

SENATE BILL NO. 191—SENATORS RAWSON, CARLTON, AMODEI, CARE, JACOBSEN, JAMES, MCGINNESS, O'DONNELL, PORTER, RHOADS, TITUS, WASHINGTON, COFFIN, MATHEWS, WIENER AND NEAL

FEBRUARY 16, 2001

JOINT SPONSORS: ASSEMBLYMEN CEGAVSKE, HETTRICK, BACHE, GUSTAVSON, CHOWNING, ANDERSON, CARPENTER, GIBBONS, GIUNCHIGLIANI, KOIVISTO, MANENDO, MORTENSON AND PARNELL

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes regarding possession, care, custody and disposition of and liability for certain newborn infants. (BDR 38-736)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 1, 5, 9)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 the protection of children; providing for the delivery of certain newborn infants to certain providers of emergency services; providing for the care, protective custody and disposition of those infants; providing civil and criminal immunity for performing certain acts regarding those infants; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 432B of NRS is hereby amended by adding thereto
- 2 a new section to read as follows:
- 3 *1. A provider of emergency services shall take immediate possession*
- 4 *of a child who is or appears to be not more than 30 days old if:*
- 5 *(a) The child is voluntarily delivered to the provider by a parent of the*
- 6 *child; and*
- 7 *(b) The parent does not express an intent to return for the child.*
- 8 *2. A provider of emergency services who takes possession of a child*
- 9 *pursuant to subsection 1 shall:*



- 1 (a) Perform any act necessary to maintain and protect the physical
2 health and safety of the child.
- 3 (b) As soon as reasonably practicable but not later than 24 hours after
4 the provider takes possession of the child, report that possession to an
5 agency which provides protective services.
- 6 3. A person who delivers a child to a provider of emergency services
7 pursuant to subsection 1:
- 8 (a) Is presumed to have intended to consent to the termination of his
9 parental rights to the child.
- 10 (b) Shall be deemed to have given his consent to the performance of
11 all necessary emergency services and care for the child.
- 12 (c) Must not be required to provide any background or medical
13 information regarding the child, but may voluntarily do so.
- 14 (d) Unless there is reasonable cause to believe that the child has been
15 abused or neglected, excluding the mere fact that the person has
16 delivered the child to the provider pursuant to subsection 1:
- 17 (1) Must not be required to disclose any identifying information,
18 but may voluntarily do so;
- 19 (2) Must be allowed to leave at any time; and
- 20 (3) Must not be pursued or followed.
- 21 4. As used in this section, "provider of emergency services" means:
- 22 (a) A hospital, an obstetric center or an independent center for
23 emergency medical care licensed pursuant to chapter 449 of NRS;
- 24 (b) A public fire-fighting agency; or
- 25 (c) A law enforcement agency.
- 26 Sec. 2. NRS 432B.020 is hereby amended to read as follows:
- 27 432B.020 1. "Abuse or neglect of a child" means:
- 28 (a) Physical or mental injury of a nonaccidental nature;
- 29 (b) Sexual abuse or sexual exploitation; or
- 30 (c) Negligent treatment or maltreatment as set forth in
31 NRS 432B.140,
- 32 of a child caused or allowed by a person responsible for his welfare under
33 circumstances which indicate that the child's health or welfare is harmed or
34 threatened with harm.
- 35 2. A child is not abused or neglected, nor is his health or welfare
36 harmed or threatened for the sole reason that ~~his~~ :
- 37 (a) A person delivers or allows the delivery of the child to a provider of
38 emergency services pursuant to section 1 of this act; or
- 39 (b) His parent or guardian, in good faith, selects and depends upon
40 nonmedical remedial treatment for such child, if such treatment is
41 recognized and permitted under the laws of this state in lieu of medical
42 treatment. This ~~subsection~~ paragraph does not limit the court in ensuring
43 that a child receive a medical examination and treatment pursuant to NRS
44 62.231.
- 45 3. As used in this section, "allow" means to do nothing to prevent or
46 stop the abuse or neglect of a child in circumstances where the person
47 knows or has reason to know that a child is abused or neglected.



