

Amendment No. 659

Assembly Amendment to Senate Bill No. 31 First Reprint (BDR 5-385)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 31 R1 (§ 4.8).

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 underlining* is newly added transitory language.

SRT/BFG



Date: 5/17/2013

S.B. No. 31—Revises provisions governing children within the jurisdiction of the juvenile court and children in protective custody. (BDR 5-385)



SENATE BILL NO. 31—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing children within the jurisdiction of the juvenile court and children in protective custody. (BDR 5-385)

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 children; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; revising provisions governing the release of certain information maintained by agencies which provide child welfare services; revising provisions concerning certain federal educational assistance for homeless children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.2 of this bill authorizes directors of juvenile services, chief juvenile probation officers and the Chief of the Youth Parole Bureau, or his or her designee, to release, upon written request and good cause shown, certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. Under **section 1.2**: (1) any information released must be kept confidential by the recipient of the information and be provided only to a person authorized by **section 1.2** to receive the information; and (2) the information may not be used to deny a child access to any services for which the child would otherwise be eligible.

Section 1.2 also authorizes the release of certain information concerning a child who is within the purview of the juvenile court for the purposes of: (1) certain research concerning juvenile justice services if the information is provided in the aggregate and without the inclusion of personal identifying information; and (2) for the purposes of oversight of an agency, department or office providing services relating to juvenile justice. **Section 1.4** of this bill authorizes the inspection of sealed juvenile justice records for research purposes.

Sections 2 and 4 of this bill enact provisions governing the application of the federal McKinney-Vento Homeless Assistance Act of 1987 to children in the protective custody of an agency which provides child welfare services.

Sections 4.4, 4.6 and 4.8 of this bill authorize an agency which provides child welfare services to release certain information concerning reports or investigations of the alleged abuse or neglect of a child to certain agencies, persons and entities and provide for the confidentiality of such information. **Section 4.8** also authorizes an agency which provides child welfare services to charge a fee for processing costs reasonably necessary to prepare the information for release.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 1.2.** Chapter 62H of NRS is hereby amended by adding thereto a new
3 section to read as follows:

4 1. *Juvenile justice information must be maintained in accordance with*
5 *federal law, and any provision of federal law authorizing the release of juvenile*
6 *justice information must be construed as broadly as possible in favor of the*
7 *release of juvenile justice information.*

8 2. *For the purpose of ensuring the safety, permanent placement,*
9 *rehabilitation, educational success and well-being of a child, a director of*
10 *juvenile services or the Chief of the Youth Parole Bureau, or his or her designee,*
11 *may, upon written request and good cause shown, share appropriate juvenile*
12 *justice information with:*

13 ~~(a) A judge of the juvenile court or his or her designee;~~

14 ~~(b) A master of the juvenile court or his or her designee;~~

15 ~~(c) A director of juvenile services or his or her designee;~~

16 ~~(d)~~ (b) *The Chief of the Youth Parole Bureau or his or her designee;*

17 ~~(e)~~ (c) *A district attorney or his or her designee;*

18 ~~(f)~~ (d) *An attorney representing the child;*

19 ~~(g)~~ (e) *The director of a state agency which administers juvenile justice or*
20 *his or her designee;*

21 ~~(h)~~ (f) *A director of a state, regional or local facility for the detention of*
22 *children or his or her designee;*

23 ~~(i)~~ (g) *The director of an agency which provides child welfare services ~~or~~*
24 *or his or her designee;*

25 ~~(j)~~ (h) *A guardian ad litem or court appointed special advocate who*
26 *represents the child;*

27 ~~(k)~~ (i) *A parent or guardian of the child if the release of the information to*
28 *the parent or guardian is consistent with the purposes of this section; or*

29 ~~(l)~~ (j) *The child to whom the juvenile justice information pertains if the*
30 *child has reached the age of majority.*

31 3. *A written request for juvenile justice information pursuant to subsection*
32 *2 may be made only for the purpose of determining the appropriate placement of*
33 *the child pursuant to the provisions of chapter 432B of NRS, the appropriate*
34 *treatment or services to be provided to the child or the appropriate conditions of*
35 *probation or parole to be imposed on the child. The written request must state the*
36 *reason that the juvenile justice information is requested. A written request for*
37 *juvenile justice information may be refused if:*

38 (a) *The request does not demonstrate good cause for the release of the*
39 *information; or*

40 (b) *The release of the information would cause material harm to the child or*
41 *would prejudice any court proceeding to which the child is subject.*

42 ↪ *A refusal pursuant to this subsection must be made in writing to the person or*
43 *entity requesting the information not later than 3 days after receipt of the request,*
44 *excluding Saturdays, Sundays and holidays.*

45 4. *Any juvenile justice information provided pursuant to this section is*
46 *confidential, must be provided only to those persons listed in subsection 2 and*
47 *must be maintained in accordance with any applicable laws and regulations.*

5. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

- (a) Educational services;
- (b) Social services;
- (c) Mental health services;
- (d) Medical services; or
- (e) Legal services.

