of such a proceeding under certain circumstances; reducing the period within which the placement of a child with a person other than his parent must be reviewed under certain circumstances; 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. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Except as otherwise provided in subsection 3, a person who submits a report or information to the court for consideration in a proceeding held pursuant to NRS 432B.500 to 432B.590, inclusive, shall provide a copy of the report or information, to the extent that the data or information in the report or information is available pursuant to NRS 432B.290, to each parent or guardian of the child who is the subject of the proceeding and to the attorney of each parent or guardian not later than 72 hours before the proceeding.*

2. If a person does not provide a copy of a report or information to a parent or guardian of a child and an attorney of the parent or guardian before a proceeding if required by subsection 1, the court or master:

(a) Shall provide the parent or guardian and his attorney an opportunity to review the report or information; and

(b) May grant a continuance of the proceeding until a later date that is agreed upon by all the parties to the proceeding if the parent or guardian or his attorney requests that the court grant the continuance so that the parent or guardian and his attorney may properly respond to the report or information.

3. If a child was delivered to a provider of emergency services pursuant to section 1 of Senate Bill No. 191 of this session and the location of the parent of the child is unknown, a copy of a report or information described in subsection 1 need not be sent to that parent or his attorney pursuant to subsection 1.

4. As used in this section, "person" includes, without limitation, a government, governmental agency or political subdivision of a government.

Sec. 3. *1. If a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, is recorded using sound recording equipment or is transcribed, the clerk of the court shall, upon request, provide to a parent or guardian of the child who is the subject of the proceeding and the*

attorney of the parent or guardian a copy of the sound recording or transcript of the proceeding if:

- (a) Such a copy is available or could be made available; and*
- (b) The parent or guardian or the county in which the proceeding is held, as appropriate, pays the fee for the copy in accordance with subsection 2.*

2. Each board of county commissioners shall adopt a sliding scale for determining the amount to be paid for a copy of a sound recording or transcript of a proceeding pursuant to subsection 1 for a proceeding that was held in a court in its county. The sliding scale must be based on the ability of the parent or guardian to pay. The court shall review each case and make a finding as to the reasonableness of the charge in relation to the ability of the parent or guardian to pay. To the extent that the court determines that a parent or guardian is unable to pay for a copy of the recording or transcript pursuant to subsection 1, the cost of providing the copy of the sound recording or transcript is a charge against the county in which the proceeding was held.

Sec. 4. NRS 432B.190 is hereby amended to read as follows:

432B.190 The division of child and family services shall adopt regulations establishing reasonable and uniform standards for:

1. Protective services provided in this state;
2. Programs for the prevention of abuse or neglect of a child;
3. The development of local councils involving public and private organizations;
4. Reports of abuse or neglect, records of these reports and the response to these reports;
5. The management and assessment of reported cases of abuse or neglect;
6. The protection of the legal rights of parents and children;
7. Emergency shelter for a child;
8. The prevention, identification and correction of abuse or neglect of a child in residential institutions;
9. Evaluating the development and contents of a plan submitted for approval pursuant to NRS 432B.395;
10. Developing and distributing to persons who are responsible for a child's welfare a pamphlet that sets forth the procedures for taking a child for placement in protective custody and the legal rights of persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, *and sections 3 and 4 of this act*, during all stages of the proceeding; and
11. Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

Sec. 5. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. Reports made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child; ~~for~~

(b) As *otherwise* authorized *or required* pursuant to NRS 432B.290 ~~for~~;
or

(c) *As otherwise required pursuant to section 2 of this act,*
is guilty of a misdemeanor.

Sec. 6. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsections 2 and 3 ~~for~~
and section 2 of this act, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

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

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

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

(1) The child; or

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

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

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

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

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

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

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

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

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

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

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

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

(o) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized, by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency that provides protective services if:

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

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

(p) The division of parole and probation of the department of motor vehicles and public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(q) The rural advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604; or

(r) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide protective services.

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

(a) A copy of:

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

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

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

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

4. Any person, except for:

(a) The subject of a report;

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

(c) An employee of the division of parole and probation of the department of motor vehicles and public safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

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

5. The division of child and family services shall adopt regulations to carry out the provisions of this section.

Sec. 7. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive. Except as otherwise provided in subsection 2, if the person is indigent, the court may appoint an attorney to represent him. The court may, if it finds it appropriate, appoint an attorney to represent the child. *The child may be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.*

2. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

as provided in the Indian Child Welfare Act.

3. Each attorney, other than a public defender, if appointed under the provisions of subsection 1, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime. Except as otherwise provided in NRS 432B.500, an attorney appointed to represent a child may also be appointed as guardian ad litem for the child. He may not receive any compensation for his services as a guardian ad litem.

