

Senate Bill No. 191—Senators Rawson, Carlton, Amodei, Care, Jacobsen, James, McGinness, O'Donnell, Porter, Rhoads, Titus, Washington, Coffin, Mathews, Wiener and Neal

Joint Sponsors: Assemblymen Cegavske, Hettrick, Bache, Gustavson, Chowning, Anderson, Carpenter, Gibbons, Giunchigliani, Koivisto, Manendo, Mortenson and Parnell

CHAPTER.....

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:

**Section 1.** Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A provider of emergency services shall take immediate possession of a child who is or appears to be not more than 30 days old:*

*(a) When:*

*(1) The child is voluntarily delivered to the provider by a parent of the child; and*

*(2) The parent does not express an intent to return for the child; or*

*(b) When the child is delivered to the provider by another provider of emergency services pursuant to paragraph (b) of subsection 2.*

*2. A provider of emergency services who takes possession of a child pursuant to subsection 1 shall:*

*(a) Whenever possible, inform the parent of the child that:*

*(1) By allowing the provider to take possession of the child, the parent is presumed to have abandoned the child;*

*(2) By failing or refusing to provide an address where he can be located, the parent waives any notice of the hearing to be conducted pursuant to NRS 432B.470; and*

*(3) Unless the parent contacts the local agency which provides protective services, action will be taken to terminate his parental rights regarding the child.*

*(b) Perform any act necessary to maintain and protect the physical health and safety of the child. If the provider is a public fire-fighting agency or a law enforcement agency, the provider shall immediately cause the safe delivery of the child to a hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS.*

*(c) As soon as reasonably practicable but not later than 24 hours after the provider takes possession of the child, report that possession to an agency which provides protective services.*

*3. A parent who delivers a child to a provider of emergency services pursuant to paragraph (a) of subsection 1:*

*(a) Shall leave the child:*

*(1) In the physical possession of a person who the parent has reasonable cause to believe is an employee of the provider; or*

*(2) On the property of the provider in a manner and location that the parent has reasonable cause to believe will not threaten the physical health or safety of the child, and immediately contact the provider, through the local emergency telephone number or otherwise, and inform the provider of the delivery and location of the child. A provider of emergency services is not liable for any civil damages as a result of any harm or injury sustained by a child after the child is left on the property of the provider pursuant to this subparagraph and before the provider is informed of the delivery and location of the child pursuant to this subparagraph or the provider takes physical possession of the child, whichever occurs first.*

*(b) Shall be deemed to have given his consent to the performance of all necessary emergency services and care for the child.*

*(c) Must not be required to provide any background or medical information regarding the child, but may voluntarily do so.*

*(d) Unless there is reasonable cause to believe that the child has been abused or neglected, excluding the mere fact that the parent has delivered the child to the provider pursuant to subsection 1:*

*(1) Must not be required to disclose any identifying information, but may voluntarily do so;*

*(2) Must be allowed to leave at any time; and*

*(3) Must not be pursued or followed.*

*4. As used in this section, "provider of emergency services" means:*

*(a) A hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS;*

*(b) A public fire-fighting agency; or*

*(c) A law enforcement agency.*

**Sec. 2.** NRS 432B.020 is hereby amended to read as follows:

432B.020 1. "Abuse or neglect of a child" means ~~§~~, *except as otherwise provided in subsection 2:*

*(a) Physical or mental injury of a nonaccidental nature;*

*(b) Sexual abuse or sexual exploitation; or*

*(c) Negligent treatment or maltreatment as set forth in NRS 432B.140,*

*of a child caused or allowed by a person responsible for his welfare under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.*

2. A child is not abused or neglected, nor is his health or welfare harmed or threatened for the sole reason that his ~~parent~~:

*(a) Parent delivers the child to a provider of emergency services pursuant to section 1 of this act, if the parent complies with the requirements of paragraph (a) of subsection 3 of that section; or*

*(b) Parent or guardian, in good faith, selects and depends upon nonmedical remedial treatment for such child, if such treatment is recognized and permitted under the laws of this state in lieu of medical treatment. This ~~subsection~~ paragraph does not limit the court in ensuring that a child receive a medical examination and treatment pursuant to NRS 62.231.*

3. As used in this section, "allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.

**Sec. 3.** NRS 432B.160 is hereby amended to read as follows:

432B.160 1. ~~Immunity~~ *Except as otherwise provided in subsection 2, immunity* from civil or criminal liability extends to every person who in good faith:

- (a) Makes a report pursuant to NRS 432B.220;
- (b) Conducts an interview or allows an interview to be taken pursuant to NRS 432B.270;
- (c) Allows or takes photographs or X-rays pursuant to NRS 432B.270;
- (d) Causes a medical test to be performed pursuant to NRS 432B.270;
- (e) Provides a record, or a copy thereof, of a medical test performed pursuant to NRS 432B.270 to an agency that provides protective services to the child, a law enforcement agency that participated in the investigation of the report of abuse or neglect of the child, or the prosecuting attorney's office;
- (f) Holds a child pursuant to NRS 432B.400, *takes possession of a child pursuant to section 1 of this act* or places a child in protective custody ~~+~~ *pursuant to any provision of this chapter;*
- (g) *Performs any act pursuant to subsection 2 of section 1 of this act;*
- ~~(h)~~ *(h) Refers a case or recommends the filing of a petition pursuant to NRS 432B.380; or*

~~(h)~~ *(i) Participates in a judicial proceeding resulting from a referral or recommendation.*

2. *The provisions of subsection 1 do not confer any immunity from liability for the negligent performance of any act pursuant to paragraph (b) of subsection 2 of section 1 of this act.*

3. In any proceeding to impose liability against a person for:

- (a) Making a report pursuant to NRS 432B.220; or
  - (b) ~~Any of the acts~~ *Performing any act* set forth in paragraphs (b) to ~~(h)~~, *(i)*, inclusive, of subsection 1,
- there is a presumption that the person acted in good faith.