1 **Sec. 3.** NRS 432B.160 is hereby amended to read as follows:
2 432B.160 1. ~~{Immunity}~~ *Except as otherwise provided in subsection*
3 *2, immunity* from civil or criminal liability extends to every person who in
4 good faith:
5 (a) Makes a report pursuant to NRS 432B.220;
6 (b) Conducts an interview or allows an interview to be taken pursuant to
7 NRS 432B.270;
8 (c) Allows or takes photographs or X-rays pursuant to NRS 432B.270;
9 (d) Causes a medical test to be performed pursuant to NRS 432B.270;
10 (e) Provides a record, or a copy thereof, of a medical test performed
11 pursuant to NRS 432B.270 to an agency that provides protective services
12 to the child, a law enforcement agency that participated in the investigation
13 of the report of abuse or neglect of the child , or the prosecuting attorney's
14 office;
15 (f) Holds a child pursuant to NRS 432B.400 , *takes possession of a*
16 *child pursuant to section 1 of this act* or places a child in protective
17 custody ~~{}~~ *pursuant to any provision of this chapter;*
18 (g) *Performs any act pursuant to subsection 2 of section 1 of this act;*
19 (h) Refers a case or recommends the filing of a petition pursuant to
20 NRS 432B.380; or
21 ~~{(h)}~~ (i) Participates in a judicial proceeding resulting from a referral or
22 recommendation.
23 2. *The provisions of subsection 1 do not confer any immunity from*
24 *liability for the negligent performance of any act pursuant to paragraph*
25 *(a) of subsection 2 of section 1 of this act.*
26 3. In any proceeding to impose liability against a person for:
27 (a) Making a report pursuant to NRS 432B.220; or
28 (b) ~~{Any of the acts}~~ *Performing any act* set forth in paragraphs (b) to
29 ~~{(h)}~~ (i), inclusive, of subsection 1,
30 there is a presumption that the person acted in good faith.
31 **Sec. 4.** NRS 432B.330 is hereby amended to read as follows:
32 432B.330 1. A child is in need of protection if:
33 (a) He has been abandoned by a person responsible for his welfare;
34 (b) He is suffering from congenital drug addiction or ~~{the}~~ fetal alcohol
35 syndrome ~~{}~~ because of the faults or habits of a person responsible for his
36 welfare;
37 (c) He has been subjected to abuse or neglect by a person responsible
38 for his welfare;
39 (d) He is in the care of a person responsible for his welfare and another
40 child has died as a result of abuse or neglect by that person; ~~{or}~~
41 (e) He has been placed for care or adoption in violation of law ~~{}~~ ; or
42 (f) *He has been delivered to a provider of emergency services*
43 *pursuant to section 1 of this act.*
44 2. A child may be in need of protection if the person responsible for
45 his welfare:
46 (a) Is unable to discharge his responsibilities to and for the child
47 because of incarceration, hospitalization , or other physical or mental
48 incapacity;



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

- 4 (1) Food, clothing or shelter necessary for the child's health or safety;
5 (2) Education as required by law; or
6 (3) Adequate medical care; or

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

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

12 **Sec. 5.** NRS 432B.390 is hereby amended to read as follows:

13 432B.390 1. An agent or officer of a law enforcement agency, an
14 officer of the local juvenile probation department or the local department
15 of juvenile services , or a designee of an agency which provides protective
16 services:

17 (a) May place a child in protective custody without the consent of the
18 person responsible for the child's welfare if he has reasonable cause to
19 believe that immediate action is necessary to protect the child from injury,
20 abuse or neglect.

21 (b) Shall place a child in protective custody upon the death of a parent
22 of the child, without the consent of the person responsible for the welfare
23 of the child, if the agent, officer or designee has reasonable cause to
24 believe that the death of the parent of the child is or may be the result of an
25 act by the other parent that constitutes domestic violence pursuant to NRS
26 33.018.

