

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 the Division of Child and Family Services of the Department of Health and Human Services to carry out certain actions against certain agencies which provide child welfare services for failure to take corrective action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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 8 of this bill requires the Division of Child and Family Services to evaluate child welfare services provided in this State and provides that the Division must require 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. If such an agency does not take corrective action within a timely manner, the Division shall take certain action against the agency. (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



18 the child concerning any possible abuse or neglect without the consent of any
19 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:

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

3 432.0155 1. The Department, through the Division, is the
4 sole state agency for the establishment of standards for the receipt of
5 federal money in the field of ~~juvenile~~ :

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

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

9 ➔ *The Department, through the Division, shall enforce such*
10 *standards.*

11 2. The Administrator, with the approval of the Director, may
12 develop *and enforce* state plans, make reports to the Federal
13 Government and comply with such other conditions as may be
14 imposed by the Federal Government for the receipt of assistance for
15 ~~those~~ *such* programs ~~;~~ *and services described in subsection 1.* In
16 developing and revising state plans, the Administrator shall
17 consider, among other things, the amount of money available from
18 the Federal Government for ~~those~~ *such* programs and *services*, the
19 conditions attached to that money ~~;~~ and the limitations of
20 legislative appropriations for the programs ~~;~~ *and services.*

21 ~~2-3~~ 3. The Administrator shall cause to be deposited with the
22 State Treasurer all money allotted to this State by the Federal
23 Government for the purposes described in this section and shall
24 cause to be paid out of the State Treasury the money therein
25 deposited for those purposes.

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

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

31 **Sec. 3.** (Deleted by amendment.)

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

37 2. *A multidisciplinary team organized pursuant to subsection*
38 *1 is entitled to the same access and privileges granted to a*



1 *multidisciplinary team to review the death of a child pursuant to*
2 *NRS 432B.407.*

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

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

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

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

19 **3.** *Each director or other authorized representative of an*
20 *agency which provides child welfare services that organized a*
21 *multidisciplinary team pursuant to NRS 432B.405:*

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

24 *(b) Shall deposit any money received from the civil penalty in*
25 *the appropriate county treasury.*

26 **Sec. 6.** (Deleted by amendment.)

27 **Sec. 7.** (Deleted by amendment.)

28 **Sec. 8.** NRS 432B.180 is hereby amended to read as follows:
29 432B.180 The Division of Child and Family Services shall:

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

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

34 3. Provide child welfare services directly or arrange for the
35 provision of those services in a county whose population is less than
36 100,000.

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

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



6. Evaluate all child welfare services provided throughout the State and ~~[withhold money from any agency providing]~~, *if an agency which provides child welfare services is not complying with any federal or state law relating to the provision of child welfare services, regulations adopted pursuant to those laws or statewide plans or policies relating to the provision of child welfare services, require corrective action of the agency which provides child welfare services.*

7. *If an agency which provides child welfare services fails to take corrective action required pursuant to subsection 6 within a reasonable period, take one or more of the following actions against the agency which provides child welfare services: ~~[child welfare services which is not complying with the regulations adopted by the Division of Child and Family Services.~~*

~~7. Evaluate the plans submitted for approval pursuant to NRS 432B.395.]~~

(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 determine whether it is necessary 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.*

↪ The Division shall adopt regulations to carry out the provisions of this subsection, including, without limitation, regulations which prescribe the circumstances under which action must be taken against an agency which provides child welfare services for failure to take corrective action and which specify that any such action by the Division must not impede the provision of child welfare services.

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

9. *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*



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1 *account separately for the money deposited pursuant to this*
2 *subsection. The money in the account may only be used by the*
3 *Division to improve the provision of child welfare services in this*
4 *State, including, without limitation:*

5 *(a) To pay the costs associated with providing training and*
6 *technical assistance and conducting quality improvement activities*
7 *for an agency which provides child welfare services to assist the*
8 *agency in any area in which the agency has failed to take*
9 *corrective action; and*

10 *(b) Hiring a qualified consultant to conduct such training,*
11 *technical assistance and quality improvement activities.*

12 **Sec. 9.** NRS 432B.190 is hereby amended to read as follows:

13 432B.190 The Division of Child and Family Services shall, in
14 consultation with each agency which provides child welfare
15 services, adopt:

16 1. Regulations establishing reasonable and uniform standards
17 for:

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

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

21 (c) The development of local councils involving public and
22 private organizations;

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

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

29 (f) The management and assessment of reported cases of abuse
30 or neglect;

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

32 (h) Emergency shelter for a child;

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

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

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

42 (1) Contact information regarding persons and governmental
43 entities which provide assistance to persons who are responsible for
44 the welfare of children, including, without limitation, persons and



1 entities which provide assistance to persons who are being
2 investigated for allegedly abusing or neglecting a child;

