

ASSEMBLY BILL NO. 263—COMMITTEE ON
HEALTH AND HUMAN SERVICES

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

MARCH 8, 2007

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes to provisions governing the abuse and neglect of children. (BDR 38-598)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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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; making various changes to provisions governing the abuse and neglect of children; requiring district attorneys, under certain circumstances, to prosecute certain incidents involving a child fatality; 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; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes certain reports and records concerning reports of child abuse or neglect confidential except in certain circumstances and authorizes the release of certain information relating to data and information concerning such reports and investigations only to specific persons. (NRS 432B.280, 432B.290) **Section 3** of this bill authorizes an agency which provides child welfare services to release certain information relating to 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 to certain governmental agencies that need the information to assist in locating the child and to carry out their duties in protecting children from abuse and neglect. The information that may be released includes the child's name, age, physical description and photograph. The agencies receiving this information may disclose the information to others.

Existing law authorizes an agency which provides child welfare services to organize one or more multidisciplinary teams to review the death of a child. (NRS



432B.405) **Section 4** of this bill authorizes the Administrator of the Division of Child and Family Services of the Department of Health and Human Services to organize a multidisciplinary team to oversee the child fatality review process for such agencies. **Section 5** of this bill imposes civil penalties upon members of teams and committees involved in the child fatality review process who disclose any confidential information concerning the death of the child. **Section 6** of this bill provides that certain meetings, hearings and deliberations of multidisciplinary and administrative teams are not subject to the Open Meeting Law.

Section 7 of this bill requires a district attorney who determines that prosecution is not appropriate for an incident that involves a child fatality to notify the appropriate district court of the incident and of his decision not to prosecute.

Section 7 further requires, in certain circumstances, that a grand jury be impaneled to inquire into the incident and that the district attorney prosecute the case if the grand jury completes its inquiry and returns an indictment.

Section 14 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.

Section 8 of this bill requires the Division of Child and Family Services to evaluate child welfare services provided in this State and to take certain corrective action against an agency which provides child welfare services that fails to comply with federal or state laws relating to the provision of child welfare services. (NRS 432B.180)

Section 12 of this bill expands existing law by authorizing a designee of an agency investigating a report of abuse or neglect of a child to interview a sibling of the child concerning any possible abuse or neglect without the consent of any person responsible for the child's welfare. (NRS 432B.270)

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

Section 1. NRS 432.0155 is hereby amended to read as follows:

432.0155 1. The Department, through the Division, is the sole state agency for the establishment of standards for the receipt of federal money in the field of ~~juvenile~~:

(a) *Juvenile* development and for programs to prevent, combat and control delinquency ~~;~~ *and*

(b) *Child welfare and child welfare services.*

↪ *The Department, through the Division, shall enforce such standards.*

2. The Administrator, with the approval of the Director, may develop *and enforce* state plans, make reports to the Federal Government and comply with such other conditions as may be imposed by the Federal Government for the receipt of assistance for ~~those~~ *such* programs ~~;~~ *and services described in subsection 1.* In developing and revising state plans, the Administrator shall consider, among other things, the amount of money available from the Federal Government for ~~those~~ *such* programs and *services*, the



conditions attached to that money ~~and~~ and the limitations of legislative appropriations for the programs ~~and~~ *and services.*

~~2-3~~ 3. The Administrator shall cause to be deposited with the State Treasurer all money allotted to this State by the Federal Government for the purposes described in this section and shall cause to be paid out of the State Treasury the money therein deposited for those purposes.

4. *As used in this section, "child welfare services" has the meaning ascribed to it in NRS 432B.044.*

Sec. 2. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 7, inclusive, of this act.

Sec. 3. 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. 4. 1. *The Administrator of the Division of Child and Family Services may organize a multidisciplinary team to oversee any review of the death of a child conducted by a multidisciplinary team that is organized by an agency which provides child welfare services pursuant to NRS 432B.405.*

2. *A multidisciplinary team organized pursuant to subsection 1 is entitled to the same access and privileges granted to a multidisciplinary team to review the death of a child pursuant to NRS 432B.407.*

Sec. 5. 1. *Each member of a multidisciplinary team organized pursuant to NRS 432B.405, a multidisciplinary team organized pursuant to section 4 of this act, an administrative team organized pursuant to NRS 432B.408 or the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than \$500.*

2. *The Administrator of the Division of Child and Family Services:*



1 (a) May bring an action to recover a civil penalty imposed
2 pursuant to subsection 1 against a member of a multidisciplinary
3 team organized pursuant to section 4 of this act, an administrative
4 team or the Executive Committee; and

5 (b) Shall deposit any money received from the civil penalty
6 with the State Treasurer for credit to the State General Fund.

