

Amendment No. 207

Senate Amendment to Senate Bill No. 112 (BDR 38-199)

Proposed by: Senate Committee on Health and Human Services**Amendment Box:** Replaces Amendment No. 84.**Amends:** Summary: Yes 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: 4/12/2011

S.B. No. 112—Revises provisions relating to the release of certain records in the custody of an agency which provides child welfare services.
(BDR 38-199)



SENATE BILL NO. 112—COMMITTEE ON
HEALTH AND HUMAN SERVICES(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
CHILD WELFARE AND JUVENILE JUSTICE)

PREFILED FEBRUARY 3, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the ~~release of certain records in the custody of an agency which provides child welfare services.~~ records that may be reviewed by a juvenile court in certain proceedings. (BDR 38-199)

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

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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; requiring certain records made by an agency which provides child welfare services to be provided to~~ juveniles; authorizing a juvenile court to ~~limiting the use and disclosure of records provided to a juvenile court by an agency which provides child welfare services;~~ to review certain records relating to the custody of a child or the involvement of a child with an agency which provides child welfare services for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Sections 1 and 4 of this bill require an agency which provides child welfare services to provide to a juvenile court any record, report, recommendation, order or file of an investigation that the agency made pursuant to chapters 422 and 422D of NRS. Further, sections 1 and 4: (1) limit the use of the records by the juvenile court to the development of a plan for the care, treatment, supervision, commitment or placement of the child; (2) provide that the records may only be used as evidence against the child to prove the child committed a delinquent act or a criminal offense if otherwise authorized by a statute or procedural rule relating to evidence; and (3) prohibit the disclosure of the records by the juvenile court beyond the purposes or proceedings for which the records were provided.~~

~~Sections 2, 3 and 5 of this bill amend existing law which provides for the confidentiality or use of certain records to include an exception for the records provided to the juvenile court pursuant to sections 1 and 4 of this bill.~~ Existing law establishes the types of evidence that a juvenile court may receive during a proceeding. (NRS 62D.420) Section 8 of this bill allows the juvenile court to review certain records relating to the custody of a child or the involvement of a child with an agency which provides child welfare services when it has access to those records. Section 8 limits the use of such records by the

juvenile court to assisting the court in determining the appropriate placement or plan of treatment for the child.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 62D.420 is hereby amended to read as follows:

62D.420 1. In each proceeding conducted pursuant to the provisions of this title, the juvenile court may:

(a) Receive all competent, material and relevant evidence that may be helpful in determining the issues presented, including, but not limited to, oral and written reports; and

(b) Rely ~~(Except as otherwise provided in sections 1 and 4 of this act, rely)~~ on such evidence to the extent of its probative value.

2. The juvenile court shall afford the parties and their attorneys an opportunity to examine and controvert each written report that is received into evidence and to cross-examine each person who made the written report, when reasonably available.

3. In any proceeding involving a child for which the court has access to records relating to the custody of the child or the involvement of the child with an agency which provides child welfare services, the juvenile court may review those records to assist the court in determining the appropriate placement or plan of treatment for the child.

4. Except when a record described in subsection 3 would otherwise be admissible as evidence in the proceeding, the juvenile court shall not use a record reviewed pursuant to subsection 3 to prove that the child committed a delinquent act or is in need of supervision or for any purpose other than a purpose set forth in subsection 3. Except as otherwise provided in subsection 5, such records must not be disclosed or otherwise made open to inspection unless the records are admitted as evidence and used to determine the disposition of the case.

5. The juvenile court shall afford the parties and their attorneys an opportunity to examine and address any record reviewed by the juvenile court pursuant to subsection 3.

6. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 9. (Deleted by amendment.)

Sec. 10. This act becomes effective on July 1, 2011.