

ASSEMBLY BILL NO. 261—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE SUBCOMMITTEE TO OVERSEE THE  
CONSULTANT TO STUDY THE HEALTH, SAFETY, WELFARE  
AND CIVIL AND OTHER RIGHTS OF CHILDREN IN THE CARE OF  
CERTAIN GOVERNMENTAL ENTITIES OR PRIVATE FACILITIES)

MARCH 8, 2007

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes to provisions relating to  
child abuse and neglect. (BDR 38-870)

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 children; authorizing an agency which provides  
child welfare services to release to certain governmental  
agencies certain information concerning missing children  
who are in protective custody or with whom the agency  
has had contact; requiring an agency which provides child  
welfare services to release, upon request, certain  
information relating to a case of abuse or neglect which  
results in a fatality or near fatality; and providing other  
matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law makes certain reports and records concerning reports of child  
2 abuse or neglect confidential except in certain circumstances and authorizes the  
3 release of certain information relating to data and information concerning reports  
4 and investigations of abuse and neglect of a child to specific persons. (NRS  
5 432B.280, 432B.290) **Section 2** of this bill authorizes an agency which provides  
6 child welfare services to release certain information relating to a missing child who  
7 is the subject of an investigation of alleged abuse or neglect or who is in the  
8 protective custody of the agency which provides child welfare services to certain  
9 governmental agencies that need the information to assist in locating the child and  
10 to carry out their duties in protecting children from abuse and neglect. The  
11 information that may be released includes the child's name, age, physical



\* A B 2 6 1 \*

description and photograph. The agencies receiving this information may disclose the information to others.

**Section 3** of this bill requires an agency which provides child welfare services to release upon request certain information relating to a case of abuse or neglect of a child which results in a fatality or near fatality. The information that must be released includes the information that the Eighth Judicial District Court held in *In re Clark County*, 05-A510196 (April 4, 2006), may be disclosed in cases of child fatalities or near fatalities pursuant to the Child Abuse Prevention and Treatment Act of 1974, Public Law 93-247.

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

**Sec. 2. 1.** *For purposes of assisting in locating a missing child who is the subject of an investigation of alleged abuse or neglect or who is in the protective custody of an agency which provides child welfare services, an agency which provides child welfare services may provide the following information to a federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse or neglect:*

- (a) The name of the child;*
- (b) The age of the child;*
- (c) A physical description of the child; and*
- (d) A photograph of the child.*

**2.** *Information provided pursuant to subsection 1 is not confidential and may be disclosed.*

**Sec. 3. 1.** *Data or information concerning reports and investigations thereof made pursuant to this chapter must be made available pursuant to this section to any member of the general public upon request if the child who is the subject of a report of alleged abuse or neglect suffered a fatality or near fatality. Except as otherwise provided in subsection 2, the data or information which must be disclosed includes, without limitation:*

- (a) A summary of the report of abuse or neglect and a factual description of the contents of the report;*
- (b) The date of birth of the child;*
- (c) The date that the child suffered the fatality or near fatality;*
- (d) The cause of the fatality or near fatality, if such information has been determined;*
- (e) Whether the agency which provides child welfare services had any contact with the child or a member of the child's family or household before the fatality or near fatality and, if so:*



1       (1) Whether the agency which provides child welfare  
2 services provided any child welfare services to the child or to a  
3 member of the child's family or household before or at the time of  
4 the fatality or near fatality;

5       (2) Whether the agency which provides child welfare  
6 services made any referrals for child welfare services for the child  
7 or for a member of the child's family or household before or at the  
8 time of the fatality or near fatality;

9       (3) Whether the agency which provides child welfare  
10 services took any other actions concerning the welfare of the child  
11 before or at the time of the fatality or near fatality; and

12       (4) A summary of the status of the child's case at the time  
13 of the fatality or near fatality, including, without limitation,  
14 whether the child's case was closed by the agency which provides  
15 child welfare services before the fatality or near fatality and, if so,  
16 the reasons that the case was closed; and

17       (f) Whether the agency which provides child welfare services,  
18 in response to the fatality or near fatality:

19               (1) Has provided or intends to provide child welfare  
20 services to the child or to a member of the child's family or  
21 household;

22               (2) Has made or intends to make a referral for child  
23 welfare services for the child or for a member of the child's family  
24 or household; and

25               (3) Has taken or intends to take any other action  
26 concerning the welfare of the child.

