

**(REPRINTED WITH ADOPTED AMENDMENTS)**  
**SECOND REPRINT** **S.B. 191**

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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

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

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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.

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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:***  
5     ***(a) When:***  
6     ***(1) The child is voluntarily delivered to the provider by a parent of***  
7     ***the child; and***  
8     ***(2) The parent does not express an intent to return for the child; or***  
9     ***(b) When the child is delivered to the provider by another provider of***  
10    ***emergency services pursuant to paragraph (b) of subsection 2.***



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- 1     2. *A provider of emergency services who takes possession of a child*  
2 *pursuant to subsection 1 shall:*  
3     (a) *Whenever possible, inform the parent of the child that:*  
4         (1) *By allowing the provider to take possession of the child, the*  
5 *parent is presumed to have abandoned the child;*  
6         (2) *By failing or refusing to provide an address where he can be*  
7 *located, the parent waives any notice of the hearing to be conducted*  
8 *pursuant to NRS 432B.470; and*  
9         (3) *Unless the parent contacts the local agency which provides*  
10 *protective services, action will be taken to terminate his parental rights*  
11 *regarding the child.*  
12     (b) *Perform any act necessary to maintain and protect the physical*  
13 *health and safety of the child. If the provider is a public fire-fighting*  
14 *agency or a law enforcement agency, the provider shall immediately*  
15 *cause the safe delivery of the child to a hospital, an obstetric center or an*  
16 *independent center for emergency medical care licensed pursuant to*  
17 *chapter 449 of NRS.*  
18     (c) *As soon as reasonably practicable but not later than 24 hours after*  
19 *the provider takes possession of the child, report that possession to an*  
20 *agency which provides protective services.*  
21     3. *A parent who delivers a child to a provider of emergency services*  
22 *pursuant to paragraph (a) of subsection 1:*  
23     (a) *Shall leave the child:*  
24         (1) *In the physical possession of a person who the parent has*  
25 *reasonable cause to believe is an employee of the provider; or*  
26         (2) *On the property of the provider in a manner and location that*  
27 *the parent has reasonable cause to believe will not threaten the physical*  
28 *health or safety of the child, and immediately contact the provider,*  
29 *through the local emergency telephone number or otherwise, and inform*  
30 *the provider of the delivery and location of the child. A provider of*  
31 *emergency services is not liable for any civil damages as a result of any*  
32 *harm or injury sustained by a child after the child is left on the property*  
33 *of the provider pursuant to this subparagraph and before the provider is*  
34 *informed of the delivery and location of the child pursuant to this*  
35 *subparagraph or the provider takes physical possession of the child,*  
36 *whichever occurs first.*  
37     (b) *Shall be deemed to have given his consent to the performance of*  
38 *all necessary emergency services and care for the child.*  
39     (c) *Must not be required to provide any background or medical*  
40 *information regarding the child, but may voluntarily do so.*  
41     (d) *Unless there is reasonable cause to believe that the child has been*  
42 *abused or neglected, excluding the mere fact that the parent has*  
43 *delivered the child to the provider pursuant to subsection 1:*  
44         (1) *Must not be required to disclose any identifying information,*  
45 *but may voluntarily do so;*  
46         (2) *Must be allowed to leave at any time; and*  
47         (3) *Must not be pursued or followed.*  
48     4. *As used in this section, "provider of emergency services" means:*



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- 1 (a) *A hospital, an obstetric center or an independent center for*  
2 *emergency medical care licensed pursuant to chapter 449 of NRS;*  
3 (b) *A public fire-fighting agency; or*  
4 (c) *A law enforcement agency.*

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

6 432B.020 1. "Abuse or neglect of a child" means ~~§~~ , *except as*  
7 *otherwise provided in subsection 2:*

- 8 (a) Physical or mental injury of a nonaccidental nature;  
9 (b) Sexual abuse or sexual exploitation; or  
10 (c) Negligent treatment or maltreatment as set forth in  
11 NRS 432B.140,  
12 of a child caused or allowed by a person responsible for his welfare under  
13 circumstances which indicate that the child's health or welfare is harmed or  
14 threatened with harm.

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

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

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

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

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

30 432B.160 1. ~~Immunity~~ *Except as otherwise provided in*  
31 *subsection 2, immunity* from civil or criminal liability extends to every  
32 person who in good faith:

- 33 (a) Makes a report pursuant to NRS 432B.220;  
34 (b) Conducts an interview or allows an interview to be taken pursuant to  
35 NRS 432B.270;  
36 (c) Allows or takes photographs or X-rays pursuant to NRS 432B.270;  
37 (d) Causes a medical test to be performed pursuant to NRS 432B.270;  
38 (e) Provides a record, or a copy thereof, of a medical test performed  
39 pursuant to NRS 432B.270 to an agency that provides protective services  
40 to the child, a law enforcement agency that participated in the investigation  
41 of the report of abuse or neglect of the child , or the prosecuting attorney's  
42 office;

