

## Amendment No. 813

Senate Amendment to Assembly Bill No. 263 First Reprint (BDR 38-598)

**Proposed by:** Senate Committee on Human Resources and Education**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

SLP/KCR



Date: 5/20/2007

A.B. No. 263—Makes various changes to provisions governing the abuse and neglect of children. (BDR 38-598)



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,]~~ **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 6 of this bill provides that multidisciplinary and administrative teams may hold a closed meeting, or portion thereof, to consider confidential information related to a child fatality. A multidisciplinary team must prepare a written summary of any meeting or hearing and make such summary available to the public upon request.]~~

~~[Section 7 of this bill requires a district attorney to notify the appropriate district court of any incident that involves a child fatality and of his decision whether or not to prosecute. Section 7 further requires that in certain counties a grand jury be impaneled to inquire into the incident if the prosecutor decides not to prosecute. The district attorney shall prosecute the case if the grand jury completes its inquiry and returns an indictment. Section 7 also requires the court to forward information received from the district attorneys to the Court Administrator. Section 20 of this bill requires the Court Administrator to compile the information and provide an annual report to the Director of the Legislative Counsel Bureau. The report also must be made available to the public.]~~

**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]~~ **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 the child concerning any possible abuse or neglect without the consent of any person responsible for the child's welfare. (NRS 432B.270)

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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 the limitations of legislative appropriations for the programs ~~[ ]~~ *and services.*

~~[2-]~~ 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.** (Deleted by amendment.)

**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:*

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

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

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

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

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

~~Sec. 6. *[1. Except as otherwise provided in subsection 2, a meeting or hearing to carry out the purposes of this section and NRS 432B.403 to 432B.409, inclusive, and sections 4, 5 and 6 of this act that is held by a multidisciplinary team organized pursuant to NRS 432B.405 or an administrative team organized pursuant to NRS 432B.408 and any deliberations are subject to any provision of chapter 241 of NRS.*~~

~~2. A multidisciplinary team or an administrative team may hold a closed meeting or close a portion of a meeting to discuss or consider confidential information concerning a particular child fatality or near fatality as defined in NRS 432B.290.~~

~~3. Within a reasonable time after holding a meeting or hearing to carry out the purposes of this section and NRS 432B.403 to 432B.409, inclusive, and sections 4, 5 and 6 of this act, a multidisciplinary team shall prepare a written summary of the meeting or hearing. The summary must be made available to the public upon request.] (Deleted by amendment.)~~

~~Sec. 7. *[1. A district attorney shall notify the appropriate district court of any incident that involves a child fatality and of his decision whether or not to prosecute.*~~

~~2. In a county whose population is 100,000 or more, when a district attorney notifies a district court pursuant to subsection 1 of a decision not to prosecute in relation to an incident that involves a child fatality:~~

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

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

~~3. If the grand jury returns an indictment after inquiring into an incident that involves a child fatality:~~

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

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

~~4. The failure of the grand jury to return an indictment after inquiring into an incident that involves a child fatality does 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.~~

~~5. Each district court shall forward to the Court Administrator at such times as the Court Administrator requests:~~

~~(a) Any information received from a district attorney pursuant to this section concerning a child fatality;~~

~~(b) Information concerning whether a grand jury was impaneled; and~~

~~(c) If a grand jury was impaneled, whether the grand jury returned an indictment.~~ (Deleted by amendment.)

**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]~~, 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, ~~[recommend]~~ require corrective action ~~[to]~~ of the agency which provides child welfare services.

7. If ~~[the]~~ an agency which provides child welfare services fails to take corrective action required pursuant to subsection 6 within a reasonable period, ~~[the Division shall]~~ take one or more of the following actions against ~~[an]~~ 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.

8. 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. ~~7.4~~ In consultation with each agency which provides child welfare services, request sufficient money for the provision of child welfare services throughout this State.

~~7.4~~ 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 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 ~~and~~, including, without limitation:*

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

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

**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 ~~H~~, and sections 4 and 5 of this act.

**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.

(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



1 enforcement agency that the law enforcement agency has received such a report, an  
2 agency which provides child welfare services shall conduct an evaluation not later  
3 than 3 days after the report or notification was received to determine whether an  
4 investigation is warranted. For the purposes of this subsection, an investigation is  
5 not warranted if:

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

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

10 (c) The alleged abuse or neglect of the child or the alleged effect of prenatal  
11 illegal substance abuse on or the withdrawal symptoms resulting from *any* prenatal  
12 drug exposure of the newborn infant could be eliminated if the child and his family  
13 ~~receive~~ *are referred to* or participate in social or health services offered in the  
14 community, or both; or

15 (d) The agency determines that the:

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

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

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

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

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

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

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

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

42 7. If an agency which provides child welfare services enters into an  
43 agreement with a person to provide services to a child or his family pursuant to  
44 subsection 6, the agency shall require the person to notify the agency if the child or  
45 his family ~~refuse or fail~~ *refuses or fails* to participate in the services, or if the  
46 person determines that there is a serious risk to the health or safety of the child.