27 2. *When an agency which provides protective services receives a*
28 *report pursuant to subsection 2 of section 1 of this act, a designee of the*
29 *agency which provides protective services shall immediately place the*
30 *child in protective custody.*

31 3. If there is reasonable cause to believe that the death of a parent of
32 ~~the~~ a child is or may be the result of an act by the other parent that
33 constitutes domestic violence pursuant to NRS 33.018, a protective custody
34 hearing must be held pursuant to NRS 432B.470, whether the child was
35 placed in protective custody or with a relative. If an agency other than an
36 agency which provides protective services becomes aware that there is
37 reasonable cause to believe that the death of a parent of ~~the~~ a child is or
38 may be the result of an act by the other parent that constitutes domestic
39 violence pursuant to NRS 33.018, that agency shall immediately notify the
40 agency which provides protective services and a protective custody hearing
41 must be scheduled.

42 ~~3-1~~ 4. An agency which provides protective services shall request the
43 assistance of a law enforcement agency in the removal of ~~the~~ a child if
44 ~~the~~ the agency has reasonable cause to believe that the child or the person
45 placing the child in protective custody may be threatened with harm.

46 ~~14-1~~ 5. Before taking a child for placement in protective custody, the
47 person taking the child shall show his identification to any person who is
48 responsible for the child and is present at the time the child is taken. If a
49 person who is responsible for the child is not present at the time the child is



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1 taken, the person taking the child shall show his identification to any other
2 person upon request. The identification required by this subsection must be
3 a single card that contains a photograph of the person taking the child and
4 identifies him as a person authorized pursuant to ~~subsection 1~~ *this section*
5 to place a child in protective custody.

6 ~~5~~ 6. A child placed in protective custody pending an investigation
7 and a hearing held pursuant to NRS 432B.470 must be placed in a hospital,
8 if the child needs hospitalization, or in a shelter, which may include a
9 foster home or other home or facility which provides care for those
10 children, but the child must not be placed in a jail or other place for
11 detention, incarceration or residential care of persons convicted of a crime
12 or children charged with delinquent acts.

13 ~~6~~ 7. A person placing a child in protective custody *pursuant to*
14 *subsection 1* shall:

15 (a) Immediately take steps to protect all other children remaining in the
16 home or facility, if necessary;

17 (b) Immediately make a reasonable effort to inform the person
18 responsible for the child's welfare that the child has been placed in
19 protective custody;

20 (c) Give preference in placement of the child to any person related
21 within the third degree of consanguinity to the child who is suitable and
22 able to provide proper care and guidance for the child, regardless of
23 whether the relative resides within this state; and

24 (d) As soon as practicable, inform the agency which provides protective
25 services and the appropriate law enforcement agency.

26 ~~7~~ 8. If a child is placed with any person who resides outside *of* this
27 state, the placement must be in accordance with NRS 127.330.

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

29 432B.393 1. Except as otherwise provided in this section, an agency
30 which provides protective services shall make reasonable efforts to
31 preserve and reunify the family of a child to prevent or eliminate the need
32 for his removal from his home and to make it possible for his safe return to
33 his home.

34 2. In determining the reasonable efforts required by subsection 1, the
35 health and safety of the child must be the paramount concern. The agency
36 which provides protective services may make reasonable efforts to place
37 the child for adoption or with a legal guardian concurrently with making
38 the reasonable efforts required pursuant to subsection 1. If the court
39 determines that continuation of the reasonable efforts required by
40 subsection 1 is inconsistent with the plan for the permanent placement of
41 the child, the agency which provides protective services shall make
42 reasonable efforts to place the child in a timely manner in accordance with
43 that plan and to complete whatever actions are necessary to finalize the
44 permanent placement of the child.

