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FIRST REPRINT

S.B. 376

SENATE BILL NO. 376—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON  
CHILD WELFARE AND JUVENILE JUSTICE)

MARCH 26, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to child welfare.  
(BDR 38-503)

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 child welfare; requiring an agency which provides child welfare services to assign a certain disposition for each report concerning the possible abuse or neglect of a child received or referred to the agency; defining the types of dispositions for purposes of this requirement; deeming certain dispositions to be equivalent; imposing certain limitations on the disclosure of information relating to a report that received a disposition other than substantiated; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law requires an agency which provides child welfare services to  
2 determine, for each report concerning the possible abuse or neglect of a child  
3 received or referred to the agency: (1) whether an investigation is warranted; and  
4 (2) if so, whether the allegations concerning abuse or neglect contained in the  
5 report are substantiated or unsubstantiated. (NRS 432B.260, 432B.300) Existing  
6 law also requires an agency, upon completion of an investigation, to report the  
7 disposition to the Statewide Central Registry for the Collection of Information  
8 Concerning the Abuse or Neglect of a Child. (NRS 432.100, 432B.310) **Sections**  
9 **1.5 and 5.5** of this bill require an agency which provides child welfare services to  
10 assign one of the following dispositions to a report upon determining that an  
11 investigation is not warranted or upon the conclusion of an investigation: (1)  
12 substantiated; (2) unsubstantiated; (3) unable to locate or contract; and (4)  
13 administrative closure. **Sections 1.5 and 5.5** also define each of these case



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dispositions for purposes of this requirement. **Section 1.5 and 5.5** deem all dispositions other than substantiated to be equivalent. **Section 4** of this bill prohibits the reporting of dispositions other than substantiated to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child, and **section 1** of this bill prohibits the release of information from the Central Registry regarding a report of child abuse or neglect that received a disposition other than substantiated, other than to an agency which provides child welfare services. **Sections 2, 3, 5 and 6** of this bill make conforming changes relating to the requirement that an agency assign a disposition to a report pursuant to **sections 1.5 and 5.5**. **Section 5.7** of this bill makes a conforming change to indicate the proper placement of **section 5.5** in the Nevada Revised Statutes.

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

**Section 1.** NRS 432.120 is hereby amended to read as follows:

432.120 1. Information contained in the Central Registry must not be released unless the right of the applicant to the information is confirmed, the information concerning the report of abuse or neglect of the child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 has been reported pursuant to NRS 392.337 or 432B.310, as applicable, the released information discloses the disposition of the case and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the background investigation provides written authorization for the release of the information.

2. The information contained in the Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be deleted from the Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 years.

3. *The Division shall not release information from the Central Registry regarding a report of child abuse or neglect made pursuant to NRS 392.303 or 432B.220 that received a disposition other than substantiated to any person or entity except for an agency which provides child welfare services.*

4. The Division shall adopt regulations to carry out the provisions of this section.

**Sec. 1.5.** Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

*1. An agency which provides child welfare services shall, upon determining that an investigation is not warranted or upon the conclusion of an investigation of a report concerning the possible abuse or neglect of a child, assign one of the following dispositions to the report:*





- (a) *Substantiated.*
- (b) *Unsubstantiated.*
- (c) *Unable to locate or contact.*
- (d) *Administrative closure.*

2. A disposition of unable to locate or contact or administrative closure shall be deemed to be equivalent to a disposition of unsubstantiated for all purposes.

3. As used in this section:

(a) "Administrative closure" means that the agency which provides child welfare services has determined that it lacks the authority to investigate a report concerning the possible abuse or neglect of a child.

(b) "Substantiated" means that the agency which provides child welfare services has determined by a preponderance of the evidence that the alleged abuse or neglect occurred and was committed by the person named in the report as allegedly causing the abuse or neglect.

(c) "Unable to locate or contact" means that the agency which provides child welfare services was unable to complete an investigation of a report concerning the possible abuse or neglect of a child because:

(1) The agency which provides child welfare services lacks the information necessary to complete the investigation, including, without limitation, the current address of the child or his or her parent or legal guardian;

(2) The parent or guardian of the child was contacted and then relocated and can no longer be located to complete the investigation; or

(3) The agency which provides child welfare services located the parent or guardian of the child but, after making persistent efforts, is unable to make contact with the parent or guardian of the child to complete the investigation.