6. A director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee, may release juvenile justice information:

(a) In the aggregate and without personal identifying information included, to a person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services.

(b) As deemed necessary by a legislative body of this State or a local government in this State to conduct an audit or proper oversight of any department, agency or office providing services related to juvenile justice.

~~7. A judge of the juvenile court or a master of the juvenile court shall not receive or release any juvenile justice information in a manner which violates any applicable rules adopted by the Supreme Court, the Nevada Code of Judicial Conduct or title 4 of NRS.~~

~~8. "Juvenile"~~ *As used in this section, "juvenile justice information" means any information maintained by a director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee, which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.*

Sec. 1.4. NRS 62H.170 is hereby amended to read as follows:

62H.170 1. Except as otherwise provided in this section, if the records of a person are sealed:

(a) All proceedings recounted in the records are deemed never to have occurred; and

(b) The person may reply accordingly to any inquiry concerning the proceedings and the acts which brought about the proceedings.

2. The juvenile court may order the inspection of records that are sealed if:

(a) The person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the persons named in the petition;

(b) An agency charged with the medical or psychiatric care of the person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the agency; ~~or~~

(c) A district attorney or an attorney representing a defendant in a criminal action petitions the juvenile court to permit the inspection of the records to obtain information relating to the persons who were involved in the acts detailed in the records ~~or~~;

(d) The juvenile court determines that the inspection of the records is necessary to:

(1) Perform bona fide outcome and recidivism studies;

(2) Further bona fide research to determine the effectiveness of juvenile justice services;

(3) Improve the delivery of juvenile justice services; or

(4) Obtain additional resources for the delivery of juvenile justice services.

Personal identifying information contained in records inspected pursuant to this paragraph must remain confidential in a manner consistent with any applicable laws and regulations.

1 3. Upon its own order, any court of this State may inspect records that are
2 sealed if the records relate to a person who is less than 21 years of age and who is
3 to be sentenced by the court in a criminal proceeding.

4 **Sec. 1.6.** NRS 218G.555 is hereby amended to read as follows:

5 218G.555 1. Except as otherwise provided in subsections 2 and 3, upon
6 request, the Legislative Auditor or the Legislative Auditor's designee shall provide
7 data and information obtained pursuant to NRS 218G.550 concerning a child who
8 suffered a fatality or near fatality who had contact with or who was in the custody
9 of an agency which provides child welfare services. The data or information which
10 must be disclosed includes, without limitation:

11 (a) A summary of the report of the abuse or neglect of the child and a factual
12 description of the contents of the report;

13 (b) The date of birth and gender of the child;

14 (c) The date that the child suffered the fatality or near fatality;

15 (d) The cause of the fatality or near fatality, if such information has been
16 determined;

17 (e) Whether the agency which provides child welfare services had any contact
18 with the child or a member of the child's family or household before the fatality or
19 near fatality and, if so:

20 (1) The frequency of any contact or communication with the child or a
21 member of the child's family or household before the fatality or near fatality and
22 the date on which the last contact or communication occurred before the fatality or
23 near fatality;

24 (2) Whether the agency which provides child welfare services provided
25 any child welfare services to the child or to a member of the child's family or
26 household before or at the time of the fatality or near fatality;

27 (3) Whether the agency which provides child welfare services made any
28 referrals for child welfare services for the child or for a member of the child's
29 family or household before or at the time of the fatality or near fatality;

30 (4) Whether the agency which provides child welfare services took any
31 other actions concerning the welfare of the child before or at the time of the fatality
32 or near fatality; and

33 (5) A summary of the status of the child's case at the time of the fatality or
34 near fatality, including, without limitation, whether the child's case was closed by
35 the agency which provides child welfare services before the fatality or near fatality
36 and, if so, the reasons that the case was closed; and

37 (f) Whether the agency which provides child welfare services, in response to
38 the fatality or near fatality:

39 (1) Has provided or intends to provide child welfare services to the child or
40 to a member of the child's family or household;

41 (2) Has made or intends to make a referral for child welfare services for the
42 child or for a member of the child's family or household; and

43 (3) Has taken or intends to take any other action concerning the welfare
44 and safety of the child or a member of the child's family or household.

