

SENATE BILL NO. 402—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

MARCH 29, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Makes various changes concerning protection of children from abuse and neglect. (BDR 38-1306)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 protection of children; 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; requiring the Division of Child and Family Services of the Department of Human Resources to set forth in the pamphlet it develops and distributes certain legal rights of persons who are the subject of investigations of alleged abuse or neglect of children; 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; and providing other matters properly relating thereto.

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

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

1. 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 concerning the legal rights of:



1 (a) *A person who is responsible for a child's welfare and who*
2 *is the subject of an investigation of alleged abuse or neglect of the*
3 *child, including, without limitation, the legal rights of such a*
4 *person at the time an agency which provides child welfare*
5 *services:*

6 (1) *Makes initial contact with the person in the course of*
7 *the investigation of alleged abuse or neglect of the child; and*

8 (2) *Takes the child for placement in protective custody; and*

9 (b) *Persons who are parties to a proceeding held pursuant to*
10 *NRS 432B.410 to 432B.590, inclusive, during all stages of the*
11 *proceeding.*

12 2. *The training provided pursuant to subsection 1 must*
13 *include, without limitation, instruction concerning the state and*
14 *federal constitutional and statutory rights of a person who is*
15 *responsible for a child's welfare and who is:*

16 (a) *The subject of an investigation of alleged abuse or neglect*
17 *of a child; or*

18 (b) *A party to a proceeding concerning the alleged abuse or*
19 *neglect of a child pursuant to NRS 432B.410 to 432B.590,*
20 *inclusive.*

21 **Sec. 2.** NRS 432B.190 is hereby amended to read as follows:

22 432B.190 The Division of Child and Family Services shall, in
23 consultation with each agency which provides child welfare
24 services, adopt:

25 1. Regulations establishing reasonable and uniform standards
26 for:

27 (a) Child welfare services provided in this State;

28 (b) Programs for the prevention of abuse or neglect of a child
29 and the achievement of the permanent placement of a child;

30 (c) The development of local councils involving public and
31 private organizations;

32 (d) Reports of abuse or neglect, records of these reports and the
33 response to these reports;

34 (e) Carrying out the provisions of NRS 432B.260, including,
35 without limitation, the qualifications of persons with whom agencies
36 which provide child welfare services enter into agreements to
37 provide services to children and families;

38 (f) The management and assessment of reported cases of abuse
39 or neglect;

40 (g) The protection of the legal rights of parents and children;

41 (h) Emergency shelter for a child;

42 (i) The prevention, identification and correction of abuse or
43 neglect of a child in residential institutions;

44 (j) Evaluating the development and contents of a plan submitted
45 for approval pursuant to NRS 432B.395;



(k) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that sets forth ~~the~~ :

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

(2) *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 ~~H~~ , and *section 1 of this act.*

Sec. 3. 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



1 whether an investigation is warranted. For the purposes of this
2 subsection, an investigation is not warranted if:

3 (a) The child is not in imminent danger of harm;

4 (b) The child is not vulnerable as the result of any untreated
5 injury, illness or other physical, mental or emotional condition that
6 threatens his immediate health or safety;

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

10 (d) The agency determines that the:

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

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

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

21 5. *If an agency which provides child welfare services*
22 *investigates a report of alleged abuse or neglect of a child*
23 *pursuant to NRS 432B.010 to 432B.400, inclusive, the agency*
24 *shall inform the person responsible for the child's welfare who is*
25 *named in the report as allegedly causing the abuse or neglect of*
26 *the child of any allegation which is made against the person and*
27 *the legal rights of the person as set forth in the pamphlet*
28 *developed pursuant to paragraph (k) of subsection 1 of NRS*
29 *432B.190 at the initial time of contact with the person by the*
30 *agency. The agency shall not identify the person responsible for*
31 *reporting the alleged abuse or neglect.*

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

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

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

44 ➤ If an agency determines that an investigation is not warranted for
45 the reason set forth in paragraph (d) of subsection 3, the agency



1 shall take no further action in regard to the matter and shall expunge
2 all references to the matter from its records.

3 ~~16.1~~ 7. If an agency which provides child welfare services enters
4 into an agreement with a person to provide services to a child or his
5 family pursuant to subsection ~~15.1~~ 6, the agency shall require the
6 person to notify the agency if the child or his family refuse or fail to
7 participate in the services, or if the person determines that there is a
8 serious risk to the health or safety of the child.

9 ~~17.1~~ 8. An agency which provides child welfare services that
10 determines that an investigation is not warranted may, at any time,
11 reverse that determination and initiate an investigation.

12 ~~18.1~~ 9. An agency which provides child welfare services and a
13 law enforcement agency shall cooperate in the investigation, if any,
14 of a report of abuse or neglect of a child.

15 **Sec. 4.** NRS 432B.310 is hereby amended to read as follows:

16 432B.310 Except as otherwise provided in subsection ~~15.1~~ 6 of
17 NRS 432B.260, the agency investigating a report of abuse or neglect
18 of a child shall, upon completing the investigation, report to the
19 Central Registry:

20 1. Identifying and demographic information on the child
21 alleged to be abused or neglected, his parents, any other person
22 responsible for his welfare and the person allegedly responsible for
23 the abuse or neglect;

24 2. The facts of the alleged abuse or neglect, including the date
25 and type of alleged abuse or neglect, the manner in which the abuse
26 was inflicted and the severity of the injuries; and

27 3. The disposition of the case.

28 **Sec. 5.** This act becomes effective upon passage and approval
29 for the purpose of adopting regulations and on July 1, 2005, for all
30 other purposes.



