

SENATE BILL NO. 184—SENATORS SEEVERS GANSERT, HARDY;  
GOICOECHEA, HAMMOND, KIECKHEFER AND SETTELMAYER

FEBRUARY 18, 2019

Referred to Committee on Education

SUMMARY—Revises provisions relating to the protection of children. (BDR 34-668)

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 protection of children; requiring an agency which provides child welfare services to provide a parent or guardian of a child with certain information relating to the disposition of a report of child abuse or neglect; allowing a parent or guardian to share such information with an attorney; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, an employee or volunteer for a public or private school must report to an agency which provides child welfare services certain abuse, neglect or corporal punishment of a child when the employee or volunteer knows or has reasonable cause to believe the child was subjected to such treatment. (NRS 392.303) Existing law requires the agency which provides child welfare services to keep information related to the report confidential under most circumstances. (NRS 392.315) An agency may make certain information available to the parent or guardian of the child who is the subject of a report. (NRS 392.317) If a report of alleged abuse, neglect or corporal punishment is substantiated by the agency which provides child welfare services, the agency must forward the report to certain entities and governmental agencies, provide notification to the person named in the report as allegedly causing the abuse or neglect and report certain information from the report to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. (NRS 392.337)

**Section 3** of this bill requires an agency which provides child welfare services that has substantiated a report of abuse or neglect to provide a parent or guardian of the child who is the subject of the report with a summary of the outcome of the investigation and a summary of any disciplinary action taken against the person alleged to have committed the abuse or neglect which is known by the agency.

**Section 3** also authorizes a parent or guardian to disclose such information to an



attorney for the child or the parent or guardian. **Section 1** of this bill allows an agency which provides child welfare services to provide certain information to a parent or guardian of a child, in addition to the information the agency provides related to the outcome of an investigation of the report.

Existing law makes it a gross misdemeanor for any person who receives information maintained by an agency which provides child welfare services to disseminate that information but allows certain persons or agencies to disseminate such information for certain purposes. (NRS 392.335) **Section 2** of this bill allows a parent or guardian of a child to disseminate such information to an attorney for the child or the parent or guardian.

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

**Section 1.** NRS 392.317 is hereby amended to read as follows:  
392.317 Except as otherwise provided in NRS 392.317 to 392.337, inclusive, *and in addition to information provided pursuant to NRS 392.337*, information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, may, at the discretion of the agency which provides child welfare services, be made available only to:

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child or the violation of NRS 201.540, 201.560, 392.4633 or 394.366 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;~~

2. A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected or subject to a violation of NRS 201.540, 201.560, 392.4633 or 394.366;

3. An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care or treatment or supervision of the child or investigate the allegations in the report;

4. A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the conduct alleged in the report;

5. A court, other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

6. A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;



7. A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

8. A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect and violations of NRS 201.540, 201.560, 392.4633 or 394.366 or similar statutes in another jurisdiction;

9. A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

10. A team organized pursuant to NRS 432B.405 to review the death of a child;

11. Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized 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:

(a) The identity of the person making the report is kept confidential; and

(b) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have engaged in the conduct described in the report;

12. 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;

13. A public school, private school, school district or governing body of a charter school or private school in this State or any other jurisdiction that employs a person named in the report, allows such a person to serve as a volunteer or is considering employing such a person or accepting such a person as a volunteer;

14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;

15. An employer in accordance with subsection 3 of NRS 432.100; and

16. The Committee to Review Suicide Fatalities created by NRS 439.5104.

**Sec. 2.** NRS 392.335 is hereby amended to read as follows:

392.335 1. Except as otherwise provided in NRS 392.317 to 392.337, inclusive, any person who is provided with information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, and who further



disseminates the information or makes the information public is guilty of a gross misdemeanor. This section does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; ~~for~~

(c) An employee of a juvenile justice agency who provides the information to the juvenile court ~~for~~; *or*

*(d) A parent or guardian of a child who is the subject of a report who provides the information to an attorney for the child or the parent or guardian of the child pursuant to NRS 392.337.*

2. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

**Sec. 3.** NRS 392.337 is hereby amended to read as follows:

392.337 1. An agency which provides child welfare services investigating a report made pursuant to NRS 392.303 shall, upon completing the investigation, determine whether the report is substantiated or unsubstantiated ~~for~~ *and notify the parent or guardian of the child who is the subject of the report of that determination.*

2. If the report is substantiated, the agency shall:

(a) Forward the report to the Department of Education, the board of trustees of the school district in which the school is located or the governing body of the charter school or private school, as applicable, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.

(b) Provide written notification to the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 which includes statements indicating that:

(1) The report made against the person has been substantiated and the agency which provides child welfare services intends to place the person's name in the Central Registry pursuant to paragraph (a); and

(2) The person may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required by NRS 392.345.

(c) After the conclusion of any administrative appeal pursuant to NRS 392.345 or the expiration of the time period prescribed by that



section for requesting an administrative appeal, whichever is later, report to the Central Registry:

(1) Identifying and demographic information on the child who is the subject of the report, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the conduct alleged in the report;

(2) The facts of the alleged conduct, including the date and type of alleged conduct, a description of the alleged conduct, the severity of any injuries and, if applicable, any information concerning the death of the child; and

(3) The disposition of the case.

*(d) Provide to the parent or guardian of the child who is the subject of the report:*

*(1) A written summary of the outcome of the investigation of the allegations in the report which must not identify the person who made the report or any collateral sources and reporting parties; and*

*(2) A summary of any disciplinary action taken against the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 which is known by the agency, including, without limitation, whether the name of such person will be placed in the Central Registry.*

*3. A parent or guardian who receives information pursuant to paragraph (d) of subsection 2 may disclose the information to an attorney for the child who is the subject of the report or the parent or guardian of the child.*

**Sec. 4.** This act becomes effective on July 1, 2019.

