
ASSEMBLY BILL NO. 544—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DIVISION OF CHILD AND FAMILY SERVICES)

MARCH 29, 2005

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes to provisions governing
information concerning abuse or neglect of children.
(BDR 38-170)

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 children; revising the provisions governing the
Statewide Central Registry for the Collection of
Information Concerning the Abuse or Neglect of a Child;
authorizing an employer to obtain certain information
concerning a person who is alleged or found to have
committed abuse or neglect of a child in certain
circumstances; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Statewide Central Registry for the Collection of
Information Concerning the Abuse or Neglect of a Child within the Division of
Child and Family Services of the Department of Human Resources. Existing law
authorizes the Division to designate a county hospital as a regional registry if the
county in which the hospital is located has a population of 100,000 or more
(currently Clark and Washoe Counties). (NRS 432.100)

This bill removes the authority of the Division to designate a county hospital as
a regional registry and makes the Central Registry accessible only to the Division
and to an agency which provides child welfare services.

Existing law provides that data or information concerning reports and
investigations of child abuse and neglect may not be made available except to
certain persons under certain circumstances. (NRS 432B.290) Distributing such
information or data in an unauthorized manner is a misdemeanor. (NRS 432.130,
432B.290)



15 This bill authorizes the release of such information to an employer if the
16 employer is required by law to conduct a background investigation of a person for
17 employment purposes, or if the person who is the subject of a background
18 investigation by an employer provides a written request to provide such information
19 to the employer. The information that may be provided to an employer in such
20 circumstances, however, is limited to information that identifies whether the person
21 has been alleged or found to have committed abuse or neglect of a child.

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

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

3 *As used in this section and NRS 432.100 to 432.130, inclusive,*
4 *“Central Registry” means the Statewide Central Registry for the*
5 *Collection of Information Concerning the Abuse or Neglect of a*
6 *Child established by NRS 432.100.*

7 **Sec. 2.** NRS 432.100 is hereby amended to read as follows:

8 432.100 1. There is hereby established a Statewide Central
9 Registry for the Collection of Information Concerning the Abuse or
10 Neglect of a Child. This Central Registry must be maintained by
11 ~~{and in the Central Office of}~~ the Division.

12 2. The Central Registry must contain:

13 (a) The information in any report of child abuse or neglect made
14 pursuant to NRS 432B.220, and the results, if any, of the
15 investigation of the report;

16 (b) Statistical information on the protective services provided in
17 this State; and

18 (c) Any other information which the Division determines to be
19 in furtherance of NRS 432.100 to 432.130, inclusive, *and section 1*
20 *of this act*, and 432B.010 to 432B.400, inclusive.

21 ~~{The Division may designate a county hospital in each~~
22 ~~county whose population is 100,000 or more as a regional registry~~
23 ~~for the collection of information concerning the abuse or neglect of~~
24 ~~a child.}~~ *Except as otherwise provided by specific statute,*
25 *information in the Central Registry may be accessed only by the*
26 *Division and by an agency which provides child welfare services.*

27 **Sec. 3.** NRS 432.110 is hereby amended to read as follows:

28 432.110 The Division shall maintain a ~~{record of the}~~ *list that*
29 *includes:*

30 1. *The names and identifying data* ~~{, dates and circumstances~~
31 ~~of any}~~ *of the* persons requesting or receiving information from the
32 ~~{central or regional registries and any}~~ *Central Registry;*

33 2. *The dates on which such persons requested or received the*
34 *information;*



1 **3. The reasons why such persons requested or received the**
2 **information; and**

3 **4. Any** other information which might be helpful in furthering
4 the purposes of NRS 432.100 to 432.130, inclusive, **and section 1 of**
5 **this act**, and 432B.010 to 432B.400, inclusive.

6 **Sec. 4.** NRS 432.120 is hereby amended to read as follows:

7 432.120 1. Information contained in the ~~{central or regional~~
8 ~~registries or obtained for these registries}~~ **Central Registry** must not
9 be released unless the right of the applicant to the information is
10 confirmed and the released information discloses the nature of the
11 disposition of the case. ~~{for its current status.}~~

12 2. Unless an investigation of a report, conducted pursuant to
13 NRS 432.100 to 432.130, inclusive, **and section 1 of this act**, and
14 432B.010 to 432B.400, inclusive, reveals some credible evidence of
15 alleged abuse or neglect of a child, all information identifying the
16 subject of a report must be expunged from the ~~{central and regional~~
17 ~~registries}~~ **Central Registry** at the conclusion of the investigation or
18 within 60 days after the report is filed, whichever occurs first. In all
19 other cases, the record of the substantiated reports contained in the
20 ~~{central or regional registries}~~ **Central Registry** must be sealed no
21 later than 10 years after the child who is the subject of the report
22 reaches the age of 18.

23 3. The Division shall adopt regulations to carry out the
24 provisions of this section.

25 **Sec. 5.** NRS 432.130 is hereby amended to read as follows:

26 432.130 Any person who willfully releases data or information
27 contained in the ~~{central or regional registries}~~ **Central Registry** to
28 unauthorized persons in violation of NRS 432.120 or 432B.290 is
29 guilty of a misdemeanor.