45 2. The Legislative Auditor or his or her designee shall not disclose
46 information pursuant to subsection 1 unless the person making the request has
47 requested such information from the agency which provides child welfare services
48 and has been denied access to such information or has not received the information
49 in a timely manner.

50 3. The Legislative Auditor or his or her designee shall not disclose the
51 following data or information pursuant to subsection 1:

(a) Except as otherwise provided in ~~subsection 3 of~~ NRS 432B.290, data or information concerning the identity of the person responsible for reporting the abuse or neglect of the child to a public agency;

(b) The name of the child who suffered a near fatality or the name of any member of the family or other person who lives in the household of the child who suffered the fatality or near fatality;

(c) A privileged communication between an attorney and client; or

(d) Information that may undermine a criminal investigation or pending criminal prosecution.

Sec. 1.8. NRS 392B.110 is hereby amended to read as follows:

392B.110 1. The legal guardian or custodian of a child may submit to the Department an application to participate in the Program if:

(a) The child has been placed in a foster home; and

(b) The child is enrolled in a public school or is not enrolled in a school because the child has not attained the age required for enrollment.

2. A legal guardian or custodian of a child, as applicable:

(a) Must include in the application the name of the public school in which the child is enrolled, if applicable, and the name of the school in which the legal guardian or custodian of the child wishes to enroll the child. The public school in which the child wishes to enroll does not have to be located in the school district in which the child resides.

(b) May include in the application a statement describing the reason for requesting that the child participate in the Program.

3. Upon receipt of an application pursuant to subsection 1, the Department shall notify the school district in which the child resides and the school district in which the child wishes to enroll, if applicable, that an application to participate in the Program has been submitted on behalf of the child.

4. The Department shall approve an application if the application satisfies the requirements of subsections 1 and 2.

5. Upon approval of an application, the Department shall provide a written statement of approval to the legal guardian or custodian of the child, as applicable, and the public school in which the child will be enrolled. Upon denial of an application, the Department shall provide a written statement of denial to the legal guardian or custodian of the child indicating the reason for the denial.

6. In determining whether to accept or deny an application submitted pursuant to subsection 1, the Department, in coordination with the board of trustees of the school district in which the child resides and the board of trustees of the school district in which the child wishes to attend school, if applicable, shall consider the best interests of the child in continuing the child's education in the public school in which the child was enrolled before the child was placed in a foster home or in transferring to another public school within this State. Every effort must be made to enroll the child in the public school requested by the legal guardian or custodian of the child pursuant to subsection 2.

7. Neither the board of trustees of the school district in which the child resides nor the board of trustees of the school district in which the child attends school, if applicable, is required to provide transportation for the child to attend a public school which the child is not zoned to attend.

8. *A child who is under the care, or in the legal or physical custody, of an agency which provides child welfare services, as defined in NRS 432B.030, is exempt from the provisions of this section and shall attend school in accordance with the federal McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. § 11301 et seq., and any regulations adopted pursuant thereto.*

1 **Sec. 2.** Chapter 432B of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2.5, 3 and 4 of this act.

3 **Sec. 2.5.** *“Information maintained by an agency which provides child*
4 *welfare services” means data or information concerning reports and*
5 *investigations made pursuant to this chapter, including, without limitation, the*
6 *name, address, date of birth, social security number and the image or likeness of*
7 *any child, family member of any child and reporting party or source, whether*
8 *primary or collateral.*

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

10 **Sec. 4.** 1. *A child who is in the legal ~~land~~ or physical custody of an*
11 *agency which provides child welfare services and is awaiting foster care*
12 *placement shall be deemed to be homeless for the purposes of the federal*
13 *McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. § 11301 et seq., and*
14 *any regulations adopted pursuant thereto. If a child is legally adopted or ordered*
15 *by a court of competent jurisdiction to a permanent placement, the child is no*
16 *longer deemed homeless for the purposes of the federal McKinney-Vento*
17 *Homeless Assistance Act of 1987, 42 U.S.C. § 11301 et seq., and any regulations*
18 *adopted pursuant thereto.*

19 2. *For the purpose of this section, “awaiting foster care placement” means*
20 *the period during which a child is removed from his or her home until he or she*
21 *is legally adopted or enters a permanent placement.*

22 **Sec. 4.2.** NRS 432B.010 is hereby amended to read as follows:

23 432B.010 As used in this chapter, unless the context otherwise requires, the
24 words and terms defined in NRS 432B.020 to 432B.110, inclusive, *and section 2.5*
25 *of this act* have the meanings ascribed to them in those sections.

