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ASSEMBLY BILL NO. 38—COMMITTEE ON HEALTH  
AND HUMAN SERVICES

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

PREFILED FEBRUARY 4, 2005

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Referred to Committee on Health and Human Services

SUMMARY—Authorizes release of information identifying subjects of reports of child abuse or neglect to persons engaged in bona fide research or audit under certain circumstances. (BDR 38-673)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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.

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AN ACT relating to the protection of children; authorizing the release of information identifying the subjects of reports of child abuse or neglect to persons engaged in bona fide research or an audit under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, certain persons who in their professional capacity or  
2 occupation know or have reasonable cause to believe that a child has been abused  
3 or neglected must report the abuse or neglect to a law enforcement agency or to an  
4 agency that provides child welfare services. (NRS 432B.220, 432B.230) Under  
5 existing law, those reports and any records or investigations concerning those  
6 reports are confidential. (NRS 432B.280) Information concerning those reports and  
7 investigations, however, may be released in certain circumstances, including to  
8 persons engaged in bona fide research or an audit as long as information identifying  
9 the subjects of the reports are not made available to those persons. (NRS 432B.290,  
10 432B.513)

11 This bill allows information that identifies the subject of a report of child abuse  
12 or neglect to be disclosed to a person engaged in bona fide research or an audit if:  
13 (1) the information is necessary for the audit or research; (2) the person receiving



14 the information agrees to maintain the confidentiality of the information and use  
15 the information only for the audit or research; and (3) each person identified in the  
16 report, or his legal representative, consents in writing to the disclosure of the  
17 information.

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

1     **Section 1.** NRS 432B.290 is hereby amended to read as  
2 follows:

3     432B.290 1. Except as otherwise provided in subsections 2, 5  
4 and 6 and NRS 432B.513, data or information concerning reports  
5 and investigations thereof made pursuant to this chapter may be  
6 made available only to:

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

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

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

17         (1) The child; or

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

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

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

25     (f) A person engaged in bona fide research or an audit, but ,  
26 *except as otherwise provided in subsection 7*, information  
27 identifying the subjects of a report must not be made available to  
28 him;

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

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

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

35     (j) A person or an organization that has entered into a written  
36 agreement with an agency which provides child welfare services to



1 provide assessments or services and that has been trained to make  
2 such assessments or provide such services;

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

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

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

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

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

16 (p) Upon written consent of the parent, any officer of this State  
17 or a city or county thereof or Legislator authorized, by the agency or  
18 department having jurisdiction or by the Legislature, acting within  
19 its jurisdiction, to investigate the activities or programs of an agency  
20 which provides child welfare services if:

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

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

25 (q) The Division of Parole and Probation of the Department of  
26 Public Safety for use pursuant to NRS 176.135 in making a  
27 presentence investigation and report to the district court or pursuant  
28 to NRS 176.151 in making a general investigation and report;

29 (r) Any person who is required pursuant to NRS 432B.220 to  
30 make a report to an agency which provides child welfare services or  
31 to a law enforcement agency;

32 (s) The Rural Advisory Board to Expedite Proceedings for the  
33 Placement of Children created pursuant to NRS 432B.602 or a local  
34 advisory board to expedite proceedings for the placement of  
35 children created pursuant to NRS 432B.604; or

36 (t) The panel established pursuant to NRS 432B.396 to evaluate  
37 agencies which provide child welfare services.

38 2. Except as otherwise provided in subsection 3, data or  
39 information concerning reports and investigations thereof made  
40 pursuant to this chapter may be made available to any member of  
41 the general public if the child who is the subject of a report dies or is  
42 critically injured as a result of alleged abuse or neglect, except that  
43 the data or information which may be disclosed is limited to:



1 (a) The fact that a report of abuse or neglect has been made and,  
2 if appropriate, a factual description of the contents of the report;

3 (b) Whether an investigation has been initiated pursuant to NRS  
4 432B.260, and the result of a completed investigation; and

5 (c) Such other information as is authorized for disclosure by a  
6 court pursuant to subsection 4.

7 3. An agency which provides child welfare services shall not  
8 disclose data or information pursuant to subsection 2 if the agency  
9 determines that the disclosure is not in the best interests of the child  
10 or if disclosure of the information would adversely affect any  
11 pending investigation concerning a report.

12 4. Upon petition, a court of competent jurisdiction may  
13 authorize the disclosure of additional information to the public  
14 pursuant to subsection 2 if good cause is shown by the petitioner for  
15 the disclosure of the additional information.

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

19 (a) A copy of:

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

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

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

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

36 7. *Information identifying the subject of a report may be*  
37 *made available to a person engaged in bona fide research or an*  
38 *audit pursuant to paragraph (f) of subsection 1 if:*

39 (a) *The information is necessary for the purpose of the*  
40 *research or audit;*

41 (b) *The person engaged in the research or audit agrees to*  
42 *maintain the confidentiality of the information and use the*  
43 *information only for the purpose of the research or audit; and*

44 (c) *Each person identified in the report or his legal*  
45 *representative, including, without limitation, the parent or*



*guardian of the child who is the subject of the report, provides written consent to the disclosure of the information.*

**8.** Any person, except for:

(a) The subject of a report;

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

(c) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

↳ who is given access, pursuant to subsection 1 ~~{or 2,}~~ **, 2 or 7,** to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

~~{8-}~~ **9.** The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.