7 3. Each director or other authorized representative of the
8 agency which provides child welfare services that organized a
9 multidisciplinary team pursuant to NRS 432B.405:

10 (a) May bring an action to recover a civil penalty pursuant to
11 subsection 1 against a member of the multidisciplinary team; and

12 (b) Shall deposit any money received from the civil penalty in
13 the appropriate county treasury.

14 **Sec. 6.** 1. A meeting or hearing to carry out the purposes of
15 this section and NRS 432B.403 to 432B.409, inclusive, and
16 sections 4 and 5 of this act that is held by a multidisciplinary team
17 organized pursuant to NRS 432B.405 and any deliberations of the
18 team on the information or evidence received by the team are not
19 subject to any provision of chapter 241 of NRS.

20 2. An administrative team organized pursuant to NRS
21 432B.408 may hold a closed meeting or close a portion of a
22 meeting to discuss or consider confidential information
23 concerning a particular child fatality or near fatality as defined in
24 NRS 432B.290.

25 **Sec. 7.** 1. If the district attorney determines that
26 prosecution is not appropriate for an incident that involves a child
27 fatality, the district attorney shall notify the appropriate district
28 court of the incident that involves a child fatality and of his
29 decision not to prosecute.

30 2. If a district judge of the appropriate district court
31 determines that further review of the incident that involves a child
32 fatality is necessary:

33 (a) The judge shall impanel a grand jury to inquire into the
34 incident; and

35 (b) The district attorney shall appear before the grand jury and
36 present evidence concerning the incident.

37 3. If the grand jury returns an indictment after inquiring into
38 an incident described in subsections 1 and 2:

39 (a) The indictment must be returned in the manner set forth in
40 NRS 172.255; and

41 (b) The district attorney shall prosecute the person identified
42 by the grand jury as having committed an offense.

43 4. The failure of the grand jury to return an indictment after
44 inquiring into an incident described in subsections 1 and 2 does
45 not prevent the district attorney from prosecuting a person who



was a subject of the grand jury investigation if the district attorney subsequently discovers additional evidence against the person.

Sec. 8. NRS 432B.180 is hereby amended to read as follows:

432B.180 The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.

2. Plan, coordinate and monitor the delivery of child welfare services provided throughout the State.

3. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.

4. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.

5. Involve communities in the improvement of child welfare services.

6. Evaluate all child welfare services provided throughout the State and ~~[withhold money from any agency providing]~~ *take one or more of the following actions against an agency which provides child welfare services if the Division determines that the agency which provides child welfare services [which] is not complying with [the] federal or state laws relating to providing child welfare services, regulations adopted [by the Division of Child and Family Services.*

~~7. Evaluate the plans submitted for approval pursuant to NRS 432B.395.]~~ *pursuant to those laws or statewide plans or policies relating to providing child welfare services:*

(a) *Withhold money from the agency which provides child welfare services;*

(b) *Impose an administrative fine against the agency which provides child welfare services;*

(c) *Provide the agency which provides child welfare services with direct supervision and recover the cost and expenses incurred by the Division in providing such supervision; and*

(d) *Require the agency which provides child welfare services to impose disciplinary action that is consistent with the personnel rules of the agency which provides child welfare services against an employee who substantially contributes to the noncompliance of the agency which provides child welfare services with the federal or state laws, regulations adopted pursuant to such laws or statewide plans or policies, including, without limitation, suspension of the employee without pay, if appropriate.*



~~[8-]~~ 7. In consultation with each agency which provides child welfare services, request sufficient money for the provision of child welfare services throughout this State.

8. *Deposit any money received from the administrative fines imposed pursuant to this section with the State Treasurer for credit to the State General Fund. The State Treasurer shall account separately for the money deposited pursuant to this subsection. The money in the account may only be used by the Division to improve the provision of child welfare services in this State.*

Sec. 9. 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:

(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

(3) The state and federal legal rights of:

(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

~~(H)~~ (k) 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.

Sec. 10. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.



3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, clinical social worker, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.

(c) A coroner.

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A social worker and an administrator, teacher, librarian or counselor of a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.



