

Amendment No. 49

Senate Amendment to Senate Bill No. 2	(BDR 38-39)
Proposed by: Senate Committee on Health and Human Services	
Amends: Summary: No Title: No 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

CSL/RBL



Date: 4/6/2017

S.B. No. 2—Revises provisions relating to the surrender of a newborn child to a provider of emergency services. (BDR 38-39)



SENATE BILL NO. 2—SENATOR MANENDO

PREFILED NOVEMBER 15, 2016

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the surrender of a newborn child to a provider of emergency services. (BDR 38-39)

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

~

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; revising provisions relating to the voluntary surrender of a newborn child to a provider of emergency services; revising provisions relating to the transfer of certain identifying information relating to parents of such children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a provider of emergency services to take possession of a child who appears to be not more than 30 days old when a parent voluntarily surrenders the child with no intent to return. (NRS 432B.630) Commonly known as the "Safe Haven Law," this provision authorizes the agency which provides child welfare services to begin the process of terminating parental rights.

Section 7 of this bill prohibits a provider of emergency services from transferring identifying information about the parent who delivers a child to a provider of emergency services under the Safe Haven Law, thereby allowing the parent to retain anonymity, except when reasonable cause exists to believe that the child has been abused or neglected. **Section 7** also requires such anonymity to be provided to the parent who delivers a child to a provider of emergency services regardless of whether the parent specifically makes a request for anonymity.

Under existing law, a parent who delivers a child to a provider of emergency services under the Safe Haven Law is entitled to notice that the child has been placed in protective custody and to notice of proceedings related to the termination of parental rights and other similar matters, unless the location of the parent is unknown. (NRS 128.060, 128.070, 432B.470, 432B.490, 432B.520, ~~432B.550, 432B.580, 432B.590~~, Sections 1, ~~4~~ 5 and 6.3-9 of this bill remove that right with respect to the parent who voluntarily delivers a child under the Safe Haven Law. A parent of the child who does not participate in the delivery, however, remains entitled to such notice if the location of that parent is known and to notice by publication if not known.

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

Section 1. NRS 432B.470 is hereby amended to read as follows:

432B.470 1. A child taken into protective custody pursuant to NRS 432B.390 must be given a hearing, conducted by a judge, master or special master appointed by the judge for that particular hearing, within 72 hours, excluding Saturdays, Sundays and holidays, after being taken into custody, to determine whether the child should remain in protective custody pending further action by the court.

2. Except as otherwise provided in this subsection, notice of the time and place of the hearing must be given to a parent or other person responsible for the child's welfare:

(a) By personal service of a written notice;

(b) Orally; or

(c) If the parent or other person responsible for the child's welfare cannot be located after a reasonable effort, by posting a written notice on the door of the residence of the parent or other person.

➤ If the child was delivered to a provider of emergency services pursuant to NRS 432B.630, ~~and the location of the parent is unknown, to the agency which provides child welfare services,~~ the parent *who delivered the child to the provider* shall be deemed to have waived any *right to* notice of the hearing conducted pursuant to this section.

3. If notice is given by means of paragraph (b) or (c) of subsection 2, a copy of the notice must be mailed to the person at the last known address of the person within 24 hours after the child is placed in protective custody.

Sec. 2. NRS 432B.490 is hereby amended to read as follows:

432B.490 1. An agency which provides child welfare services:

(a) In cases where the death of a parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, shall within 10 days after the hearing on protective custody initiate a proceeding in court by filing a petition which meets the requirements set forth in NRS 432B.510;

(b) In cases where a court issues an order keeping the child in protective custody pursuant to paragraph (b) of subsection 1 of NRS 432B.480, shall within 10 days after the hearing on protective custody, unless good cause exists, initiate a proceeding in court by filing a petition which meets the requirements set forth in NRS 432B.510 or recommend against any further action in court; or

(c) In cases where an investigation is made under NRS 432B.010 to 432B.400, inclusive, and a determination is made that the child is in need of protection but is not in imminent danger, may file a petition which meets the requirements set forth in NRS 432B.510.

2. If the agency recommends against further action, the court may, on its own motion, initiate proceedings when it finds that it is in the best interests of the child.

3. If a child has been placed in protective custody and if further action in court is taken, an agency which provides child welfare services shall make recommendations to the court concerning whether the child should be returned to the person responsible for the welfare of the child pending further action in court.