Sec. 8. NRS 432B.530 is hereby amended to read as follows:

432B.530 1. An adjudicatory hearing must be held within 30 days after the filing of the petition, unless good cause is shown ~~H~~ *or the hearing has been continued until a later date pursuant to section 2 of this act.*

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

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

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

5. If the court finds by a preponderance of the evidence that the child is in need of protection, it shall record its findings of fact and may proceed immediately or at another hearing held within 15 working days, to make a proper disposition of the case. If the court finds that the allegations in the

petition have not been established, it shall dismiss the petition and, if the child is in protective custody, order the immediate release of the child.

Sec. 9. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section ~~H~~ *and section 2 of this act*, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually ~~H~~ *, and within 90 days after a request by a party to any of the prior proceedings*. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes an evaluation of the progress of the child and his family and any recommendations for further supervision, treatment or rehabilitation. Except as otherwise provided in this subsection, a copy of the report must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to section 1 of *Senate Bill No. 191* of this ~~act~~ *session* and the parent has not appeared in the action, the report need not be sent to that parent.

3. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

4. Except as otherwise provided in this subsection and paragraph (c) of subsection 4 of NRS 432B.520, notice of the hearing must be given by registered or certified mail to:

(a) All the parties to any of the prior proceedings; and

(b) Any persons planning to adopt the child, relatives of the child or providers of foster care who are currently providing care to the child. Notice of the hearing need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040.

5. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 4 an opportunity to be heard at the hearing.

6. The court or panel shall review:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child; and

(d) The date the child may be returned to, and safely maintained in, his home or placed for adoption or under a legal guardianship.

7. 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. 10. NRS 432B.585 is hereby amended to read as follows:

432B.585 For the purposes of conducting ~~the semiannual~~ *a* review required by NRS 432B.580, the judge or judges of the court may by mutual consent appoint a panel of three or more persons. The persons so appointed shall serve without compensation and at the pleasure of the court.

Sec. 11. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in NRS 432B.600 ~~H~~ *and section 2 of this act*, the court shall hold a hearing concerning the permanent placement of a child:

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

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

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

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

3. At the hearing, the court shall establish a plan for the permanent placement of the child and determine whether:

(a) The child should be returned to his parents or other relatives;

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

(c) It is in the best interests of the child to initiate proceedings to:

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

(2) Establish a guardianship pursuant to chapter 159 of NRS.

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. 12. NRS 3.370 is hereby amended to read as follows:

3.370 1. Except as otherwise provided in subsection 3, for his services the official reporter or reporter pro tempore is entitled to the following fees:

(a) For being available to report civil and criminal testimony and proceedings when the court is sitting during traditional business hours on

any day except Sunday, \$150 per day, to be paid by the county as provided in subsection 4.

(b) For being available to report civil and criminal testimony and proceedings when the court is sitting beyond traditional business hours or on Sunday:

(1) If the reporter has been available to report for at least 4 hours, \$35 per hour for each hour of availability; or

(2) If the reporter has been available to report for fewer than 4 hours, a pro rata amount based on the daily rate set forth in paragraph (a), to be paid by the county as provided in subsection 4.

(c) For transcription:

(1) Except as otherwise provided in subparagraph (2), for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, \$7.10 per page for the original draft and one copy, and \$1.10 per page for each additional copy;

(II) Within 48 hours after it is requested, \$5.32 per page for the original draft and one copy, and 83 cents per page for each additional copy;

(III) Within 4 days after it is requested, \$4.43 per page for the original draft and one copy, and 69 cents per page for each additional copy; or

(IV) More than 4 days after it is requested, \$3.55 per page for the original draft and one copy, and 55 cents per page for each additional copy.

(2) For civil litigants who are ordering the original draft and are represented by a nonprofit legal corporation or a program for pro bono legal assistance, for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, \$5.50 per page and \$1.10 per page for each additional copy;

(II) Within 48 hours after it is requested, \$4.13 per page and 83 cents per page for each additional copy;

(III) Within 4 days after it is requested, \$3.44 per page and 69 cents per page for each additional copy; or

(IV) More than 4 days after it is requested, \$2.75 per page and 55 cents per page for each additional copy.

(3) For any party other than the party ordering the original draft, for the copy of the draft to be delivered:

(I) Within 24 hours after it is requested, \$1.10 per page;

(II) Within 48 hours after it is requested, 83 cents per page;

(III) Within 4 days after it is requested, 69 cents per page; or

(IV) More than 4 days after it is requested, 55 cents per page.

(d) For reporting all civil matters, in addition to the fees provided in paragraphs (a) and (b), \$20 for each hour or fraction thereof actually spent, to be taxed as costs pursuant to subsection 5.