26 **Sec. 4.4.** NRS 432B.175 is hereby amended to read as follows:

27 432B.175 1. Data or information concerning reports and investigations
28 thereof made pursuant to this chapter must be made available pursuant to this
29 section to any member of the general public upon request if the child who is the
30 subject of a report of abuse or neglect suffered a fatality or near fatality. Any such
31 data and information which is known must be made available not later than 48
32 hours after a fatality and not later than 5 business days after a near fatality. Except
33 as otherwise provided in subsection 2, the data or information which must be
34 disclosed includes, without limitation:

35 (a) A summary of the report of abuse or neglect and a factual description of the
36 contents of the report;

37 (b) The date of birth and gender of the child;

38 (c) The date that the child suffered the fatality or near fatality;

39 (d) The cause of the fatality or near fatality, if such information has been
40 determined;

41 (e) Whether the agency which provides child welfare services had any contact
42 with the child or a member of the child’s family or household before the fatality or
43 near fatality and, if so:

44 (1) The frequency of any contact or communication with the child or a
45 member of the child’s family or household before the fatality or near fatality and
46 the date on which the last contact or communication occurred before the fatality or
47 near fatality;

48 (2) Whether the agency which provides child welfare services provided
49 any child welfare services to the child or to a member of the child’s family or
50 household before or at the time of the fatality or near fatality;

51 (3) Whether the agency which provides child welfare services made any
52 referrals for child welfare services for the child or for a member of the child’s
53 family or household before or at the time of the fatality or near fatality;

(4) Whether the agency which provides child welfare services took any other actions concerning the welfare of the child before or at the time of the fatality or near fatality; and

(5) A summary of the status of the child's case at the time of the fatality or near fatality, including, without limitation, whether the child's case was closed by the agency which provides child welfare services before the fatality or near fatality and, if so, the reasons that the case was closed; and

(f) Whether the agency which provides child welfare services, in response to the fatality or near fatality:

(1) Has provided or intends to provide child welfare services to the child or to a member of the child's family or household;

(2) Has made or intends to make a referral for child welfare services for the child or for a member of the child's family or household; and

(3) Has taken or intends to take any other action concerning the welfare and safety of the child or any member of the child's family or household.

2. An agency which provides child welfare services shall not disclose the following data or information pursuant to subsection 1:

(a) Except as otherwise provided in ~~subsection 3 of~~ NRS 432B.290, data or information concerning the identity of the person responsible for reporting the abuse or neglect of the child to a public agency;

(b) The name of the child who suffered a near fatality or the name of any member of the family or other person who lives in the household of the child who suffered the fatality or near fatality;

(c) A privileged communication between an attorney and client; and

(d) Information that may undermine a criminal investigation or pending criminal prosecution.

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

4. As used in this section, "near fatality" means an act that places a child in serious or critical condition as verified orally or in writing by a physician, a registered nurse or other licensed provider of health care. Such verification may be given in person or by telephone, mail, electronic mail or facsimile.

Sec. 4.6. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. Except as otherwise provided in NRS 239.0115, 432B.165, 432B.175 and 439.538 and except as otherwise authorized or required pursuant to NRS 432B.290, *information maintained by an agency which provides child welfare services, including, without limitation,* reports and investigations made pursuant to this chapter, ~~as well as all records concerning these reports and investigations thereof, are~~ is confidential.

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

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

(b) As otherwise authorized pursuant to NRS 432B.165 and 432B.175;

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

(d) As otherwise authorized or required pursuant to NRS 439.538; or

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

is guilty of a *gross* misdemeanor.