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(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to *an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and* the appropriate medical examiner or coroner ~~of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection~~ shall investigate the report and submit *his written findings* to ~~an~~ *the appropriate* agency which provides child welfare services ~~his written findings.~~ *and a law enforcement agency.* The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 11. 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 a 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 has suffered a fatality; or*

(d) 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 of the child or the alleged effect of prenatal illegal substance abuse on or the withdrawal symptoms resulting from *any* prenatal drug exposure of the newborn infant could be eliminated if the child and his family ~~receive~~ *are referred to* 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 delete all references to the matter from its records.

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 6, the agency shall require the person to notify the agency if the child or his family ~~refuse or fail~~ *refuses or fails* to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

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.

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. 12. NRS 432B.270 is hereby amended to read as follows:

432B.270 1. A designee of an agency investigating a report of abuse or neglect of a child may, without the consent of and outside the presence of any person responsible for the child's welfare, interview a child *and any sibling of the child* concerning any possible abuse or neglect. The child *and any sibling of the child* may be interviewed at any place where ~~he~~ *the child or his sibling* is found. The designee shall, immediately after the conclusion of the interview, if reasonably possible, notify a person responsible for the child's welfare that the child *or his sibling* was interviewed, unless the designee determines that such notification would endanger the child ~~or his sibling~~ *or his sibling*.

2. A designee of an agency investigating a report of abuse or neglect of a child may, without the consent of the person responsible for a child's welfare:

(a) Take or cause to be taken photographs of the child's body, including the areas of trauma; and

(b) If indicated after consultation with a physician, cause X rays or medical tests to be performed on a child.

3. Upon the taking of any photographs or X rays or the performance of any medical tests pursuant to subsection 2, the person responsible for the child's welfare must be notified immediately, if reasonably possible, unless the designee determines that the notification would endanger the child. The reasonable cost



1 of these photographs, X rays or medical tests must be paid by the
2 agency which provides child welfare services if money is not
3 otherwise available.

4 4. Any photographs or X rays taken or records of any medical
5 tests performed pursuant to subsection 2, or any medical records
6 relating to the examination or treatment of a child pursuant to this
7 section, or copies thereof, must be sent to the agency which provides
8 child welfare services, the law enforcement agency participating in
9 the investigation of the report and the prosecuting attorney's office.
10 Each photograph, X ray, result of a medical test or other medical
11 record:

12 (a) Must be accompanied by a statement or certificate signed by
13 the custodian of medical records of the health care facility where the
14 photograph or X ray was taken or the treatment, examination or
15 medical test was performed, indicating:

16 (1) The name of the child;

17 (2) The name and address of the person who took the
18 photograph or X ray, performed the medical test, or examined or
19 treated the child; and

20 (3) The date on which the photograph or X ray was taken or
21 the treatment, examination or medical test was performed;

22 (b) Is admissible in any proceeding relating to the abuse or
23 neglect of the child; and

24 (c) May be given to the child's parent or guardian if he pays the
25 cost of duplicating them.

26 5. As used in this section, "medical test" means any test
27 performed by or caused to be performed by a provider of health
28 care, including, without limitation, a computerized axial
29 tomography scan and magnetic resonance imaging.

30 **Sec. 13.** NRS 432B.280 is hereby amended to read as follows:

31 432B.280 1. ~~Reports~~ *Except as otherwise provided in*
32 *section 3 of this act and subsection 2 of NRS 432B.290, reports*
33 made pursuant to this chapter, as well as all records concerning
34 these reports and investigations thereof, are confidential.

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

38 (a) Pursuant to a criminal prosecution relating to the abuse or
39 neglect of a child;

40 (b) *As otherwise authorized pursuant to section 3 of this act;*

41 (c) As otherwise authorized or required pursuant to NRS
42 432B.290; or

43 ~~He~~ (d) As otherwise required pursuant to NRS 432B.513,

44 ➤ is guilty of a misdemeanor.