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

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

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



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

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

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

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

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

18 (d) The child or a sibling of the child was previously removed from his
19 home, adjudicated to have been abused or neglected, returned to his home
20 and subsequently removed from his home as a result of additional abuse or
21 neglect; ~~or~~

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

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

27 (2) Is entitled to seek custody of the child but fails to do so within 60
28 days after learning that the child was placed in foster care ~~H~~; *or*

29 *(f) The child was delivered to a provider of emergency services*
30 *pursuant to section 1 of this act.*

31 **Sec. 7.** NRS 432B.470 is hereby amended to read as follows:

32 432B.470 1. A child taken into protective custody pursuant to NRS
33 432B.390 must be given a hearing, conducted by a judge, master or special
34 master appointed by the judge for that particular hearing, within 72 hours,
35 excluding Saturdays, Sundays and holidays, after being taken into custody,
36 to determine whether the child should remain in protective custody pending
37 further action by the court.

38 2. Notice of the time and place of the hearing must be given to a parent
39 or other person responsible for the child's welfare:

40 (a) By personal service of a written notice;

41 (b) Orally; ~~or~~

42 (c) If the parent or other person responsible for the child's welfare
43 cannot be located after a reasonable effort, by posting a written notice on
44 the door of his residence ~~H~~; *or*

45 *(d) If the child was delivered to a provider of emergency services*
46 *pursuant to section 1 of this act and the location of the parent is*
47 *unknown, by publication at least once in a newspaper published in the*
48 *county and if no such newspaper is published, then a newspaper*
49 *published in this state that has a general circulation in the county.*



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1 3. If notice is given by means of paragraph (b) or (c) of subsection 2, a
2 copy of the notice must be mailed to the person at his last known address
3 within 24 hours after the child is placed in protective custody.

4 **Sec. 8.** NRS 432B.520 is hereby amended to read as follows:

5 432B.520 1. After a petition has been filed, the court shall direct the
6 clerk to issue a summons requiring the person who has custody or control
7 of the child to appear personally and bring the child before the court at a
8 time and place stated in the summons. If the person so summoned is other
9 than a parent or guardian of the child, then the parent or guardian, or both,
10 must also be notified by a similar summons of the pendency of the hearing
11 and of the time and place appointed.

12 2. Summons may be issued requiring the appearance of any other
13 person whose presence, in the opinion of the court, is necessary.

14 3. Each summons must include notice of the right of parties to counsel
15 at the adjudicatory hearing. A copy of the petition must be attached to each
16 summons.

17 4. If the person summoned resides in this state, the summons must be
18 served personally. If the person summoned cannot be found within this
19 state or does not reside in this state, the summons must be mailed by
20 registered or certified mail to his last known address. *If the child was
21 delivered to a provider of emergency services pursuant to section 1 of this
22 act and the location of the parent is unknown, the summons must be
23 served on the parent by publication at least once a week for 3 consecutive
24 weeks in a newspaper published in the county and if no such newspaper
25 is published, then a newspaper published in this state that has a general
26 circulation in the county.*

27 5. If it appears that the child is in such condition or surroundings that
28 his welfare requires that his custody be immediately assumed by the court,
29 the court may order, by endorsement upon the summons, that the person
30 serving it shall at once deliver the child to an agency which provides
31 protective services in whose custody the child must remain until the further
32 order of the court.

33 6. If the summons cannot be served or the person who has custody or
34 control of the child fails to obey it, or:

35 (a) In the judge's opinion, the service will be ineffectual or the welfare
36 of the child requires that he be brought forthwith into the custody of the
37 court; or

38 (b) A person responsible for the child's welfare has absconded with him
39 or concealed him from a representative of an agency which provides
40 protective services,
41 the court may issue a writ for the attachment of the child's person,
42 commanding a law enforcement officer or a representative of an agency
43 which provides protective services to place the child in protective custody.