**Sec. 4.** NRS 432B.330 is hereby amended to read as follows:

432B.330 1. A child is in need of protection if:

- (a) He has been abandoned by a person responsible for his welfare;
- (b) He is suffering from congenital drug addiction or ~~the~~ fetal alcohol syndrome ~~+~~ because of the faults or habits of a person responsible for his welfare;
- (c) He has been subjected to abuse or neglect by a person responsible for his welfare;
- (d) He is in the care of a person responsible for his welfare and another child has died as a result of abuse or neglect by that person; ~~or~~
- (e) He has been placed for care or adoption in violation of law ~~+~~; *or*
- (f) He has been delivered to a provider of emergency services pursuant to section 1 of this act.*

2. A child may be in need of protection if the person responsible for his welfare:

(a) Is unable to discharge his responsibilities to and for the child because of incarceration, hospitalization , or other physical or mental incapacity;

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

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

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

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

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

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

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

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

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

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

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

~~14-1~~ 5. Before taking a child for placement in protective custody, the person taking the child shall show his identification to any person who is

responsible for the child and is present at the time the child is taken. If a person who is responsible for the child is not present at the time the child is taken, the person taking the child shall show his identification to any other person upon request. The identification required by this subsection must be a single card that contains a photograph of the person taking the child and identifies him as a person authorized pursuant to ~~subsection 1~~ *this section* to place a child in protective custody.

~~5-1~~ 6. A child placed in protective custody pending an investigation and a hearing held pursuant to NRS 432B.470 must be placed in a hospital, if the child needs hospitalization, or in a shelter, which may include a foster home or other home or facility which provides care for those children, but the child must not be placed in a jail or other place for detention, incarceration or residential care of persons convicted of a crime or children charged with delinquent acts.

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

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

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

(c) Give preference in placement of the child to 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; and

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

~~7-1~~ 8. If a child is placed with any person who resides outside *of* this state, the placement must be in accordance with NRS 127.330.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. ~~Notice~~ *Except as otherwise provided in this subsection, notice* of the time and place of the hearing must be given to a parent or other person responsible for the child's welfare:

(a) By personal service of a written notice;

(b) Orally; or

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

*If the child was delivered to a provider of emergency services pursuant to section 1 of this act and the location of the parent is unknown, the parent*

*shall be deemed to have waived any notice of the hearing conducted pursuant to this section.*

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

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

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

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

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

4. If the ~~person~~ :

(a) **Person** summoned resides in this state, the summons must be served personally ~~if the person~~ ;

(b) **Person** summoned cannot be found within this state or does not reside in this state, the summons must be mailed by registered or certified mail to his last known address ~~if~~ ; or

(c) *Child was delivered to a provider of emergency services pursuant to section 1 of this act and the location of the parent is unknown, the summons must be served on the parent by publication at least once a week for 3 consecutive weeks in a newspaper published in the county and if no such newspaper is published, then a newspaper published in this state that has a general circulation in the county. The failure of the parent to appear in the action after the service of summons on the parent pursuant to this paragraph shall be deemed to constitute a waiver by the parent of any further notice of the proceedings that would otherwise be required pursuant to this chapter.*

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

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

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

(b) A person responsible for the child's welfare has absconded with him or concealed him from a representative of an agency which provides protective services,

the court may issue a writ for the attachment of the child's person, commanding a law enforcement officer or a representative of an agency which provides protective services to place the child in protective custody.

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

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

(a) *Except as otherwise provided in paragraph (b), the* conditions in the child's place of residence, the child's record in school, the mental, physical and social background of his family, its financial situation and other matters relevant to the case ~~it~~ ; or

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

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

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

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

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

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

3. If the child is not residing in his home, the agency shall include as a part of the plan for the permanent placement of the child, established pursuant to NRS 432B.590, a recommendation to terminate parental rights unless it determines that initiating a petition for the termination of parental rights is not in the best interests of the child. If the agency conclusively 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. 10.** 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, 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. ~~IA~~ *Except as otherwise provided in this subsection, 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. *If the child was delivered to a provider of emergency services pursuant to section 1 of this act and the location of the parent is unknown, the report need not be sent to that parent.*

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.

(b) If practicable, together with his siblings.

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

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

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

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

(b) A parent or guardian to refrain from:

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

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

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

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court ~~11~~, *unless the child was delivered to a provider of emergency services pursuant to section 1 of this act and the location of the parent is unknown*. Payments for the obligation of support must be determined in accordance with NRS 125B.070 and 125B.080, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:

(a) Provided to the welfare division of the department of human resources.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

**Sec. 12.** NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section, 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. 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. ~~1A~~ *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 this act 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. ~~Notice~~ *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. ~~†~~

~~except~~ *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. 13.** NRS 128.097 is hereby amended to read as follows:

128.097 If a parent of a child ~~engages~~ :

1. *Engages* in conduct that violates any provision of NRS 200.465 ~~†~~ ;  
or

2. *Voluntarily delivers a child to a provider of emergency services pursuant to section 1 of this act,*

the parent is presumed to have abandoned the child.

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

200.508 1. A person who:

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

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

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

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

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

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

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

4. As used in this section:

(a) “Abuse or neglect” means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110, 432B.140 and 432B.150, under circumstances which indicate that the child’s health or welfare is harmed or threatened with harm.

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

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

(d) “Physical injury” means:

(1) Permanent or temporary disfigurement; or

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

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

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

201.110 ~~Any~~

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

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

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

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