4. If, in a case described in paragraph (b) of subsection 1, an agency which provides child welfare services fails to initiate a proceeding in court by filing a petition which meets the requirements set forth in NRS 432B.510 within 10 days after the hearing on protective custody:

(a) The agency may recommend against further action and return the child to the custody of the person responsible for the welfare of the child; or

(b) Any party to the proceeding may schedule an additional hearing with the court which must take place before the next scheduled court date to determine whether the child should be returned to the person responsible for the welfare of the child pending further action by the court.

5. Except as otherwise provided in this subsection, notice of the time and place of a hearing scheduled pursuant to paragraph (b) of subsection 4 must be given to a parent or other person responsible for the welfare of the child:

(a) By personal service of a written notice;

(b) Orally; or

(c) If the parent or other person responsible for the welfare of the child cannot be located after a reasonable effort, by posting a written notice on the door of the residence of the parent or other person.

➤ If the child was delivered to a provider of emergency services pursuant to the provisions of NRS 432B.630, ~~and the location of the parent is unknown, to the agency which provides child welfare services,~~ the parent who delivered the child to the provider shall be deemed to have waived any right to notice of the hearing conducted pursuant to this section.

6. If notice of a hearing scheduled pursuant to paragraph (b) of subsection 4 is given by means of paragraph (b) or (c) of subsection 5, a copy of the notice must be mailed to the parent or other person responsible for the welfare of the child at his or her last known address within 24 hours after the petition is filed.

7. The court shall hold a hearing scheduled pursuant to paragraph (b) of subsection 4 to decide whether there remains reasonable cause to believe that it would be:

(a) Contrary to the welfare of the child for the child to reside at his or her home; or

(b) In the best interests of the child to keep the child outside of his or her home.

Sec. 3. NRS 432B.513 is hereby amended to read as follows:

432B.513 1. Except as otherwise provided in subsection 3, a person who submits a report or information to the court for consideration in a proceeding held pursuant to NRS 432B.466 to 432B.468, inclusive, or 432B.500 to 432B.590, inclusive, shall provide a copy of the report or information, to the extent that the data or information in the report or information is available pursuant to NRS 432B.290, to each parent or guardian of the child who is the subject of the proceeding and to the attorney of each parent or guardian not later than 72 hours before the proceeding.

2. If a person does not provide a copy of a report or information to a parent or guardian of a child and an attorney of the parent or guardian before a proceeding if required by subsection 1, the court or master:

(a) Shall provide the parent or guardian and the attorney of the parent or guardian an opportunity to review the report or information; and

(b) May grant a continuance of the proceeding until a later date that is agreed upon by all the parties to the proceeding if the parent or guardian or the attorney of the parent or guardian requests that the court grant the continuance so that the parent or guardian and the attorney of the parent or guardian may properly respond to the report or information.

3. If a child was delivered to a provider of emergency services pursuant to NRS 432B.630, ~~and the location of the parent of the child is unknown, to the agency which provides child welfare services,~~ a copy of a report or information described in subsection 1 need not be sent to ~~that~~ the parent who delivered the child to the provider or the attorney of ~~that~~ ~~the~~ parent pursuant to subsection 1.

4. As used in this section, "person" includes, without limitation, a government, governmental agency or political subdivision of a government.

Sec. 4. NRS 432B.520 is hereby amended to read as follows:

432B.520 1. After a petition has been filed, the court shall direct the clerk to issue a summons requiring the person who has custody or control of the child to appear personally and bring the child before the court at a time and place stated in the summons. If the person so summoned is other than a parent or guardian of the child, then the parent or guardian, or both, must also be notified by a similar summons of the pendency of the hearing and of the time and place appointed.

2. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the court, is necessary.

3. Each summons must include notice of the right of parties to counsel at the adjudicatory hearing. A copy of the petition must be attached to each summons.

4. Except as provided in subsection 5, the summons must be served by:

(a) Personal service of a written notice; or

(b) Registered or certified mail to the last known address of the person.

5. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 *by one parent* and the location of the *other parent who did not deliver the child* is unknown ~~to the agency which provides child welfare services~~, the summons must be served on ~~that~~ *that parent* by publication at least once a week for 3 consecutive weeks in a newspaper published in the county and if no such newspaper is published, then a newspaper published in this state that has a general circulation in the county. The failure of the parent to appear in the action after the service of summons on the parent pursuant to this paragraph shall be deemed to constitute a waiver by the parent of any further notice of the proceedings that would otherwise be required pursuant to this chapter. *The parent who delivered the child to a provider of emergency services pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section.*

6. If it appears that the child is in such condition or surroundings that the welfare of the child requires that custody be immediately assumed by the court, the court may order, by endorsement upon the summons, that the person serving it shall at once deliver the child to an agency which provides child welfare services in whose custody the child must remain until the further order of the court.

