

Amendment No. 753

Assembly Amendment to Assembly Bill No. 148 First Reprint (BDR 38-589)

Proposed by: Assembly Committee on Ways and Means**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

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 underlining*** is newly added transitory language.

RBL



Date: 5/23/2011

A.B. No. 148—Revises provisions governing the voluntary relinquishment of an infant to a provider of emergency services. (BDR 38-589)



ASSEMBLY BILL NO. 148—ASSEMBLYMEN MASTROLUCA, OHRENSCHALL, SMITH,
BOBZIEN; BENITEZ-THOMPSON, CONKLIN, DONDERO LOOP, FLORES,
FRIERSON, HORNE AND PIERCE

FEBRUARY 14, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the voluntary relinquishment of an infant to a provider of emergency services. (BDR 38-589)

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

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the protection of children; requiring ~~(an investigation)~~ ***a law enforcement agency*** to determine whether an infant who is relinquished to a provider of emergency services has been reported as a missing child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows the parent of a child who is not more than 30 days old to take the child to a provider of emergency services and leave the child with the provider of emergency services without the intent to return for the child. In such cases, the child so delivered is presumed abandoned. The parent of the child is not required to provide any information regarding the child and, unless there is reasonable cause to believe that the child has otherwise been abused or neglected, will not be investigated for abuse or neglect. The provider of emergency services is required to inform an agency which provides child welfare services that the provider has taken possession of the child within 24 hours after doing so. (NRS 432B.630) Existing law requires the agency which provides child welfare services, upon receiving such notice, to immediately place the child in protective custody. (NRS 432B.390) This bill requires the provider of emergency services to also notify a law enforcement agency within 24 hours after the provider takes possession of an abandoned child and requires the law enforcement agency to ***notify the Clearinghouse of missing children established by the Attorney General and to investigate further, if necessary, to determine*** whether the child has been reported as a missing child. Upon conclusion of the investigation, the law enforcement agency is required to inform the agency which provides child welfare services of its determination, and the agency is required to maintain that information for statistical and research purposes.

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

Section 1. NRS 432B.630 is hereby amended to read as follows:

432B.630 1. A provider of emergency services shall take immediate possession of a child who is or appears to be not more than 30 days old:

(a) When:

(1) The child is voluntarily delivered to the provider by a parent of the child; and

(2) The parent does not express an intent to return for the child; or

(b) When the child is delivered to the provider by another provider of emergency services pursuant to paragraph (b) of subsection 2.

2. A provider of emergency services who takes possession of a child pursuant to subsection 1 shall:

(a) Whenever possible, inform the parent of the child that:

(1) By allowing the provider to take possession of the child, the parent is presumed to have abandoned the child;

(2) By failing or refusing to provide an address where the parent can be located, the parent waives any notice of the hearing to be conducted pursuant to NRS 432B.470; and

(3) Unless the parent contacts the local agency which provides child welfare services, action will be taken to terminate his or her parental rights regarding the child.

(b) Perform any act necessary to maintain and protect the physical health and safety of the child. If the provider is a public fire-fighting agency or a law enforcement agency, the provider shall immediately cause the safe delivery of the child to a hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS.

(c) As soon as reasonably practicable but not later than 24 hours after the provider takes possession of the child, report that possession to an agency which provides child welfare services ~~and~~ *and, if the provider is not a law enforcement agency, to a law enforcement agency. The law enforcement agency shall investigate through* *notify the Clearinghouse* ~~established pursuant to NRS 432.170~~ *and, as* *investigate further, if necessary, using any other resources to determine whether the child has been reported as a missing child. Upon conclusion of the investigation, the law enforcement agency shall inform the agency which provides child welfare services of its determination. The agency which provides child welfare services shall maintain that information for statistical and research purposes.*

3. A parent who delivers a child to a provider of emergency services pursuant to paragraph (a) of subsection 1:

(a) Shall leave the child:

(1) In the physical possession of a person who the parent has reasonable cause to believe is an employee of the provider; or

(2) On the property of the provider in a manner and location that the parent has reasonable cause to believe will not threaten the physical health or safety of the child, and immediately contact the provider, through the local emergency telephone number or otherwise, and inform the provider of the delivery and location of the child. A provider of emergency services is not liable for any civil damages as a result of any harm or injury sustained by a child after the child is left on the property of the provider pursuant to this subparagraph and before the provider is informed of the delivery and location of the child pursuant to this subparagraph or the provider takes physical possession of the child, whichever occurs first.

(b) Shall be deemed to have given consent to the performance of all necessary emergency services and care for the child.

(c) Must not be required to provide any background or medical information regarding the child, but may voluntarily do so.

(d) Unless there is reasonable cause to believe that the child has been abused or neglected, excluding the mere fact that the parent has delivered the child to the provider pursuant to subsection 1:

(1) Must not be required to disclose any identifying information, but may voluntarily do so;

(2) Must be allowed to leave at any time; and

(3) Must not be pursued or followed.

4. As used in this section, ~~“provider”~~:

(a) “Clearinghouse” has the meaning ascribed to it in NRS 432.150.

(b) “Provider of emergency services” means:

~~(1)~~ (1) A hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS;

~~(2)~~ (2) A public fire-fighting agency; or

~~(3)~~ (3) A law enforcement agency.

Sec. 2. This act becomes effective upon passage and approval.