(d) "Unsubstantiated" means that the agency which provides child welfare services has determined by a preponderance of the evidence that the alleged abuse or neglect did not occur or was not committed by the person named in the report as allegedly causing the abuse or neglect.

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

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion





1 of the agency which provides child welfare services, be made  
2 available only to:

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

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

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

14 (1) The child; or

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

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

19 (e) Except as otherwise provided in paragraph (f), a court other  
20 than a juvenile court, for in camera inspection only, unless the court  
21 determines that public disclosure of the information is necessary for  
22 the determination of an issue before it;

23 (f) A court, as defined in NRS 159A.015, to determine whether  
24 a guardian or successor guardian of a child should be appointed  
25 pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468,  
26 inclusive;

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

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

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

40 (j) The proposed guardian or proposed successor guardian of a  
41 child over whom a guardianship is sought pursuant to chapter 159A  
42 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of  
43 the person responsible for reporting the abuse or neglect of the child  
44 to a public agency is kept confidential and the information is





1 reasonably necessary to promote the safety, permanency and well-being of the child;

2 (k) A grand jury upon its determination that access to these  
3 records and the information is necessary in the conduct of its official  
4 business;

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

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

13 (n) A team organized pursuant to NRS 432B.350 for the  
14 protection of a child;

15 (o) A team organized pursuant to NRS 432B.405 to review the  
16 death of a child;

17 (p) A parent or legal guardian of the child and an attorney of a  
18 parent or guardian of the child, including, without limitation, the  
19 parent or guardian of a child over whom a guardianship is sought  
20 pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468,  
21 inclusive, if the identity of the person responsible for reporting the  
22 abuse or neglect of the child to a public agency is kept confidential  
23 and the information is reasonably necessary to promote the safety,  
24 permanency and well-being of the child and is limited to  
25 information concerning that parent or guardian;

26 (q) The child over whom a guardianship is sought pursuant to  
27 chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if:

28 (1) The child is 14 years of age or older; and

29 (2) The identity of the person responsible for reporting the  
30 abuse or neglect of the child to a public agency is kept confidential  
31 and the information is reasonably necessary to promote the safety,  
32 permanency and well-being of the child;

33 (r) The persons or agent of the persons who are the subject of a  
34 report, if the information is reasonably necessary to promote the  
35 safety, permanency and well-being of the child and is limited to  
36 information concerning those persons;

37 (s) An agency that is authorized by law to license foster homes  
38 or facilities for children or to investigate persons applying for  
39 approval to adopt a child, if the agency has before it an application  
40 for that license or is investigating an applicant to adopt a child;

41 (t) Upon written consent of the parent, any officer of this State  
42 or a city or county thereof or Legislator authorized by the agency or  
43 department having jurisdiction or by the Legislature, acting within  
44





1 its jurisdiction, to investigate the activities or programs of an agency  
2 which provides child welfare services if:

3 (1) The identity of the person making the report is kept  
4 confidential; and

5 (2) The officer, Legislator or a member of the family of the  
6 officer or Legislator is not the person alleged to have committed the  
7 abuse or neglect;

8 (u) The Division of Parole and Probation of the Department of  
9 Public Safety for use pursuant to NRS 176.135 in making a  
10 presentence investigation and report to the district court or pursuant  
11 to NRS 176.151 in making a general investigation and report;

12 (v) Any person who is required pursuant to NRS 432B.220 to  
13 make a report to an agency which provides child welfare services or  
14 to a law enforcement agency;

15 (w) A local advisory board to expedite proceedings for the  
16 placement of children created pursuant to NRS 432B.604;

17 (x) The panel established pursuant to NRS 432B.396 to evaluate  
18 agencies which provide child welfare services;

19 (y) An employer in accordance with subsection 3 of  
20 NRS 432.100;

21 (z) A team organized or sponsored pursuant to NRS 217.475 or  
22 228.495 to review the death of the victim of a crime that constitutes  
23 domestic violence;

24 (aa) The Committee on Domestic Violence appointed pursuant  
25 to NRS 228.470; or

26 (bb) The Committee to Review Suicide Fatalities created by  
27 NRS 439.5104.

28 3. An agency investigating a report of the abuse or neglect of a  
29 child shall, upon request, provide to a person named in the report as  
30 allegedly causing the abuse or neglect of the child:

31 (a) A copy of:

32 (1) Any statement made in writing to an investigator for the  
33 agency by the person named in the report as allegedly causing the  
34 abuse or neglect of the child; or

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

38 (b) A written summary of the allegations made against the  
39 person who is named in the report as allegedly causing the abuse or  
40 neglect of the child. The summary must not identify the person  
41 responsible for reporting the alleged abuse or neglect or any  
42 collateral sources and reporting parties.

