

ASSEMBLY BILL NO. 132—COMMITTEE ON JUDICIARY

(ON BEHALF OF LEGISLATIVE COMMITTEE ON CHILDREN,
YOUTH AND FAMILIES (NRS 218.53723))

FEBRUARY 14, 2003

Referred to Committee on Judiciary

SUMMARY—Provides that in certain judicial districts proceedings concerning abuse or neglect of children are presumptively open to public and that in certain judicial districts such proceedings are presumptively closed to public. (BDR 38-689)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the protection of children; providing that in certain judicial districts proceedings concerning the abuse or neglect of children are presumptively open to the public and that in certain judicial districts such proceedings are presumptively closed to the public; requiring the Court Administrator to prepare reports concerning the child welfare system; and providing other matters properly relating thereto.

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

1 **Section 1.** NRS 432B.430 is hereby amended to read as
2 follows:

3 432B.430 ***1.*** Except as otherwise provided in *subsections 3*
4 *and 4* and NRS 432B.457, *in each judicial district that includes a*
5 *county whose population is 400,000 or more:*

6 *(a) Any proceeding held pursuant to NRS 432B.410 to*
7 *432B.590, inclusive, other than a hearing held pursuant to*
8 *subsections 1 to 4, inclusive, of NRS 432B.530 or a hearing held*



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1 pursuant to subsection 5 of NRS 432B.530 when the court
2 proceeds immediately, must be open to the general public unless
3 the judge or master, upon his own motion or upon the motion of
4 another person, determines that all or part of the proceeding must
5 be closed to the general public because such closure is in the best
6 interests of the child who is the subject of the proceeding. In
7 determining whether closing all or part of the proceeding is in the
8 best interests of the child who is the subject of the proceeding, the
9 judge or master must consider and give due weight to the desires
10 of that child.

11 (b) If the judge or master determines pursuant to paragraph
12 (a) that all or part of a proceeding must be closed to the general
13 public:

14 (1) The judge or master must make specific findings of fact
15 to support such a determination; and

16 (2) The general public must be excluded and only those
17 persons having a direct interest in the case, as determined by the
18 judge or master, may be admitted to the proceeding.

19 (c) Any proceeding held pursuant to subsections 1 to 4,
20 inclusive, of NRS 432B.530 and any proceeding held pursuant to
21 subsection 5 of NRS 432B.530 when the court proceeds
22 immediately must be closed to the general public unless the judge
23 or master, upon his own motion or upon the motion of another
24 person, determines that all or part of the proceeding must be open
25 to the general public because opening the proceeding in such a
26 manner is in the best interests of the child who is the subject of the
27 proceeding. In determining whether opening all or part of the
28 proceeding is in the best interests of the child who is the subject of
29 the proceeding, the judge or master must consider and give due
30 weight to the desires of that child. If the judge or master
31 determines pursuant to this paragraph that all or part of a
32 proceeding must be open to the general public, the judge or master
33 must make specific findings of fact to support such a
34 determination. Unless the judge or master determines pursuant to
35 this paragraph that all or part of a proceeding described in this
36 paragraph must be open to the general public, the general public
37 must be excluded and only those persons having a direct interest
38 in the case, as determined by the judge or master, may be admitted
39 to the proceeding.

40 2. Except as otherwise provided in subsections 3 and 4 and
41 NRS 432B.457, in each judicial district that includes a county
42 whose population is less than 400,000:

43 (a) Any proceeding held pursuant to NRS 432B.410 to
44 432B.590, inclusive, must be closed to the general public unless
45 the judge or master, upon his own motion or upon the motion of



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1 *another person, determines that all or part of the proceeding must*
2 *be open to the general public because opening the proceeding in*
3 *such a manner is in the best interests of the child who is the*
4 *subject of the proceeding. In determining whether opening all or*
5 *part of the proceeding is in the best interests of the child who is the*
6 *subject of the proceeding, the judge or master shall consider and*
7 *give due weight to the desires of that child.*

8 *(b) If the judge or master determines pursuant to paragraph*
9 *(a) that all or part of a proceeding must be open to the general*
10 *public, the judge or master must make specific findings of fact to*
11 *support such a determination.*

12 *(c) Unless the judge or master determines pursuant to*
13 *paragraph (a) that all or part of a proceeding must be open to the*
14 *general public, the general public must be excluded and only those*
15 *persons having a direct interest in the case, as ~~ordered~~ determined*
16 *by the judge or master, may be admitted to ~~any~~ the proceeding .*

17 *3. Except as otherwise provided in subsection 4 and NRS*
18 *432B.457, in a proceeding held pursuant to NRS 432B.470, the*
19 *general public must be excluded and only those persons having a*
20 *direct interest in the case, as determined by the judge or master,*
21 *may be admitted to the proceeding.*

22 *4. In conducting a proceeding held pursuant to NRS 432B.410*
23 *to 432B.590, inclusive ~~H~~ , a judge or master shall keep*
24 *information confidential to the extent necessary to obtain federal*
25 *funds in the maximum amount available to this state.*

26 **Sec. 2.** 1. The Court Administrator shall collect information
27 from the clerks of the district courts concerning:

28 (a) The effect of the amendatory provisions of this act on
29 children who are involved in proceedings held pursuant to NRS
30 432B.410 to 432B.590, inclusive;

31 (b) The operation of the child welfare system in this state; and

32 (c) Any other issue about which the Legislative Committee on
33 Children, Youth and Families requests information.

34 2. The Court Administrator shall:

35 (a) On or before July 1, 2004, or by another date determined by
36 the Legislative Committee on Children, Youth and Families, submit
37 to the Committee a written report compiling the information
38 collected pursuant to subsection 1; and

39 (b) On or before January 1, 2005, submit to the Director of the
40 Legislative Counsel Bureau for transmittal to the 73rd Session of the
41 Nevada Legislature a written report compiling the most recent and
42 updated information collected pursuant to subsection 1.