44 **Sec. 9.** NRS 432B.540 is hereby amended to read as follows:

45 432B.540 1. If the court finds that the allegations of the petition are
46 true, it shall order that a report be made in writing by an agency which
47 provides protective services, concerning ~~the~~ :

48 (a) *Except as otherwise provided in paragraph (b), the* conditions in
49 the child's place of residence, the child's record in school, the mental,



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1 physical and social background of his family, its financial situation and
2 other matters relevant to the case ~~H~~; or

3 *(b) If the child was delivered to a provider of emergency services*
4 *pursuant to section 1 of this act, any matters relevant to the case.*

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

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

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

16 (c) The appropriateness of the services to be provided under the plan;
17 and

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

19 3. If the child is not residing in his home, the agency shall include as a
20 part of the plan for the permanent placement of the child, established
21 pursuant to NRS 432B.590, a recommendation to terminate parental rights
22 unless it determines that initiating a petition for the termination of parental
23 rights is not in the best interests of the child. If the agency conclusively
24 determines that initiating a petition for the termination of parental rights is
25 not in the best interests of the child, it shall include a full explanation of the
26 basis for the determination as part of the plan.

27 **Sec. 10.** NRS 432B.550 is hereby amended to read as follows:

28 432B.550 1. If the court finds that a child is in need of protection, it
29 shall determine whether the agency which provides protective services has
30 made the reasonable efforts required by subsection 1 of NRS 432B.393.
31 The court may, by its order, after receipt and review of the report from the
32 agency which provides protective services:

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

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

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

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

48 In carrying out this subsection, the court may, in its sole discretion,
49 consider an application pursuant to chapter 159 of NRS for the



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1 guardianship of the child. If the court grants such an application, it may
2 retain jurisdiction of the case or transfer the case to another court of
3 competent jurisdiction.

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

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

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

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

16 4. ~~It~~ *Except as otherwise provided in this subsection, a* copy of the
17 report prepared for the court by the agency which provides protective
18 services must be sent to the custodian and the parent or legal guardian. *If*
19 *the child was delivered to a provider of emergency services pursuant to*
20 *section 1 of this act and the location of the parent is unknown, the report*
21 *need not be sent to that parent.*

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

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

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

29 Any search for a relative with whom to place a child pursuant to this
30 section must be completed within 1 year after the initial placement of the
31 child outside of his home. If a child is placed with any person who resides
32 outside of this state, the placement must be in accordance with NRS
33 127.330.

34 **Sec. 11.** NRS 432B.560 is hereby amended to read as follows:

35 432B.560 1. The court may also order:

36 (a) The child, a parent or the guardian to undergo such medical,
37 psychiatric, ~~psychologic~~ *psychological*, or other care or treatment as the
38 court considers to be in the best interests of the child.

39 (b) A parent or guardian to refrain from:

40 (1) Any harmful or offensive conduct toward the child, the other
41 parent, the custodian of the child or the person given physical custody of
42 the child; and

43 (2) Visiting the child if the court determines that the visitation is not
44 in the best interest of the child.

45 (c) A reasonable right of visitation for a grandparent of the child if the
46 child is not permitted to remain in the custody of his parents.

47 2. The court shall order a parent or guardian to pay to the custodian an
48 amount sufficient to support the child while the child is in the care of the
49 custodian pursuant to an order of the court ~~It~~ *, unless the child was*