7. If the summons cannot be served or the person who has custody or control of the child fails to obey it, or:

(a) In the judge's opinion, the service will be ineffectual or the welfare of the child requires that the child be brought forthwith into the custody of the court; or

(b) A person responsible for the child's welfare has absconded with the child or concealed the child from a representative of an agency which provides child welfare services,

the court may issue a writ for the attachment of the child's person, commanding a law enforcement officer or a representative of an agency which provides child welfare services to place the child in protective custody.

Sec. 5. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of the parents of the child or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place the child in the temporary or permanent custody of a relative, a fictive kin or other person the court finds suitable to receive and care for the child

1 with or without supervision, and with or without retaining jurisdiction of the case,
2 upon such conditions as the court may prescribe; or

3 (c) Place the child in the temporary custody of a public agency or institution
4 authorized to care for children, the local juvenile probation department, the local
5 department of juvenile services or a private agency or institution licensed by the
6 Department of Health and Human Services or a county whose population is
7 100,000 or more to care for such a child.

8 ➤ In carrying out this subsection, the court may, in its sole discretion and in
9 compliance with the requirements of chapter 159 of NRS, consider an application
10 for the guardianship of the child. If the court grants such an application, it may
11 retain jurisdiction of the case or transfer the case to another court of competent
12 jurisdiction.

13 2. If, pursuant to subsection 1, a child is placed other than with a parent:

14 (a) The parent retains the right to consent to adoption, to determine the child's
15 religious affiliation and to reasonable visitation, unless restricted by the court. If the
16 custodian of the child interferes with these rights, the parent may petition the court
17 for enforcement of the rights of the parent.

18 (b) The court shall set forth good cause why the child was placed other than
19 with a parent.

20 3. If, pursuant to subsection 1, the child is to be placed with a relative or
21 fictive kin, the court may consider, among other factors, whether the child has
22 resided with a particular relative or fictive kin for 3 years or more before the
23 incident which brought the child to the court's attention.

24 4. Except as otherwise provided in this subsection, a copy of the report
25 prepared for the court by the agency which provides child welfare services must be
26 sent to the custodian and the parent or legal guardian. If the child was delivered to a
27 provider of emergency services pursuant to NRS 432B.630 ~~and the location of the~~

28 ~~;~~
29 (a) The parent ~~is unknown, to the agency which provides child welfare~~
30 ~~services, the report need not be sent to that the parent.] who delivered the child to~~
31 ~~the provider shall be deemed to have waived his or her right to a copy of the~~
32 ~~report; and~~

33 ~~(b) A copy of the report must be sent to the parent who did not deliver the~~
34 ~~child to the provider, if the location of such parent is known.~~

35 5. In determining the placement of a child pursuant to this section, if the child
36 is not permitted to remain in the custody of the parents of the child or guardian:

37 (a) It must be presumed to be in the best interests of the child to be placed
38 together with the siblings of the child.

39 (b) Preference must be given to placing the child in the following order:

40 (1) With any person related within the fifth degree of consanguinity to the
41 child or a fictive kin, and who is suitable and able to provide proper care and
42 guidance for the child, regardless of whether the relative or fictive kin resides
43 within this State.

44 (2) In a foster home that is licensed pursuant to chapter 424 of NRS.

45 6. Any search for a relative with whom to place a child pursuant to this
46 section must be completed within 1 year after the initial placement of the child
47 outside of the home of the child. If a child is placed with any person who resides
48 outside of this State, the placement must be in accordance with NRS 127.330.

49 7. Within 60 days after the removal of a child from the home of the child, the
50 court shall:

51 (a) Determine whether:

52 (1) The agency which provides child welfare services has made the
53 reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and
(b) Prepare an explicit statement of the facts upon which its determination is based.

8. As used in this section, "fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 6. NRS 432B.560 is hereby amended to read as follows:

432B.560 1. The court may also order:

(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to NRS 432B.630. ~~and the location of the parent is unknown. to the agency which provides child welfare services.~~ Payments for the obligation of support must be determined in accordance with NRS 125B.070 and 125B.080, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

Sec. 6.3. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be approved by the court.

(c) A copy of an academic plan developed for the child pursuant to NRS 388.155, 388.165 or 388.205.

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in ~~this~~ subsection 7 and subsection 5 of NRS 432B.520, notice of the hearing must be given by registered or certified mail to:

(a) All the parties to any of the prior proceedings;

(b) Any persons planning to adopt the child;

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to NRS 127.171 and his or her attorney, if any; and

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child.