47 8. An agency which provides child welfare services that determines that an  
48 investigation is not warranted may, at any time, reverse that determination and  
49 initiate an investigation.

50 9. An agency which provides child welfare services and a law enforcement  
51 agency shall cooperate in the investigation, if any, of a report of abuse or neglect of  
52 a child.

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

2       432B.270 1. A designee of an agency investigating a report of abuse or  
3 neglect of a child may, without the consent of and outside the presence of any  
4 person responsible for the child's welfare, interview a child and any sibling of the  
5 child, if an interview is deemed appropriate by the designee, concerning any  
6 possible abuse or neglect. The child and any sibling of the child may be  
7 interviewed, if an interview is deemed appropriate by the designee, at any place  
8 where ~~he~~ the child or his sibling is found. A designee who conducts an interview  
9 pursuant to this subsection must be trained adequately to interview children. The  
10 designee shall, immediately after the conclusion of the interview, if reasonably  
11 possible, notify a person responsible for the child's welfare that the child or his  
12 sibling was interviewed, unless the designee determines that such notification  
13 would endanger the child ~~or his sibling~~.

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

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

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

20       3. Upon the taking of any photographs or X rays or the performance of any  
21 medical tests pursuant to subsection 2, the person responsible for the child's  
22 welfare must be notified immediately, if reasonably possible, unless the designee  
23 determines that the notification would endanger the child. The reasonable cost of  
24 these photographs, X rays or medical tests must be paid by the agency which  
25 provides child welfare services if money is not otherwise available.

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

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

35       (1) The name of the child;

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

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

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

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

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

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

48       432B.280 1. ~~Reports~~ Except as otherwise provided in subsection 2 of  
49 authorized or required pursuant to NRS 432B.290, reports made pursuant to this  
50 chapter, as well as all records concerning these reports and investigations thereof,  
51 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~~ 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~~ *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.

1       **Sec. 17.** NRS 432B.403 is hereby amended to read as follows:  
2       432B.403 The purpose of organizing multidisciplinary teams to review the  
3 deaths of children pursuant to NRS 432B.403 to 432B.409, inclusive, *and sections*  
4 *4 ~~4~~ and 5 ~~and 6~~ of this act* is to:

- 5       1. Review the records of selected cases of deaths of children under 18 years  
6 of age in this State;
- 7       2. Review the records of selected cases of deaths of children under 18 years  
8 of age who are residents of Nevada and who die in another state;
- 9       3. Assess and analyze such cases;
- 10      4. Make recommendations for improvements to laws, policies and practice;
- 11      5. Support the safety of children; and
- 12      6. Prevent future deaths of children.

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

14       432B.405 1. ~~1. An~~ *The director or other authorized representative of an*  
15 agency which provides child welfare services:

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

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

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

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

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

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

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

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

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

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

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

41       432B.409 1. The Administrator of the Division of Child and Family  
42 Services shall establish an Executive Committee to Review the Death of Children,  
43 consisting of representatives from multidisciplinary teams formed pursuant to  
44 *paragraph (a) of subsection 1 of* NRS 432B.405 and *NRS* 432B.406, vital  
45 statistics, law enforcement, public health and the Office of the Attorney General.

46       2. The Executive Committee shall:

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

48       (b) ~~Designate the members of an administrative team for the purposes of NRS~~  
49 ~~432B.408.~~ *Adopt regulations to carry out the provisions of NRS 432B.403 to*  
50 *432B.409, inclusive, and sections 4 ~~4~~ and 5 ~~and 6~~ of this act;*

51       (c) *Adopt bylaws to govern the management and operation of the Executive*  
52 *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 money in the Account to carry out the provisions of NRS 432B.403 to 432B.409, inclusive ~~(f)~~, *and sections 4 ~~f~~ and 5 ~~and 6~~ of this act.*

~~Sec. 20. [Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. On or before February 1 of each year, the Court Administrator shall submit a report to the Director of the Legislative Counsel Bureau compiling the information received pursuant to section 7 of this act. The report must include, without limitation:~~

~~(a) The name of each child who suffered a child fatality in this State during the previous calendar year;~~

~~(b) Whether the district attorney prosecuted the case;~~

~~(c) Whether the district court impaneled a grand jury to inquire into the incident; and~~

~~(d) If a grand jury was impaneled, whether the grand jury returned an indictment in the case.~~

~~2. The report prepared pursuant to this section must be made available to the public.] (Deleted by amendment.)~~

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

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

(a) The action taken by the Division;

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

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

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

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

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**TEXT OF REPEALED SECTION**

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**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.