(e) For providing an instantaneous translation of testimony into English which appears on a computer that is located at a table in the courtroom where the attorney who requested the translation is seated:

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests such a translation, in addition to the fees provided pursuant to paragraphs (a) and (b), \$140 for the first day and \$90 per day for each subsequent day from the party who makes the request.

This additional fee must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the translation service to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests such a translation, in addition to the fees provided pursuant to paragraphs (a), (b) and (d), \$140 for the first day and \$90 per day for each subsequent day, to be paid by the party who requests the translation.

(f) For providing a diskette containing testimony prepared from a translation provided pursuant to paragraph (e):

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the fees provided pursuant to paragraphs (a), (b) and (e), \$1.50 per page of the translation contained on the diskette from the party who makes the request. This additional fee must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the diskette to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the fees provided pursuant to paragraphs (a), (b), (d) and (e), \$1.50 per page of the translation contained on the diskette, to be paid by the party who requests the diskette.

2. For the purposes of subsection 1, a page is a sheet of paper 8 1/2 by 11 inches. The left margin must not be more than 1 1/2 inches from the left edge of the paper. The right margin must not be more than three-fourths of an inch from the right edge of the paper. Each sheet must be numbered on the left margin and must contain at least 24 lines of type. The first line of each question and of each answer may be indented not more than five spaces from the left margin. The first line of any paragraph or other material may be indented not more than 10 spaces from the left margin. There must not be more than one space between words or more than two spaces between sentences. The type size must not be larger than 10 characters per inch. The lines of type may be double spaced or one and one-half spaced.

3. If the services of more than one reporter are required by the court in a criminal proceeding, each reporter is entitled to receive:

(a) The fees set forth in paragraphs (a) and (b) of subsection 1 and subparagraph (1) of paragraph (e) of subsection 1, as appropriate; and

(b) A fee of \$5.33 per page for the original draft and one copy, and 83 cents per page for each additional copy for transcribing a proceeding of which the transcripts are ordered by the court to be delivered on or before the start of the next day the court is scheduled to conduct business.

4. The fees specified in paragraphs (a) and (b) of subsection 1, the fees for transcripts in criminal cases ordered by the court to be made, *the fees for transcripts in civil cases ordered by the court pursuant to NRS 12.015, the fees for transcripts for parents or guardians or attorneys of parents or guardians who receive transcripts pursuant to section 3 of this act*, the fees in criminal cases that are ordered by the court pursuant to subparagraph (1) of paragraph (e) and subparagraph (1) of paragraph (f) of

subsection 1 and the fees specified in subsection 3 must be paid out of the county treasury upon the order of the court. When there is no official reporter in attendance and a reporter pro tempore is appointed, his reasonable expenses for traveling and detention must be fixed and allowed by the court and paid in the same manner. The respective district judges may, with the approval of the respective board or boards of county commissioners within the judicial district, fix a monthly salary to be paid to the official reporter in lieu of per diem. The salary, and also actual traveling expenses in cases where the reporter acts in more than one county, must be prorated by the judge on the basis of time consumed by work in the respective counties and must be paid out of the respective county treasuries upon the order of the court.

5. ~~Has~~ *Except as otherwise provided in subsection 4, in civil cases , the fees prescribed in paragraph (d) of subsection 1 and for transcripts ordered by the court to be made must be paid by the parties in equal proportions, and either party may, at his option, pay the whole fee. In either case, all amounts so paid by the party to whom costs are awarded must be taxed as costs in the case. The fees for transcripts and copies ordered by the parties must be paid by the party ordering them. No reporter may be required to perform any service in a civil case until his fees have been paid to him or deposited with the clerk of the court.*

6. Where a transcript is ordered by the court or by any party, the fees for it must be paid to the clerk of the court and by him paid to the reporter upon the furnishing of the transcript.

7. The testimony and proceedings in an uncontested divorce action need not be transcribed unless requested by a party or ordered by the court.

Sec. 13. NRS 128.100 is hereby amended to read as follows:

128.100 1. In any proceeding for terminating parental rights, or any rehearing or appeal thereon, the court may appoint an attorney to represent the child as his counsel and, if the child does not have a guardian ad litem appointed pursuant to NRS 432B.500, as his guardian ad litem. *The child may be represented by an attorney at all stages of any proceedings for terminating parental rights. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.*

2. If the parent or parents of the child desire to be represented by counsel, but are indigent, the court may appoint an attorney for them.

3. Each attorney appointed under the provisions of this section is entitled to the same compensation and expenses from the county as provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with crimes.

Sec. 14. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

A minor ward or proposed minor ward who is the subject of proceedings held pursuant to this chapter may be represented by an attorney at all stages of the proceedings. If the minor ward or proposed minor ward is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.

Sec. 15. This act becomes effective on July 1, 2001.