3 (2) The procedures for taking a child for placement in
4 protective custody; and

5 (3) The state and federal legal rights of:

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

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

19 ~~(H)~~ (k) Making the necessary inquiries required pursuant to
20 NRS 432B.397 to determine whether a child is an Indian child; and

21 2. Such other regulations as are necessary for the
22 administration of NRS 432B.010 to 432B.606, inclusive ~~(J)~~, and
23 *sections 4 and 5 of this act.*

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

25 432B.220 1. Any person who is described in subsection 4
26 and who, in his professional or occupational capacity, knows or has
27 reasonable cause to believe that a child has been abused or neglected
28 shall:

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

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

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

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

43 (b) An agency which provides child welfare services or a law
44 enforcement agency, the person shall make the report to an agency
45 other than the one alleged to have committed the act or omission,



1 and the investigation of the abuse or neglect of the child must be
2 made by an agency other than the one alleged to have committed the
3 act or omission.

4 3. Any person who is described in paragraph (a) of subsection
5 4 who delivers or provides medical services to a newborn infant and
6 who, in his professional or occupational capacity, knows or has
7 reasonable cause to believe that the newborn infant has been
8 affected by prenatal illegal substance abuse or has withdrawal
9 symptoms resulting from prenatal drug exposure shall, as soon as
10 reasonably practicable but not later than 24 hours after the person
11 knows or has reasonable cause to believe that the newborn infant is
12 so affected or has such symptoms, notify an agency which provides
13 child welfare services of the condition of the infant and refer each
14 person who is responsible for the welfare of the infant to an agency
15 which provides child welfare services for appropriate counseling,
16 training or other services. A notification and referral to an agency
17 which provides child welfare services pursuant to this subsection
18 shall not be construed to require prosecution for any illegal action.

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

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

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

33 (c) A coroner.

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

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

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

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

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



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(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.

(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 ~~who~~ *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.~~ *, the appropriate district attorney 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 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 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, if an interview is deemed appropriate by the designee*, concerning any possible abuse or neglect. The child *and any sibling of the child* may be interviewed, *if an interview is deemed appropriate by the designee*, at any place where ~~[he]~~ *the child or his sibling* is found. *A designee who conducts an interview pursuant to this subsection must be trained adequately to interview children.* 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*.

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

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

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

(1) The name of the child;

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

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

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

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

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

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

432B.280 1. ~~Reports~~ *Except as otherwise authorized or required pursuant to NRS 432B.290, reports* made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.



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

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

(b) As otherwise authorized or required pursuant to NRS 432B.290; or

(c) As otherwise required pursuant to NRS 432B.513,

➔ is guilty of a misdemeanor.

Sec. 14. (Deleted by amendment.)

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;



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

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

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

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

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

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

3. Assess and analyze such cases;

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

5. Support the safety of children; and

6. Prevent future deaths of children.

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

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

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

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

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

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



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

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

(4) If a sibling, household member or daycare provider has been the subject of a child abuse and neglect investigation within the previous 12 months, including , *without limitation*, cases in which the report was unsubstantiated or the investigation is currently pending;

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

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

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

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

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

2. The Executive Committee shall:

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

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

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

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

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

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

3. The Review of Death of Children Account is hereby created in the State General Fund. The Executive Committee may use



1 money in the Account to carry out the provisions of NRS 432B.403
2 to 432B.409, inclusive ~~[H]~~, *and sections 4 and 5 of this act.*

3 **Sec. 20.** (Deleted by amendment.)

4 **Sec. 21.** NRS 432B.395 is hereby repealed.

5 **Sec. 22.** 1. The Department of Health and Human Services
6 shall submit a report to the Interim Finance Committee, the
7 Legislative Committee on Health Care and any other interim
8 committee of the Nevada Legislature that has oversight of child
9 welfare services concerning each action taken pursuant to
10 subsection 7 of NRS 432B.180, as amended by section 8 of this act,
11 during the 2007-2009 interim. Each report must be submitted within
12 30 days after the Division of Child and Family Services of the
13 Department has taken action against an agency which provides child
14 welfare services for failure to take corrective action and must
15 include, without limitation:

16 (a) The action taken by the Division;

17 (b) The purpose for taking such action, including, without
18 limitation, the corrective action that the agency failed to take;

19 (c) The amount of money withheld from the agency or the
20 amount of the administrative fine imposed against the agency, if
21 applicable; and

22 (d) If an administrative fine was imposed pursuant NRS
23 432B.180, the manner in which the Division expended the money.

24 2. On or before January 1, 2009, the Department shall submit
25 to the Director of the Legislative Counsel Bureau for transmission to
26 the 75th Session of the Nevada Legislature a cumulative summary
27 of all reports submitted pursuant to subsection 1.

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.