43 (f) Holds a child pursuant to NRS 432B.400 , *takes possession of a*  
44 *child pursuant to section 1 of this act* or places a child in protective  
45 custody ~~§~~ *pursuant to any provision of this chapter;*

46 (g) *Performs any act pursuant to subsection 2 of section 1 of this act;*

47 (h) Refers a case or recommends the filing of a petition pursuant to  
48 NRS 432B.380; or



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1 ~~[(h)]~~ (i) Participates in a judicial proceeding resulting from a referral or  
2 recommendation.  
3 2. *The provisions of subsection 1 do not confer any immunity from*  
4 *liability for the negligent performance of any act pursuant to paragraph*  
5 *(b) of subsection 2 of section 1 of this act.*  
6 3. In any proceeding to impose liability against a person for:  
7 (a) Making a report pursuant to NRS 432B.220; or  
8 (b) ~~[(Any of the acts)]~~ *Performing any act* set forth in paragraphs (b) to  
9 ~~[(h)]~~ (i), inclusive, of subsection 1,  
10 there is a presumption that the person acted in good faith.  
11 **Sec. 4.** NRS 432B.330 is hereby amended to read as follows:  
12 432B.330 1. A child is in need of protection if:  
13 (a) He has been abandoned by a person responsible for his welfare;  
14 (b) He is suffering from congenital drug addiction or ~~[(the)]~~ fetal alcohol  
15 syndrome ~~[(because of the faults or habits of a person responsible for his~~  
16 ~~welfare;~~  
17 (c) He has been subjected to abuse or neglect by a person responsible  
18 for his welfare;  
19 (d) He is in the care of a person responsible for his welfare and another  
20 child has died as a result of abuse or neglect by that person; ~~[(or)]~~  
21 (e) He has been placed for care or adoption in violation of law ~~[(or)]~~ ; or  
22 *(f) He has been delivered to a provider of emergency services*  
23 *pursuant to section 1 of this act.*  
24 2. A child may be in need of protection if the person responsible for  
25 his welfare:  
26 (a) Is unable to discharge his responsibilities to and for the child  
27 because of incarceration, hospitalization , or other physical or mental  
28 incapacity;  
29 (b) Fails, although he is financially able to do so or has been offered  
30 financial or other means to do so, to provide for the following needs of the  
31 child:  
32 (1) Food, clothing or shelter necessary for the child's health or safety;  
33 (2) Education as required by law; or  
34 (3) Adequate medical care; or  
35 (c) Has been responsible for the abuse or neglect of a child who has  
36 resided with that person.  
37 3. A child may be in need of protection if the death of a parent of the  
38 child is or may be the result of an act by the other parent that constitutes  
39 domestic violence pursuant to NRS 33.018.  
40 **Sec. 5.** NRS 432B.390 is hereby amended to read as follows:  
41 432B.390 1. An agent or officer of a law enforcement agency, an  
42 officer of the local juvenile probation department or the local department  
43 of juvenile services , or a designee of an agency which provides protective  
44 services:  
45 (a) May place a child in protective custody without the consent of the  
46 person responsible for the child's welfare if he has reasonable cause to  
47 believe that immediate action is necessary to protect the child from injury,  
48 abuse or neglect.



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

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

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

22 ~~3.1~~ 4. An agency which provides protective services shall request the  
23 assistance of a law enforcement agency in the removal of ~~the~~ a child if  
24 ~~the~~ the agency has reasonable cause to believe that the child or the person  
25 placing the child in protective custody may be threatened with harm.

26 ~~4.1~~ 5. Before taking a child for placement in protective custody, the  
27 person taking the child shall show his identification to any person who is  
28 responsible for the child and is present at the time the child is taken. If a  
29 person who is responsible for the child is not present at the time the child is  
30 taken, the person taking the child shall show his identification to any other  
31 person upon request. The identification required by this subsection must be  
32 a single card that contains a photograph of the person taking the child and  
33 identifies him as a person authorized pursuant to ~~subsection 1~~ this section  
34 to place a child in protective custody.

35 ~~5.1~~ 6. A child placed in protective custody pending an investigation  
36 and a hearing held pursuant to NRS 432B.470 must be placed in a hospital,  
37 if the child needs hospitalization, or in a shelter, which may include a  
38 foster home or other home or facility which provides care for those  
39 children, but the child must not be placed in a jail or other place for  
40 detention, incarceration or residential care of persons convicted of a crime  
41 or children charged with delinquent acts.

42 ~~6.1~~ 7. A person placing a child in protective custody *pursuant to*  
43 *subsection 1* shall:

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

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



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

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

7 ~~7.1~~ 8. If a child is placed with any person who resides outside of this  
8 state, the placement must be in accordance with NRS 127.330.

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

10 432B.393 1. Except as otherwise provided in this section, an agency  
11 which provides protective services shall make reasonable efforts to  
12 preserve and reunify the family of a child to prevent or eliminate the need  
13 for his removal from his home and to make it possible for his safe return to  
14 his home.