30 **Sec. 6.** NRS 432B.290 is hereby amended to read as follows:

31 432B.290 1. Except as otherwise provided in subsections 2, 5
32 and 6 and NRS 432B.513, data or information concerning reports
33 and investigations thereof made pursuant to this chapter may be
34 made available only to:

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

37 (b) A person authorized to place a child in protective custody, if
38 the person has before him a child who he has reasonable cause to
39 believe has been abused or neglected and the person requires the
40 information to determine whether to place the child in protective
41 custody;

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



- 1 (1) The child; or
- 2 (2) The person responsible for the welfare of the child;
- 3 (d) A district attorney or other law enforcement officer who
- 4 requires the information in connection with an investigation or
- 5 prosecution of the abuse or neglect of a child;
- 6 (e) A court, for in camera inspection only, unless the court
- 7 determines that public disclosure of the information is necessary for
- 8 the determination of an issue before it;
- 9 (f) A person engaged in bona fide research or an audit, but
- 10 information identifying the subjects of a report must not be made
- 11 available to him;
- 12 (g) The attorney and the guardian ad litem of the child;
- 13 (h) A grand jury upon its determination that access to these
- 14 records is necessary in the conduct of its official business;
- 15 (i) A federal, state or local governmental entity, or an agency of
- 16 such an entity, that needs access to the information to carry out its
- 17 legal responsibilities to protect children from abuse and neglect;
- 18 (j) A person or an organization that has entered into a written
- 19 agreement with an agency which provides child welfare services to
- 20 provide assessments or services and that has been trained to make
- 21 such assessments or provide such services;
- 22 (k) A team organized pursuant to NRS 432B.350 for the
- 23 protection of a child;
- 24 (l) A team organized pursuant to NRS 432B.405 to review the
- 25 death of a child;
- 26 (m) A parent or legal guardian of the child and an attorney of a
- 27 parent or guardian of the child, if the identity of the person
- 28 responsible for reporting the alleged abuse or neglect of the child to
- 29 a public agency is kept confidential;
- 30 (n) The persons who are the subject of a report;
- 31 (o) An agency that is authorized by law to license foster homes
- 32 or facilities for children or to investigate persons applying for
- 33 approval to adopt a child, if the agency has before it an application
- 34 for that license or is investigating an applicant to adopt a child;
- 35 (p) Upon written consent of the parent, any officer of this State
- 36 or a city or county thereof or Legislator authorized, by the agency or
- 37 department having jurisdiction or by the Legislature, acting within
- 38 its jurisdiction, to investigate the activities or programs of an agency
- 39 which provides child welfare services if:
- 40 (1) The identity of the person making the report is kept
- 41 confidential; and
- 42 (2) The officer, Legislator or a member of his family is not
- 43 the person alleged to have committed the abuse or neglect;
- 44 (q) The Division of Parole and Probation of the Department of
- 45 Public Safety for use pursuant to NRS 176.135 in making a



1 presentence investigation and report to the district court or pursuant
2 to NRS 176.151 in making a general investigation and report;

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

6 (s) The Rural Advisory Board to Expedite Proceedings for the
7 Placement of Children created pursuant to NRS 432B.602 or a local
8 advisory board to expedite proceedings for the placement of
9 children created pursuant to NRS 432B.604; ~~for~~

10 (t) The panel established pursuant to NRS 432B.396 to evaluate
11 agencies which provide child welfare services ~~for~~; or

12 ***(u) An employer:***

13 ***(1) If the employer is required by law to conduct a***
14 ***background investigation of a person for employment purposes; or***

15 ***(2) If the person who is the subject of a background***
16 ***investigation by the employer provides written authorization,***

17 ***but only to the extent necessary to identify whether the person***
18 ***who is the subject of the background investigation has been***
19 ***alleged or found to have committed the abuse or neglect.***

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

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

28 (b) Whether an investigation has been initiated pursuant to NRS
29 432B.260, and the result of a completed investigation; and

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

32 3. An agency which provides child welfare services shall not
33 disclose data or information pursuant to subsection 2 if the agency
34 determines that the disclosure is not in the best interests of the child
35 or if disclosure of the information would adversely affect any
36 pending investigation concerning a report.

37 4. Upon petition, a court of competent jurisdiction may
38 authorize the disclosure of additional information to the public
39 pursuant to subsection 2 if good cause is shown by the petitioner for
40 the disclosure of the additional information.

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

44 (a) A copy of:



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

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

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

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

7. 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, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

8. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.

Sec. 7. NRS 432B.310 is hereby amended to read as follows:

432B.310 **1.** Except as otherwise provided in subsection 5 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

~~1-1~~ (a) Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

~~1-2~~ (b) The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted and the severity of the injuries; and

~~1-3~~ (c) The disposition of the case.

2. As used in this section, "Central Registry" has the meaning ascribed to it in section 1 of this act.



1 **Sec. 8.** As soon as practicable after October 1, 2005, each
2 county hospital that was designated as a regional registry for the
3 collection of information concerning the abuse or neglect of a child
4 pursuant to NRS 432.100 shall transfer any information that the
5 county hospital collected for that purpose to the Central Registry for
6 the Collection of Information Concerning the Abuse or Neglect of a
7 Child established by NRS 432.100.