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1 *delivered to a provider of emergency services pursuant to section 1 of this*
2 *act and the location of the parent is unknown.* Payments for the
3 obligation of support must be determined in accordance with NRS
4 125B.070 and 125B.080, but must not exceed the reasonable cost of the
5 child's care, including food, shelter, clothing, medical care and education.
6 An order for support made pursuant to this subsection must:
7 (a) Require that payments be made to the appropriate agency or office;
8 (b) Provide that the custodian is entitled to a lien on the obligor's
9 property in the event of nonpayment of support; and
10 (c) Provide for the immediate withholding of income for the payment of
11 support unless:
12 (1) All parties enter into an alternative written agreement; or
13 (2) One party demonstrates and the court finds good cause to
14 postpone the withholding.
15 3. A court that enters an order pursuant to subsection 2 shall ensure
16 that the social security number of the parent or guardian who is the subject
17 of the order is:
18 (a) Provided to the welfare division of the department of human
19 resources.
20 (b) Placed in the records relating to the matter and, except as otherwise
21 required to carry out a specific statute, maintained in a confidential
22 manner.
23 **Sec. 12.** NRS 432B.580 is hereby amended to read as follows:
24 432B.580 1. Except as otherwise provided in this section, if a child is
25 placed pursuant to NRS 432B.550 other than with a parent, the placement
26 must be reviewed by the court at least semiannually. Unless the parent,
27 guardian or the custodian objects to the referral, the court may enter an
28 order directing that the placement be reviewed by a panel appointed
29 pursuant to NRS 432B.585.
30 2. An agency acting as the custodian of the child shall, before any
31 hearing for review of the placement of a child, submit a report to the court,
32 or to the panel if it has been designated to review the matter, which
33 includes an evaluation of the progress of the child and his family and any
34 recommendations for further supervision, treatment or rehabilitation. ~~1A~~
35 *Except as otherwise provided in this subsection, a* copy of the report must
36 be given to the parents, the guardian ad litem and the attorney, if any,
37 representing the parent or the child. *If the child was delivered to a provider*
38 *of emergency services pursuant to section 1 of this act and the location of*
39 *a parent is unknown, the report need not be sent to that parent.*
40 3. The court or the panel shall hold a hearing to review the placement,
41 unless the parent, guardian or custodian files a motion with the court to
42 dispense with the hearing. If the motion is granted, the court or panel may
43 make its determination from any report, statement or other information
44 submitted to it.
45 4. ~~Notice~~ *Except as otherwise provided in this subsection, notice* of
46 the hearing must be given ~~by registered or certified mail to:~~
47 ~~(a) All~~ :
48 (a) *To:*
49 (1) *All* the parties to any of the prior proceedings; and



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1 ~~1(b)~~ (2) Any persons planning to adopt the child, relatives of the child
2 or providers of foster care who are currently providing care to the child,
3 ~~except~~ *by registered or certified mail.*

4 *(b) If the child was delivered to a provider of emergency services*
5 *pursuant to section 1 of this act and the location of a parent is unknown,*
6 *to the parent by publication at least once a week for 3 consecutive weeks*
7 *in a newspaper published in the county and if no such newspaper is*
8 *published, then a newspaper published in this state that has a general*
9 *circulation in the county.*

10 *Notice of the hearing need not be given to* a parent whose rights have been
11 terminated pursuant to chapter 128 of NRS or who has voluntarily
12 relinquished the child for adoption pursuant to NRS 127.040.

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

16 6. The court or panel shall review:

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

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

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

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

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

27 **Sec. 13.** NRS 432B.590 is hereby amended to read as follows:

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

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

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

34 Notice of this hearing must be given ~~by registered or certified mail~~ *in the*
35 *manner provided pursuant to subsection 4 of NRS 432B.580* to all of the
36 persons to whom notice must be given pursuant to *that* subsection. ~~4 of~~
37 ~~NRS 432B.580.~~

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

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

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

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

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

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

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



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1 If the court determines that it is in the best interests of the child to
2 terminate parental rights, the court shall use its best efforts to ensure that
3 the procedures required by chapter 128 of NRS are completed within 6
4 months after the date the court makes that determination, including,
5 without limitation, appointing a private attorney to expedite the completion
6 of the procedures.