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

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

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

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

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

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

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

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

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

48 (d) The child or a sibling of the child was previously removed from his  
49 home, adjudicated to have been abused or neglected, returned to his home



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1 and subsequently removed from his home as a result of additional abuse or  
2 neglect; ~~for~~

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

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

8 (2) Is entitled to seek custody of the child but fails to do so within  
9 60 days after learning that the child was placed in foster care ~~for~~; or

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

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

13 432B.470 1. A child taken into protective custody pursuant to NRS  
14 432B.390 must be given a hearing, conducted by a judge, master or special  
15 master appointed by the judge for that particular hearing, within 72 hours,  
16 excluding Saturdays, Sundays and holidays, after being taken into custody,  
17 to determine whether the child should remain in protective custody pending  
18 further action by the court.

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

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

23 (b) Orally; or

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

27 *If the child was delivered to a provider of emergency services pursuant to*  
28 *section 1 of this act and the location of the parent is unknown, the parent*  
29 *shall be deemed to have waived any notice of the hearing conducted*  
30 *pursuant to this section.*

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

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

35 432B.520 1. After a petition has been filed, the court shall direct the  
36 clerk to issue a summons requiring the person who has custody or control  
37 of the child to appear personally and bring the child before the court at a  
38 time and place stated in the summons. If the person so summoned is other  
39 than a parent or guardian of the child, then the parent or guardian, or both,  
40 must also be notified by a similar summons of the pendency of the hearing  
41 and of the time and place appointed.

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

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

47 4. If the ~~person~~ :

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



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

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

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

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

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

25 (b) A person responsible for the child's welfare has absconded with him  
26 or concealed him from a representative of an agency which provides  
27 protective services,  
28 the court may issue a writ for the attachment of the child's person,  
29 commanding a law enforcement officer or a representative of an agency  
30 which provides protective services to place the child in protective custody.

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

32 432B.540 1. If the court finds that the allegations of the petition are  
33 true, it shall order that a report be made in writing by an agency which  
34 provides protective services, concerning ~~the~~ :

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

5 4. ~~1A~~ *Except as otherwise provided in this subsection, a* copy of the  
6 report prepared for the court by the agency which provides protective  
7 services must be sent to the custodian and the parent or legal guardian. *If*  
8 *the child was delivered to a provider of emergency services pursuant to*  
9 *section 1 of this act and the location of the parent is unknown, the report*  
10 *need not be sent to that parent.*

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

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

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

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

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

24 432B.560 1. The court may also order:

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

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

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

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

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

36 2. The court shall order a parent or guardian to pay to the custodian an  
37 amount sufficient to support the child while the child is in the care of the  
38 custodian pursuant to an order of the court ~~1A~~ *, unless the child was*  
39 *delivered to a provider of emergency services pursuant to section 1 of this*  
40 *act and the location of the parent is unknown.* Payments for the  
41 obligation of support must be determined in accordance with NRS  
42 125B.070 and 125B.080, but must not exceed the reasonable cost of the  
43 child's care, including food, shelter, clothing, medical care and education.  
44 An order for support made pursuant to this subsection must:

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

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

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



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1 (1) All parties enter into an alternative written agreement; or  
2 (2) One party demonstrates and the court finds good cause to  
3 postpone the withholding.

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

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

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

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

13 432B.580 1. Except as otherwise provided in this section, if a child is  
14 placed pursuant to NRS 432B.550 other than with a parent, the placement  
15 must be reviewed by the court at least semiannually. Unless the parent,  
16 guardian or the custodian objects to the referral, the court may enter an  
17 order directing that the placement be reviewed by a panel appointed  
18 pursuant to NRS 432B.585.

19 2. An agency acting as the custodian of the child shall, before any  
20 hearing for review of the placement of a child, submit a report to the court,  
21 or to the panel if it has been designated to review the matter, which  
22 includes an evaluation of the progress of the child and his family and any  
23 recommendations for further supervision, treatment or rehabilitation. ~~+~~  
24 *Except as otherwise provided in this subsection, a* copy of the report must  
25 be given to the parents, the guardian ad litem and the attorney, if any,  
26 representing the parent or the child. *If the child was delivered to a provider*  
27 *of emergency services pursuant to section 1 of this act and the parent has*  
28 *not appeared in the action, the report need not be sent to that parent.*

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

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

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

38 (b) Any persons planning to adopt the child, relatives of the child or  
39 providers of foster care who are currently providing care to the  
40 child. ~~+~~

41 ~~except~~ *Notice of the hearing need not be given to* a parent whose rights  
42 have been terminated pursuant to chapter 128 of NRS or who has  
43 voluntarily relinquished the child for adoption pursuant to NRS 127.040.

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

47 6. The court or panel shall review:

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



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

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

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

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

10 **Sec. 13.** NRS 128.097 is hereby amended to read as follows:

11 128.097 If a parent of a child ~~engages~~ :

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

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

16 the parent is presumed to have abandoned the child.

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

18 200.508 1. A person who:

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

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

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

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

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

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

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

45 *4. As used in this section:*

46 (a) "Abuse or neglect" means physical or mental injury of a  
47 nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment  
48 or maltreatment of a child under the age of 18 years, as set forth in  
49 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.