27       2. An agency which provides child welfare services shall  
28 not disclose the following data or information pursuant to  
29 subsection 1:

30               (a) Except as otherwise provided in subsection 3 of NRS  
31 432B.290, data or information concerning the identity of the  
32 person responsible for reporting the alleged abuse or neglect of  
33 the child to a public agency;

34               (b) A privileged communication between an attorney and  
35 client;

36               (c) Information that the agency which provides child welfare  
37 services believes may cause mental or physical harm to a child, a  
38 child's sibling or any other child living in the child's household;  
39 and

40               (d) Information that may undermine a criminal investigation  
41 or pending criminal prosecution.

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



1     **4. As used in this section, “near fatality” means an act that,**  
2     **as certified by a physician, places a child in serious or critical**  
3     **condition.**

4     **Sec. 4.** NRS 432B.280 is hereby amended to read as follows:

5     432B.280 1. ~~[Reports]~~ **Except as otherwise provided in**  
6     **sections 2 and 3 of this act, reports** made pursuant to this chapter,  
7     as well as all records concerning these reports and investigations  
8     thereof, are confidential.

9     2. Any person, law enforcement agency or public agency,  
10    institution or facility who willfully releases data or information  
11    concerning such reports and investigations, except:

12    (a) Pursuant to a criminal prosecution relating to the abuse or  
13    neglect of a child;

14    (b) **As otherwise authorized pursuant to section 2 or 3 of this**  
15    **act;**

16    (c) As otherwise authorized or required pursuant to NRS  
17    432B.290; or

18    ~~[(e)]~~ (d) As otherwise required pursuant to NRS 432B.513,  
19    ➤ is guilty of a misdemeanor.

20    **Sec. 5.** NRS 432B.290 is hereby amended to read as follows:

21    432B.290 1. Except as otherwise provided in subsections 2 ~~[(~~  
22    ~~5 and 6)]~~ **and 3** and NRS 432B.513, **and sections 2 and 3 of this act,**  
23    data or information concerning reports and investigations thereof  
24    made pursuant to this chapter may be made available only to:

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

27    (b) A person authorized to place a child in protective custody, if  
28    the person has before him a child who he has reasonable cause to  
29    believe has been abused or neglected and the person requires the  
30    information to determine whether to place the child in protective  
31    custody;

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

35       (1) The child; or

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

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

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

43    (f) A person engaged in bona fide research or an audit, but  
44    information identifying the subjects of a report must not be made  
45    available to him;



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

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

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

(j) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

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

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

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

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

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

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

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

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

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

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

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

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



(u) An employer in accordance with subsection 3 of NRS 432.100.

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

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

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

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

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

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

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

(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-]~~ 3. 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-]~~ 4. Any person, except for:

(a) The subject of a report;



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

3 (c) An employee of the Division of Parole and Probation of the  
4 Department of Public Safety making a presentence investigation and  
5 report to the district court pursuant to NRS 176.135 or making a  
6 general investigation and report pursuant to NRS 176.151,  
7 ➡ who is given access, pursuant to subsection 1 or 2, to information  
8 identifying the subjects of a report and who makes this information  
9 public is guilty of a misdemeanor.

10 ~~[8-]~~ 5. The Division of Child and Family Services shall adopt  
11 regulations to carry out the provisions of this section.

12 **Sec. 6.** This act becomes effective on July 1, 2007.

