
SENATE BILL NO. 287—SENATORS GANSERT, ROBERSON,
CANNIZZARO, PARKS; CANCELA, FORD, GOICOECHEA,
GUSTAVSON, HAMMOND, HARDY, RATTI AND
SETTELMAYER

MARCH 16, 2017

JOINT SPONSORS: ASSEMBLYWOMEN BENITEZ-THOMPSON
AND TOLLES

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the protection of
children. (BDR 38-609)

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 notify certain
entities of a substantiated report relating to the abuse or
neglect of a child committed by a school employee or
volunteer in certain circumstances; requiring the principal
or other administrator of a public school or private school
to carry out certain recommendations relating to the
protection of a child; requiring school employees and
volunteers to report the abuse or neglect of a child by any
person; providing a penalty; and providing other matters
properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires certain persons, including, without limitation, licensed
2 teachers and social workers employed by a public school or private school, to
3 report the suspected abuse or neglect of a child when such neglect was believed to
4 have been caused or allowed by a person responsible for a child’s welfare. (NRS
5 432B.020, 432B.220) The term “person responsible for a child’s welfare” is limited
6 by existing law to a parent, legal guardian, stepparent or other adult person found in
7 the same home as the child on a regular basis or a home, institution or facility
8 where the child resides or receives care, including, without limitation, the



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9 volunteers and employees of such homes, institutions or facilities. (NRS 432B.130)
10 **Section 8** of this bill requires all employees of and volunteers for a public school or
11 private school, regardless of whether they are licensed, to report the suspected
12 abuse or neglect of a child by any other person, regardless of whether the person
13 who is the subject of the report is a person responsible for the child's welfare or any
14 other person. Therefore, a report made by a teacher, paraprofessional, substitute
15 teacher, social worker or any other employee or volunteer pursuant to **section 8**
16 could include the suspected abuse or neglect of a child committed by another
17 school employee or volunteer.

18 Existing law makes it a misdemeanor or gross misdemeanor for a person who is
19 required to report the suspected abuse or neglect of a child to knowingly and
20 willfully fail to make such a report. (NRS 432B.240) This penalty also applies to
21 the failure to report by an employee of or volunteer for a public school or private
22 school as expanded by **section 8** of this bill.

23 **Section 5** of this bill requires an agency which provides child welfare services
24 to immediately notify the board of trustees of a school district, the governing body
25 of a charter school or the governing body of a private school after substantiating a
26 report relating to the abuse or neglect of a child at a public school or private school
27 and determining that reasonable cause exists to believe that an employee or
28 volunteer serving at such school caused or allowed the abuse or neglect of the child
29 at the school. **Section 5** also requires an agency which provides child welfare
30 services to include with such notice any information relating to a previous
31 substantiated report of abuse or neglect which was committed by the same
32 employee or volunteer.

33 **Section 6** of this bill authorizes an agency which provides child welfare
34 services to provide written recommendations to the principal or other administrator
35 who is in charge of a public school or private school to prevent the further abuse or
36 neglect of a child. **Section 6** requires the principal or administrator in charge of the
37 public school or private school to carry out these recommendations as soon as
38 practicable.

39 Existing law requires an agency which provides child welfare services to
40 investigate each incident in which the suspected abuse or neglect of a child is
41 reported. If substantiated by the agency, the report and investigation must be
42 entered into the Statewide Central Registry for the Collection of Information
43 Concerning the Abuse or Neglect of a Child. (NRS 432.100) Existing law
44 authorizes certain public agencies to receive information relating to child protection
45 reports and investigations, including, without limitation, the data entered into the
46 Statewide Central Registry. (NRS 432B.290) **Section 7** of this bill requires an
47 agency which provides child welfare services to prepare an annual statistical report
48 with the number of substantiated reports relating to the abuse or neglect of a child
49 for which the agency found reasonable cause that an employee of or volunteer for a
50 public school or private school caused or allowed such abuse or neglect at the
51 school. **Section 7** also requires an agency which provides child welfare services to
52 deliver the report to the Legislature, the Superintendent of Public Instruction and to
53 each board of trustees of a school district and governing body of a charter school or
54 private school within the area served by the agency. **Section 7** further requires an
55 agency which provides child welfare services and the recipients of the statistical
56 report, excluding the Legislature and the Superintendent of Public Instruction, to
57 post the report on their Internet websites.

58 **Sections 1-4 and 9-16** of this bill make conforming changes.



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

1 **Section 1.** Chapter 432B of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this
3 act.