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Sec. 14. NRS 432B.290 is hereby amended to read as follows:

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

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

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

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

(1) The child; or

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

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

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

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



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(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}~~ *must, upon request*, 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}~~ *suffers a fatality or near fatality. The* data or information which ~~{may}~~ *must* be disclosed ~~{is limited to:}~~

~~—(a) The fact that a}~~ *includes, without limitation:*

(a) A summary of the report of abuse or neglect ~~{has been made and, if appropriate,}~~ *and* a factual description of the contents of the report ~~{;}~~ *, including, without limitation:*

(1) The date of notification of the child fatality or near fatality to the agency which provides child welfare services;

(2) The age of the child;



(3) *The location, including, without limitation, the city and county, of the child at the time of the child fatality or near fatality; and*

(4) *The cause of the child fatality or near fatality if that information has been determined;*

(b) Whether an investigation has been initiated pursuant to NRS 432B.260, and *a summary of the ~~result of a~~ results of any such completed investigation ~~[-and-], including, without limitation:~~*

(1) *A description of any credible evidence which supports the findings of the report concerning the child fatality or near fatality; and*

(2) *Whether the agency which provides child welfare services had any contact with the child or a member of the child's family before the child fatality or near fatality;*

(c) *A summary of any child welfare services provided, within the 5 years immediately preceding the child fatality or near fatality, by an agency which provides child welfare services to the child or a member of the child's family;*

(d) *Whether the child's case was closed by the agency which provides child welfare services before the child fatality or near fatality and, if so, the reasons that the case was closed; and*

(e) 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 *the following* 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.] :~~

(a) *The name of the child;*

(b) *The name of a sibling of the child or other identifying information concerning the sibling of the child;*

(c) *The name of a person who made a report to an agency which provides child welfare services or to a law enforcement agency pursuant to NRS 432B.220;*

(d) *Any information that tends to undermine or adversely affect an ongoing or future criminal investigation;*

(e) *Any medical, mental health or psychological information that is otherwise confidential;*

(f) *Any communication protected by the attorney-client privilege;*

(g) *Any information that may cause mental or physical harm to a sibling of the child or to another child who resides in the same household as the child who is the subject of a report;*



1 (h) *Any information that may undermine the prosecution of or*
2 *the right to a fair trial of an alleged perpetrator of abuse or*
3 *neglect of a child; and*

4 (i) *Any information the release of which is prohibited by*
5 *federal or state law.*

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

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

13 (a) A copy of:

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

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

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

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

30 7. Any person, except for:

31 (a) The subject of a report;

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

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

38 ↳ who is given access, pursuant to subsection 1 or 2, to information
39 identifying the subjects of a report and who makes this information
40 public is guilty of a misdemeanor.

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

43 9. *As used in this section, "near fatality" means an act that,*
44 *as verified or certified by a physician, registered nurse or other*
45 *person licensed in this State to provide medical services, places a*



child in serious or critical condition. The verification or certification may be obtained in person, by telephone, in writing, by electronic mail or by facsimile.

Sec. 15. NRS 432B.300 is hereby amended to read as follows:

432B.300 Except as otherwise provided in NRS 432B.260, an agency which provides child welfare services shall investigate each report of abuse or neglect received or referred to it to determine:

1. The composition of the family, household or facility, including the name, address, age, sex and race of each child named in the report, any siblings or other children in the same place or under the care of the same person, the persons responsible for the children's welfare and any other adult living or working in the same household or facility;

2. Whether there is reasonable cause to believe any child is abused or neglected or threatened with abuse or neglect, the nature and extent of existing or previous injuries, abuse or neglect and any evidence thereof, and the person apparently responsible;

3. *Whether there is reasonable cause to believe that a child has suffered a fatality as a result of abuse or neglect regardless of whether or not there are any siblings of the child or other children who are residing in the same household as the child who is believed to have suffered a fatality as a result of abuse or neglect;*

4. If there is reasonable cause to believe that a child is abused or neglected, the immediate and long-term risk to the child if he remains in the same environment; and

~~[4.]~~ 5. The treatment and services which appear necessary to help prevent further abuse or neglect and to improve his environment and the ability of the person responsible for the child's welfare to care adequately for him.

Sec. 16. NRS 432B.310 is hereby amended to read as follows:

432B.310 1. Except as otherwise provided in subsection 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:

(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;

(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, if applicable, any information concerning the death of the child;* and

(c) The disposition of the case.

2. An agency which provides child welfare services shall not report to the Central Registry any information concerning a child



1 identified as being affected by prenatal illegal substance abuse or as
2 having withdrawal symptoms resulting from prenatal drug exposure
3 unless the agency determines that a person has abused or neglected
4 the child.

5 3. As used in this section, "Central Registry" has the meaning
6 ascribed to it in NRS 432.0999.