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

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

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

16 **Sec. 14.** NRS 200.508 is hereby amended to read as follows:

17 200.508 1. A person who:

18 (a) Willfully causes a child who is less than 18 years of age to suffer
19 unjustifiable physical pain or mental suffering as a result of abuse or
20 neglect or to be placed in a situation where the child may suffer physical
21 pain or mental suffering as the result of abuse or neglect; or

22 (b) Is responsible for the safety or welfare of a child and who permits or
23 allows that child to suffer unjustifiable physical pain or mental suffering as
24 a result of abuse or neglect or to be placed in a situation where the child
25 may suffer physical pain or mental suffering as the result of abuse or
26 neglect,

27 is guilty of a gross misdemeanor unless a more severe penalty is prescribed
28 by law for an act or omission which brings about the abuse, neglect or
29 danger.

30 2. A person who violates any provision of subsection 1, if substantial
31 bodily or mental harm results to the child:

32 (a) If the child is less than 14 years of age and the harm is the result of
33 sexual abuse or exploitation, is guilty of a category A felony and shall be
34 punished by imprisonment in the state prison for life with the possibility of
35 parole, with eligibility for parole beginning when a minimum of 10 years
36 has been served; or

37 (b) In all other such cases to which paragraph (a) does not apply, is
38 guilty of a category B felony and shall be punished by imprisonment in the
39 state prison for a minimum term of not less than 2 years and a maximum
40 term of not more than 20 years.

41 3. *A person does not commit a violation of subsection 1 by virtue of*
42 *the sole fact that he delivers or allows the delivery of a child to a provider*
43 *of emergency services pursuant to section 1 of this act.*

44 4. As used in this section:

45 (a) "Abuse or neglect" means physical or mental injury of a
46 nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment
47 or maltreatment of a child under the age of 18 years, as set forth in
48 paragraph (d) and NRS 432B.070, 432B.100, 432B.110, 432B.140 and



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1 432B.150, under circumstances which indicate that the child's health or
2 welfare is harmed or threatened with harm.

3 (b) "Allow" means to do nothing to prevent or stop the abuse or neglect
4 of a child in circumstances where the person knows or has reason to know
5 that the child is abused or neglected.

6 (c) "Permit" means permission that a reasonable person would not grant
7 and which amounts to a neglect of responsibility attending the care,
8 custody and control of a minor child.

9 (d) "Physical injury" means:

10 (1) Permanent or temporary disfigurement; or

11 (2) Impairment of any bodily function or organ of the body.

12 (e) "Substantial mental harm" means an injury to the intellectual or
13 psychological capacity or the emotional condition of a child as evidenced
14 by an observable and substantial impairment of the ability of the child to
15 function within his normal range of performance or behavior.

16 **Sec. 15.** NRS 201.110 is hereby amended to read as follows:

17 201.110 ~~{Any}~~

18 *1. Except as otherwise provided in this section, any* person who
19 commits any act or omits the performance of any duty, which act or
20 omission causes or tends to cause or encourage any person under the age of
21 18 to become a "neglected child," "child in need of supervision" or
22 "delinquent child," as defined in NRS 201.090 , to 201.110, inclusive, or
23 which act or omission contributes thereto, or any person who, by any act or
24 omission, or by threats, command or persuasion, induces or endeavors to
25 induce any person under the age of 18 to perform any act or to follow any
26 course of conduct or to so live as would cause or manifestly tend to cause
27 any such person to become or to remain a person who is a "neglected
28 child," "child in need of supervision" or "delinquent child," as defined in
29 NRS 201.090 ~~to 201.110, inclusive, shall be~~ , *is* guilty of contributory
30 neglect or contributory delinquency. Contributory neglect or contributory
31 delinquency is a misdemeanor.

32 *2. A person does not commit a violation of subsection 1 by virtue of*
33 *the sole fact that he delivers or induces the delivery of a child to a*
34 *provider of emergency services pursuant to section 1 of this act.*

35 **Sec. 16.** The provisions of subsection 1 of NRS 354.599 do not apply
36 to any additional expenses of a local government that are related to the
37 provisions of this act.

38 **Sec. 17.** This act becomes effective upon passage and approval.

