

Amendment No. 1040

Senate Amendment to Assembly Bill No. 42 Second Reprint	(BDR 38-670)
Proposed by: Senator Washington	
Amendment Box: Replaces Amendment No. 1023.	
Resolves Conflicts with: N/A	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 2, by deleting lines 2 and 3 and inserting:

“thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *If a governmental entity has a legally enforceable obligation to*”.

Amend the bill as a whole by renumbering sections 2 through 5 as sections 7 through 10 and adding new sections designated sections 3 through 6, following section 1, to read as follows:

“Sec. 3. *An agency which provides child welfare services shall provide training to each person who is employed by the agency and who provides child welfare services. Such training must include, without limitation, instruction concerning the state and federal constitutional and statutory rights of a person who is responsible for a child’s welfare and who is:*

1. The subject of an investigation of alleged abuse or neglect of a child; or

2. *A party to a proceeding concerning the alleged abuse or neglect of a child pursuant to NRS 432B.410 to 432B.590, inclusive.*

Sec. 4. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:
 - (a) Child welfare services provided in this State;
 - (b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;
 - (c) The development of local councils involving public and private organizations;
 - (d) Reports of abuse or neglect, records of these reports and the response to these reports;
 - (e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;
 - (f) The management and assessment of reported cases of abuse or neglect;
 - (g) The protection of the legal rights of parents and children;
 - (h) Emergency shelter for a child;
 - (i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;
 - (j) Evaluating the development and contents of a plan submitted for approval pursuant to NRS 432B.395;

(k) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that *is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and* sets forth ~~the~~ :

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody ~~and the~~ ; *and*

(3) The state and federal legal rights of ~~persons~~ :

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(l) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child; and

2. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive ~~[]~~, *and section 3 of this act.*

Sec. 5. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

- (a) The child is 5 years of age or younger;
- (b) There is a high risk of serious harm to the child; or
- (c) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

- (a) The child is not in imminent danger of harm;
- (b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens his immediate health or safety;

(c) The alleged abuse or neglect could be eliminated if the child and his family receive or participate in social or health services offered in the community, or both; or

(d) The agency determines that the:

(1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment, including, without limitation, spanking or paddling; and

(2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant to NRS 432B.010 to 432B.400, inclusive, the agency shall inform the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.

6. Except as otherwise provided in this subsection, if the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

↪ If an agency determines that an investigation is not warranted for the reason set forth in paragraph (d) of subsection 3, the agency shall take no further action in regard to the matter and shall expunge all references to the matter from its records.

~~{6-}~~ 7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or his family pursuant to subsection ~~{5-}~~ 6, the agency shall require the person to notify the agency if the child or his family refuse or fail to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

~~{7-}~~ 8. An agency which provides child welfare services that determines that an investigation is not warranted may, at any time, reverse that determination and initiate an investigation.

~~{8-}~~ 9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

Sec. 6. NRS 432B.310 is hereby amended to read as follows:

432B.310 Except as otherwise provided in subsection ~~{5}~~ 6 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. 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;

2. 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

3. The disposition of the case.”.

Amend sec. 2, page 2, line 18, by deleting “*I*” and inserting “*2*”.

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 5, to read as follows:

“**Sec. 11.** 1. This section becomes effective upon passage and approval.

2. Sections 3 to 6, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and on July 1, 2005, for all other purposes.

3. Sections 1, 2 and 7 to 10, inclusive, of this act become effective on October 1, 2005.”.

Amend the title of the bill, first line, after “children;” by inserting:

“requiring an agency which provides child welfare services to train certain employees concerning the legal rights of persons who are responsible for a child’s welfare; revising the provisions concerning the pamphlet developed and distributed to persons responsible for a child’s welfare; requiring an agency which provides child welfare services to inform persons who are responsible for a child’s welfare and who are the subject of an investigation of alleged abuse or neglect of a child of the allegations against them and their legal rights at the time of initial contact by the agency;”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Under existing law, if a court determines that a child is in need of protection, it may place the child in the custody of a relative or other suitable person or place the child in the custody of a public or private agency or institution. In determining the placement of the child, the court must give preference to placing the child with certain relatives and, if practicable, together with his siblings. (NRS 432B.550) The court may also order the child to undergo any medical, psychiatric, psychological or other care or treatment as the court determines to be in the best interests of the child. (NRS 432B.560) Existing law requires an agency which provides child welfare services to submit a report to any court reviewing the placement of a child. The report must include an evaluation of the progress of the child and his family and any recommendations for further supervision, treatment or rehabilitation. (NRS 432B.580)

This bill establishes a presumption that it is in the best interests of a child who is in need of protection to place the child together with his siblings. This bill authorizes a court to enforce a legal obligation of a person or governmental entity to provide certain medical or psychological care or other care, treatment or services to a child under certain circumstances. This bill makes changes to the requirements for the report submitted to a reviewing court by an agency which provides child welfare services. The report must include information concerning the placement of the child with his siblings. If the child has not been placed with his siblings, the agency must include in the report the reasons for the separation and a plan for the child to visit his siblings. If the plan is approved by the

court, the agency must request a court order for the visitation. If a person fails to comply with the court order, he may be punished for being in contempt of court.

Under existing law, the Division of Child and Family Services of the Department of Human Resources is required to adopt regulations regarding programs for the prevention of the abuse and neglect of children. In carrying out these responsibilities, the Division must develop a pamphlet detailing certain information regarding the procedures for taking a child for placement in protective custody and the legal rights of persons who are parties to certain proceedings. (NRS 432B.190)

This bill requires an agency which provides child welfare services to provide training to persons employed by the agency and who provide child welfare services concerning the legal rights of certain persons who are the subject of investigations of alleged abuse or neglect of a child. This bill requires such an agency, at the time of initial contact, to provide certain information regarding legal rights to any person who is alleged to have caused the abuse or neglect of a child. This bill also expands the requirements for the content of the pamphlet which must be developed and distributed by the Division.