43 4. Except as otherwise provided by subsection 6, before  
44 releasing any information maintained by an agency which provides  
45 child welfare services pursuant to this section, an agency which





1 provides child welfare services shall take whatever precautions it  
2 determines are reasonably necessary to protect the identity and  
3 safety of any person who reports child abuse or neglect and to  
4 protect any other person if the agency which provides child welfare  
5 services reasonably believes that disclosure of the information  
6 would cause a specific and material harm to an investigation of the  
7 alleged abuse or neglect of a child or the life or safety of any person.

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

14 6. A person who is the subject of ~~[an unsubstantiated]~~ a report  
15 of child abuse or neglect made pursuant to this chapter *that is*  
16 *assigned a disposition other than substantiated pursuant to section*  
17 *1.5 of this act* and who believes that the report was made in bad  
18 faith or with malicious intent may petition a district court to order  
19 the agency which provides child welfare services to release  
20 information maintained by the agency which provides child welfare  
21 services. The petition must specifically set forth the reasons  
22 supporting the belief that the report was made in bad faith or with  
23 malicious intent. The petitioner shall provide notice to the agency  
24 which provides child welfare services so that the agency may  
25 participate in the action through its counsel. The district court shall  
26 review the information which the petitioner requests to be released  
27 and the petitioner shall be allowed to present evidence in support of  
28 the petition. If the court determines that there is a reasonable  
29 question of fact as to whether the report was made in bad faith or  
30 with malicious intent and that the disclosure of the identity of the  
31 person who made the report would not be likely to endanger the life  
32 or safety of the person who made the report, the court shall provide  
33 a copy of the information to the petitioner and the original  
34 information is subject to discovery in a subsequent civil action  
35 regarding the making of the report.

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

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

44 9. An agency which provides child welfare services may  
45 provide a summary of the outcome of an investigation of the alleged





1 abuse or neglect of a child to the person who reported the suspected  
2 abuse or neglect.

3 10. Except as otherwise provided in this subsection, any person  
4 who is provided with information maintained by an agency which  
5 provides child welfare services and who further disseminates the  
6 information or makes the information public is guilty of a gross  
7 misdemeanor. This subsection does not apply to:

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

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

15 (c) An employee of a juvenile justice agency who provides the  
16 information to the juvenile court.

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

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

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

26 **Sec. 3.** NRS 432B.300 is hereby amended to read as follows:

27 432B.300 If an agency which provides child welfare services  
28 determines that an investigation of a report concerning the possible  
29 abuse or neglect of a child is warranted pursuant to NRS 432B.260,  
30 the agency shall determine, without limitation:

31 1. The composition of the family, household or facility,  
32 including the name, address, age, sex and race of each child named  
33 in the report, any siblings or other children in the same place or  
34 under the care of the same person, the persons responsible for the  
35 children's welfare and any other adult living or working in the same  
36 household or facility;

37 2. Whether there is reasonable cause to believe any child is  
38 abused or neglected or threatened with abuse or neglect, the nature  
39 and extent of existing or previous injuries, abuse or neglect and any  
40 evidence thereof, and the person apparently responsible;

41 3. Whether there is reasonable cause to believe that a child has  
42 suffered a fatality as a result of abuse or neglect regardless of  
43 whether or not there are any siblings of the child or other children  
44 who are residing in the same household as the child who is believed  
45 to have suffered a fatality as a result of abuse or neglect;





4. If there is reasonable cause to believe that a child is abused or neglected, the immediate and long-term risk to the child if the child remains in the same environment; *and*

5. The treatment and services which appear necessary to help prevent further abuse or neglect and to improve the environment of the child and the ability of the person responsible for the child's welfare to care adequately for the child. ~~[-and~~

~~—6.— Whether the report concerning the possible abuse or neglect of a child is substantiated or unsubstantiated.]~~

**Sec. 4.** NRS 432B.310 is hereby amended to read as follows:

432B.310 1. Except as otherwise provided in subsection 6 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

(a) Identifying and demographic information on the child alleged to be abused or neglected, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the abuse or neglect;

(b) The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted, the severity of the injuries and, if applicable, any information concerning the death of the child; and

(c) ~~[-The]~~ *If the report was assigned a disposition of substantiated, the [ease.] fact of that disposition. The agency shall not report to the Central Registry a disposition other than substantiated.*

2. An agency which provides child welfare services shall not report to the Central Registry any information concerning a child identified as being affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or as having withdrawal symptoms resulting from prenatal substance exposure unless the agency determines that a person has abused or neglected the child after the child was born.