Sec. 4.8. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. *Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare*

1 *services as required by federal law as a condition of the allocation of federal*
2 *money to this State.*

3 2. Except as otherwise provided in ~~subsections 2 and 3~~ *this section* and
4 NRS 432B.165, 432B.175 and 432B.513, ~~data or~~ information ~~concerning reports~~
5 ~~and investigations thereof made pursuant to this chapter~~ *maintained by an agency*
6 *which provides child welfare services* may, *at the discretion of the agency which*
7 *provides child welfare services*, be made available only to:

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

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

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

16 (1) The child; or

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

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

21 (e) Except as otherwise provided in paragraph (f), a court ~~other than a~~
22 ~~juvenile dependency court~~, for in camera inspection only, unless the court
23 determines ~~in a written finding provided to the agency which provides child~~
24 ~~welfare services~~ that public disclosure of the information is necessary for the
25 determination of an issue before it;

26 (f) A court as defined in NRS 159.015 ~~for in camera inspection only~~ to
27 determine whether a guardian or successor guardian of a child should be appointed
28 pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;

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

31 (h) The attorney and the guardian ad litem of the child ~~if~~, *if the information*
32 *is reasonably necessary to promote the safety, permanency and well-being of the*
33 *child;*

34 (i) A person who files ~~or intends to file~~ a petition for the appointment of a
35 guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS
36 432B.466 to 432B.468, inclusive, if the ~~identity of the person responsible for~~
37 ~~reporting the abuse or neglect of the child to a public agency is kept confidential~~ ~~if~~
38 ~~and the information is reasonably necessary to promote the safety, permanency~~
39 ~~and well-being of the child;~~

40 (j) The proposed guardian or proposed successor guardian of a child over
41 whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466
42 to 432B.468, inclusive, if the ~~identity of the person responsible for reporting the~~
43 ~~abuse or neglect of the child to a public agency is kept confidential~~ ~~if~~ *and the*
44 *information is reasonably necessary to promote the safety, permanency and well-*
45 *being of the child;*

46 (k) A grand jury upon its determination that access to ~~these records~~ *and the*
47 *information* is necessary in the conduct of its official business;

48 (l) A federal, state or local governmental entity, or an agency of such an entity,
49 *or a juvenile dependency court*, that needs access to the information to carry out
50 its legal responsibilities to protect children from abuse and neglect;

51 (m) A person or an organization that has entered into a written agreement with
52 an agency which provides child welfare services to provide assessments or services
53 and that has been trained to make such assessments or provide such services;

- (n) A team organized pursuant to NRS 432B.350 for the protection of a child;
- (o) A team organized pursuant to NRS 432B.405 to review the death of a child;
- (p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential ~~and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian~~;
- (q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:
- (1) The child is 14 years of age or older; and
- (2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential ~~and the information is reasonably necessary to promote the safety, permanency and well-being of the child~~;
- (r) The persons ~~or agent of the persons~~ who are the subject of a report ~~and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons~~;
- (s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;
- (t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized ~~by~~ by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:
- (1) The identity of the person making the report is kept confidential; and
- (2) The ~~that~~ officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;
- (u) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;
- (v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;
- (w) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;
- (x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;
- (y) An employer in accordance with subsection 3 of NRS 432.100; or
- (z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence.
- ~~2-3~~ **3.** An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:
- (a) A copy of:
- (1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

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

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

~~3. An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure, or any collateral sources and reporting parties.~~

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

1 *9. An agency which provides child welfare services may provide a summary*
2 *of the outcome of an investigation of the alleged abuse or neglect of a child to the*
3 *person who reported the suspected abuse or neglect.*

4 10. Any person, except for:

5 (a) ~~the subject of a report;~~

6 ~~(b)~~ A district attorney or other law enforcement officer initiating legal
7 proceedings; or

8 ~~(c)~~ (b) An employee of the Division of Parole and Probation of the
9 Department of Public Safety making a presentence investigation and report to the
10 district court pursuant to NRS 176.135 or making a general investigation and report
11 pursuant to NRS 176.151,

12 who is ~~given access, pursuant to subsection 1, to~~ *provided with* information
13 ~~identifying the subjects of a report~~ *maintained by an agency which provides*
14 *child welfare services* and *further disseminates this information, or* who makes
15 this information public, is guilty of a *gross* misdemeanor.

16 ~~5. The Division of Child and Family Services~~

17 11. *An agency which provides child welfare services may charge a fee for*
18 *processing costs reasonably necessary to prepare information maintained by the*
19 *agency which provides child welfare services for release pursuant to this section.*

20 12. *An agency which provides child welfare services* shall adopt *rules* .
21 *policies or* regulations to carry out the provisions of this section.

22 Sec. 5. This act becomes effective on July 1, 2013.