7. The notice of the hearing required to be given pursuant to subsection 6:

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;

(b) Must not include any confidential information described in NRS 127.140; ~~and~~

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040. ~~It~~; and

(d) Need not be given to a parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall review:

(a) The continuing necessity for and appropriateness of the placement;
(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child; and

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship.

10. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 6.7. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in subsection 2 and NRS 432B.513, the court shall hold a hearing concerning the permanent placement of a child:

(a) Not later than 12 months after the initial removal of the child from the home of the child and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of NRS 432B.393.

➤ Notice of this hearing must be given by registered or certified mail to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.

2. A parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section.

3. The court may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 1 a right to be heard at the hearing.

~~3.4~~ 4. At the hearing, the court shall review any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 and, if the goal of the plan is a permanent living arrangement other than reunification with his or her parents, placement for adoption, placement with a legal guardian or placement with a relative, ask the child about his or her desired permanent living arrangement. After doing so, the court must determine:

(a) Whether the agency with legal custody of the child has made the reasonable efforts required by subsection 1 of NRS 432B.553;

(b) Whether, and if applicable when:

(1) The child should be returned to the parents of the child or placed with other relatives;

(2) It is in the best interests of the child to:

(I) Initiate proceedings to terminate parental rights pursuant to chapter 128 of NRS so that the child can be placed for adoption;

(II) Initiate proceedings to establish a guardianship pursuant to chapter 159 of NRS; or

(III) Establish a guardianship in accordance with NRS 432B.466 to 432B.468, inclusive; or

(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for the placement of a child who has attained the age of 16 years in another permanent living arrangement;

(c) If the child will not be returned to the parents of the child, whether the agency with legal custody of the child fully considered placement options both within and outside of this State;

(d) If the child has attained the age of 14 years, whether the child will receive the services needed to assist the child in transitioning to independent living; and

(e) If the child has been placed outside of this State, whether the placement outside of this State continues to be appropriate for and in the best interests of the child.

~~44~~ 5. The court shall prepare an explicit statement of the facts upon which each of its determinations is based pursuant to subsection ~~43~~ 4. If the court determines that it is not in the best interests of the child to be returned to his or her parents, or to be placed for adoption, with a legal guardian or with a relative, the court must include compelling reasons for this determination and an explanation of those reasons in its statement of the facts.

~~55~~ 6. If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures.

~~66~~ 7. The provisions of this section do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

~~77~~ 8. If a child has been placed outside of the home and has resided outside of the home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

~~88~~ 9. This hearing may take the place of the hearing for review required by NRS 432B.580.

~~99~~ 10. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 7. 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, *including, without limitation, the hospital at which the child was born*, 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 *pursuant to NRS 128.097*;

(2) ~~By failing or refusing to provide an address where the parent can be located, the~~ *The* parent waives any *right to* notice of ~~the~~ *a* hearing ~~to be conducted~~ pursuant to NRS ~~432B.470, 432B.490 and 432B.520, and~~ *128.060 or 128.070 or 432B.410 to 432B.590, inclusive; 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, a volunteer fire department, a law enforcement agency or an ambulance service, 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, if the provider is not an agency which provides child welfare services, and, if the provider is not a law enforcement agency, to a law enforcement agency. The law enforcement agency shall notify the Clearinghouse and 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.

(d) Except as otherwise provided in this paragraph, transfer any information that the provider of emergency services has obtained regarding the child and any parent of the child who did not deliver the child to the provider to the agency which provides child welfare services that takes the child into protective custody pursuant to NRS 432B.390, except that any identifying information relating to the parent who delivered the child to the provider must not be transferred to the agency which provides child welfare services, regardless of whether the parent has requested anonymity. The provisions of this paragraph do not prohibit a provider of emergency services from transferring identifying information relating to the parent to the agency which provides child welfare services if the agency has reasonable cause to believe that the child has been abused or neglected.

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:

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

(b) "Provider of emergency services" means:

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

(2) A public fire-fighting agency, including, without limitation, a volunteer fire department;

(3) A law enforcement agency; ~~for~~

(4) An ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS; ~~for~~; or

(5) An agency which provides child welfare services.

Sec. 8. NRS 128.060 is hereby amended to read as follows:

128.060 1. After a petition has been filed, unless the party or parties to be served voluntarily appear and consent to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place if that person desires to oppose the petition.