**Sec. 5.** NRS 432B.315 is hereby amended to read as follows:

432B.315 If an agency which provides child welfare services ~~[-determines pursuant to NRS 432B.300 that]~~ *assigns a disposition of substantiated to* a report made pursuant to NRS 432B.220, ~~[-is substantiated,]~~ the agency shall provide written notification to the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child which includes statements indicating that:

1. The report which was 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 NRS 432B.310; 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 pursuant to NRS 432B.317.

**Sec. 5.5.** Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. An agency which provides child welfare services shall, upon determining that an investigation is not warranted or upon the conclusion of an investigation of a report concerning the possible abuse or neglect of a child, assign one of the following dispositions to the report:*

*(a) Substantiated.*

*(b) Unsubstantiated.*

*(c) Unable to locate or contact.*

*(d) Administrative closure.*

*2. A disposition of unable to locate or contact or administrative closure shall be deemed to be equivalent to a disposition of unsubstantiated for all purposes.*

*3. As used in this section:*

*(a) "Administrative closure" means that the agency which provides child welfare services has determined that it lacks the authority to investigate a report concerning the possible abuse or neglect of a child.*

*(b) "Substantiated" means that the agency which provides child welfare services has determined by a preponderance of the evidence that the alleged abuse or neglect occurred and was committed by the person named in the report as allegedly causing the abuse or neglect.*

*(c) "Unable to locate or contact" means that the agency which provides child welfare services was unable to complete an investigation of a report concerning the possible abuse or neglect of a child because:*

*(1) The agency which provides child welfare services lacks the information necessary to complete the investigation, including, without limitation, the current address of the child or his or her parent or legal guardian;*

*(2) The parent or guardian of the child was contacted and then relocated and can no longer be located to complete the investigation; or*

*(3) The agency which provides child welfare services located the parent or guardian of the child but, after making persistent efforts, is unable to make contact with the parent or guardian of the child to complete the investigation.*





(d) *“Unsubstantiated” means that the agency which provides child welfare services has determined by a preponderance of the evidence that the alleged abuse or neglect did not occur or was not committed by the person named in the report as allegedly causing the abuse or neglect.*

**Sec. 5.7.** NRS 392.275 is hereby amended to read as follows:

392.275 As used in NRS 392.275 to 392.365, inclusive, *and section 5.5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 392.281 to 392.295, inclusive, have the meanings ascribed to them in those sections.

**Sec. 6.** 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 and}~~ notify the parent or guardian of the child who is the subject of the report of ~~{that determination.}~~ *the disposition assigned to the report pursuant to section 5.5 of this act.*

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





1 person responsible for the welfare of the child and the person  
2 allegedly responsible for the conduct alleged in the report;

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

7 (3) The disposition of the case.

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

10 (1) A written summary of the outcome of the investigation of  
11 the allegations in the report which must not identify the person who  
12 made the report, any child witnesses to the allegations in the report  
13 or any collateral sources and reporting parties; and

14 (2) A summary of any disciplinary action taken against the  
15 person who is named in the report as allegedly causing the abuse or  
16 neglect of the child or violating NRS 201.540, 201.560, 392.4633 or  
17 394.366 which is known by the agency, including, without  
18 limitation, whether the name of such person will be placed in the  
19 Central Registry.

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

24 **Sec. 7.** Notwithstanding the provisions of NRS 218D.430 and  
25 218D.435, a committee, other than the Assembly Standing  
26 Committee on Ways and Means and the Senate Standing Committee  
27 on Finance, may vote on this act before the expiration of the period  
28 prescribed for the return of a fiscal note in NRS 218D.475. This  
29 section applies retroactively from and after March 22, 2021.

30 **Sec. 8.** 1. This section becomes effective upon passage and  
31 approval.

32 2. Sections 1 to 7, inclusive, of this act become effective:

33 (a) Upon passage and approval for the purposes of adopting  
34 regulations and performing any other preparatory tasks that are  
35 necessary to carry out the provisions of this act; and

36 (b) On October 1, 2021, for all other purposes.