7 **Sec. 17.** NRS 432B.403 is hereby amended to read as follows:

8 432B.403 The purpose of organizing multidisciplinary teams to
9 review the deaths of children pursuant to NRS 432B.403 to
10 432B.409, inclusive, *and sections 4, 5 and 6 of this act* is to:

11 1. Review the records of selected cases of deaths of children
12 under 18 years of age in this State;

13 2. Review the records of selected cases of deaths of children
14 under 18 years of age who are residents of Nevada and who die in
15 another state;

16 3. Assess and analyze such cases;

17 4. Make recommendations for improvements to laws, policies
18 and practice;

19 5. Support the safety of children; and

20 6. Prevent future deaths of children.

21 **Sec. 18.** NRS 432B.405 is hereby amended to read as follows:

22 432B.405 1. ~~[And]~~ *The director or other authorized*
23 *representative of an* agency which provides child welfare services:

24 (a) May *provisionally appoint and* organize one or more
25 multidisciplinary teams to review the death of a child; ~~[and]~~

26 (b) *Shall submit names to the Executive Committee to Review*
27 *the Death of Children established pursuant to NRS 432B.409 for*
28 *review and approval of persons whom the director or other*
29 *authorized representative recommends for appointment to a*
30 *multidisciplinary team to review the death of a child; and*

31 (c) Shall organize one or more multidisciplinary teams to review
32 the death of a child under any of the following circumstances:

33 (1) Upon receiving a written request from an adult related to
34 the child within the third degree of consanguinity, if the request is
35 received by the agency within 1 year after the date of death of the
36 child;

37 (2) If the child dies while in the custody of or involved with
38 an agency which provides child welfare services, or if the child's
39 family previously received services from such an agency;

40 (3) If the death is alleged to be from abuse or neglect of the
41 child;

42 (4) If a sibling, household member or daycare provider has
43 been the subject of a child abuse and neglect investigation within the
44 previous 12 months, including , *without limitation*, cases in which



1 the report was unsubstantiated or the investigation is currently
2 pending;

3 (5) If the child was adopted through an agency which
4 provides child welfare services; or

5 (6) If the child died of Sudden Infant Death Syndrome.

6 2. A review conducted pursuant to subparagraph (2) of
7 paragraph ~~[(b)]~~ (c) of subsection 1 must occur within 3 months after
8 the issuance of a certificate of death.

9 **Sec. 19.** NRS 432B.409 is hereby amended to read as follows:

10 432B.409 1. The Administrator of the Division of Child and
11 Family Services shall establish an Executive Committee to Review
12 the Death of Children, consisting of representatives from
13 multidisciplinary teams formed pursuant to *paragraph (a) of*
14 *subsection 1 of* NRS 432B.405 and *NRS* 432B.406, vital statistics,
15 law enforcement, public health and the Office of the Attorney
16 General.

17 2. The Executive Committee shall:

18 (a) Adopt statewide protocols for the review of the death of a
19 child;

20 (b) ~~[(Designate the members of an administrative team for the~~
21 ~~purposes of NRS 432B.408;)]~~ *Adopt regulations to carry out the*
22 *provisions of NRS 432B.403 to 432B.409, inclusive, and sections*
23 *4, 5 and 6 of this act;*

24 (c) *Adopt bylaws to govern the management and operation of*
25 *the Executive Committee;*

26 (d) *Appoint one or more multidisciplinary teams to review the*
27 *death of a child from the names submitted to the Executive*
28 *Committee pursuant to paragraph (b) of subsection 1 of*
29 *NRS 432B.405;*

30 ~~[(e)]~~ (e) Oversee training and development of multidisciplinary
31 teams to review the death of children; and

32 ~~[(f)]~~ (f) Compile and distribute a statewide annual report,
33 including statistics and recommendations for regulatory and policy
34 changes.

35 3. The Review of Death of Children Account is hereby created
36 in the State General Fund. The Executive Committee may use
37 money in the Account to carry out the provisions of NRS 432B.403
38 to 432B.409, inclusive ~~[(f)]~~, *and sections 4, 5 and 6 of this act.*

39 **Sec. 20.** NRS 432B.395 is hereby repealed.



TEXT OF REPEALED SECTION

432B.395 Plan of efforts to prevent or eliminate need for removal of child from home and to make safe return to home possible. An agency which provides child welfare services shall submit annually to the Division of Child and Family Services for its approval a plan to ensure that the reasonable efforts required by subsection 1 of NRS 432B.393 are made by that agency.

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