2. ~~The~~ Except as otherwise provided in subsection 4, the following persons must be personally served with the notice:

(a) The father or mother of the minor person, if residing within this State, and if his or her place of residence is known to the petitioner, or, if there is no parent so residing, or if the place of residence of the father or mother is not known to the petitioner, then the nearest known relative of that person, if there is any residing within the State, and if his or her residence and relationship are known to the petitioner; and

(b) The minor's legal custodian or guardian, if residing within this State and if his or her place of residence is known to the petitioner.

3. If the petitioner or the child is receiving public assistance, the petitioner shall mail a copy of the notice of hearing and a copy of the petition to the Chief of the Child Support Enforcement Program of the Division of Welfare and Supportive Services of the Department of Health and Human Services by registered or certified mail return receipt requested at least 45 days before the hearing.

4. A parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section.

Sec. 9. NRS 128.070 is hereby amended to read as follows:

128.070 1. ~~When~~ Except as otherwise provided in subsection 6, when the father or mother of a minor child or the child's legal custodian or guardian resides out of the State, has departed from the State, or cannot, after due diligence, be found within the State, or conceals himself or herself to avoid the service of the notice of hearing, and the fact appears, by affidavit, to the satisfaction of the court thereof, and it appears, either by affidavit or by a verified petition on file, that the named father or mother or custodian or guardian is a necessary or proper party to the proceedings, the court may grant an order that the service be made by the publication of the notice of hearing. When the affidavit is based on the fact that the father or mother or custodian or guardian resides out of the State, and his or her present address is unknown, it is a sufficient showing of that fact if the affiant states generally in the affidavit that:

1 (a) At a previous time the person resided out of this State in a certain place
2 (naming the place and stating the latest date known to the affiant when the person
3 so resided there);

4 (b) That place is the last place in which the person resided to the knowledge of
5 the affiant;

6 (c) The person no longer resides at that place;

7 (d) The affiant does not know the present place of residence of the person or
8 where the person can be found; and

9 (e) The affiant does not know and has never been informed and has no reason
10 to believe that the person now resides in this State.

11 ➤ In such case, it shall be presumed that the person still resides and remains out of
12 the State, and the affidavit shall be deemed to be a sufficient showing of due
13 diligence to find the father or mother or custodian or guardian.

14 2. The order must direct the publication to be made in a newspaper, to be
15 designated by the court, for a period of 4 weeks, and at least once a week during
16 that time. In case of publication, where the residence of a nonresident or absent
17 father or mother or custodian or guardian is known, the court shall also direct a
18 copy of the notice of hearing and petition to be deposited in the post office, directed
19 to the person to be served at his or her place of residence. When publication is
20 ordered, personal service of a copy of the notice of hearing and petition, out of the
21 State, is equivalent to completed service by publication and deposit in the post
22 office, and the person so served has 20 days after the service to appear and answer
23 or otherwise plead. The service of the notice of hearing shall be deemed complete
24 in cases of publication at the expiration of 4 weeks from the first publication, and in
25 cases when a deposit of a copy of the notice of hearing and petition in the post
26 office is also required, at the expiration of 4 weeks from the deposit.

27 3. Personal service outside the State upon a father or mother over the age of
28 18 years or upon the minor's legal custodian or guardian may be made in any action
29 where the person served is a resident of this State. When the facts appear, by
30 affidavit, to the satisfaction of the court, and it appears, either by affidavit or by a
31 verified petition on file, that the person in respect to whom the service is to be made
32 is a necessary or proper party to the proceedings, the court may grant an order that
33 the service be made by personal service outside the State. The service must be
34 made by delivering a copy of the notice of hearing together with a copy of the
35 petition in person to the person served. The methods of service are cumulative, and
36 may be utilized with, after or independently of other methods of service.

37 4. Whenever personal service cannot be made, the court may require, before
38 ordering service by publication or by publication and mailing, such further and
39 additional search to determine the whereabouts of the person to be served as may be
40 warranted by the facts stated in the affidavit of the petitioner to the end that actual
41 notice be given whenever possible.

42 5. If one or both of the parents of the minor is unknown, or if the name of
43 either or both of the parents of the minor is uncertain, then those facts must be set
44 forth in the affidavit and the court shall order the notice to be directed and
45 addressed to either the father or the mother of the person, and to all persons
46 claiming to be the father or mother of the person. The notice, after the caption, must
47 be addressed substantially as follows: "To the father and mother of the above-
48 named person, and to all persons claiming to be the father or mother of that
49 person."

50 6. A parent who delivered a child to a provider of emergency services
51 pursuant to NRS 432B.630 shall be deemed to have waived any right to notice
52 pursuant to this section.