4 **Sec. 2.** *As used in NRS 432B.220 to 432B.320, inclusive, and*
5 *sections 2 to 7, inclusive, of this act, unless the context otherwise*
6 *requires, the words and terms defined in sections 3 and 4 of this*
7 *act have the meanings ascribed to them in those sections.*

8 **Sec. 3.** *“Private school” has the meaning ascribed to it in*
9 *NRS 394.103.*

10 **Sec. 4.** *“Public school” has the meaning ascribed to it in*
11 *NRS 385.007.*

12 **Sec. 5. 1.** *An agency which provides child welfare services*
13 *shall immediately notify the board of trustees of a school district,*
14 *the governing body of a charter school or the governing body of a*
15 *private school, as applicable, if the agency substantiates a report*
16 *that has been made pursuant to subsection 7 of NRS 432B.220*
17 *and determines that reasonable cause exists to believe that an*
18 *employee of or volunteer for the public school or private school, as*
19 *applicable, caused or allowed the abuse or neglect of a child at the*
20 *school.*

21 **2.** *An agency which provides child welfare services that*
22 *provides notice pursuant to subsection 1, must include*
23 *information concerning any other substantiated report about the*
24 *same employee or volunteer, as applicable, for which it was*
25 *determined that reasonable cause existed to believe that the*
26 *employee or volunteer had caused or allowed the abuse or neglect*
27 *of a child in any circumstance.*

28 **Sec. 6. 1.** *An agency which provides child welfare services*
29 *may provide written recommendations to the principal or other*
30 *administrator in charge of a public school or private school to*
31 *prevent the abuse or neglect of a child who attends the school, if*
32 *the agency has substantiated a report made pursuant to subsection*
33 *7 of NRS 432B.220 and determined that reasonable cause exists to*
34 *believe that an employee of or volunteer for the school caused or*
35 *allowed the abuse or neglect of the child at the school.*

36 **2.** *The written recommendations made by an agency which*
37 *provides child welfare services may include, without limitation, a*
38 *recommendation that the school:*

39 **(a)** *Permanently relocate the child to a different classroom;*

40 **(b)** *Prohibit an employee of or volunteer for the school from*
41 *having any contact with the child; or*



1 (c) Take any other action to prevent the further abuse or
2 neglect of the child.

3 3. The principal or administrator in charge of the public
4 school or private school shall, as soon as practicable, carry out
5 any written recommendations provided pursuant to subsection 1
6 by the agency which provides child welfare services.

7 **Sec. 7. 1.** An agency which provides child welfare services
8 shall prepare a statistical report, which excludes any personally
9 identifiable information, of the number of substantiated reports
10 the agency received during the previous calendar year:

11 (a) Which were made pursuant to subsection 7 of NRS
12 432B.220; and

13 (b) For which the agency determined that reasonable cause
14 existed to believe that an employee of or volunteer for a public
15 school or private school caused or allowed the abuse or neglect of
16 a child at the school.

17 2. On or before July 1 of each year, the report prepared
18 pursuant to subsection 1 must be posted on the Internet website of
19 the agency which provides child welfare services and be submitted
20 to:

21 (a) The Director of the Legislative Counsel Bureau for
22 transmittal to the Legislature;

23 (b) The Superintendent of Public Instruction;

24 (c) The board of trustees of each school district located in the
25 area that is served by the agency which provides child welfare
26 services;

27 (d) The governing body of each charter school located in the
28 area that is served by the agency which provides child welfare
29 services; and

30 (e) The governing body of each private school located in the
31 area that is served by the agency which provides child welfare
32 services.

33 3. Each entity listed in paragraphs (c), (d) and (e) of
34 subsection 2 must post the report prepared pursuant to subsection
35 1 on its Internet website as soon as practicable after receipt of the
36 report.

37 **Sec. 8.** NRS 432B.220 is hereby amended to read as follows:

38 432B.220 1. Any person who is described in subsection 4
39 and who, in his or her professional or occupational capacity, knows
40 or has reasonable cause to believe that a child has been abused or
41 neglected shall:

42 (a) Except as otherwise provided in subsection 2, report the
43 abuse or neglect of the child to an agency which provides child
44 welfare services or to a law enforcement agency; and



1 (b) Make such a report as soon as reasonably practicable but not
2 later than 24 hours after the person knows or has reasonable cause to
3 believe that the child has been abused or neglected.

4 2. If a person who is required to make a report pursuant to
5 subsection 1 knows or has reasonable cause to believe that the abuse
6 or neglect of the child involves an act or omission of:

7 (a) A person directly responsible or serving as a volunteer for or
8 an employee of a public or private home, institution or facility
9 where the child is receiving child care outside of the home for a
10 portion of the day, the person shall make the report to a law
11 enforcement agency.

12 (b) An agency which provides child welfare services or a law
13 enforcement agency, the person shall make the report to an agency
14 other than the one alleged to have committed the act or omission,
15 and the investigation of the abuse or neglect of the child must be
16 made by an agency other than the one alleged to have committed the
17 act or omission.

18 3. Any person who is described in paragraph (a) of subsection
19 4 who delivers or provides medical services to a newborn infant and
20 who, in his or her professional or occupational capacity, knows or
21 has reasonable cause to believe that the newborn infant has been
22 affected by prenatal illegal substance abuse or has withdrawal
23 symptoms resulting from prenatal drug exposure shall, as soon as
24 reasonably practicable but not later than 24 hours after the person
25 knows or has reasonable cause to believe that the newborn infant is
26 so affected or has such symptoms, notify an agency which provides
27 child welfare services of the condition of the infant and refer each
28 person who is responsible for the welfare of the infant to an agency
29 which provides child welfare services for appropriate counseling,
30 training or other services. A notification and referral to an agency
31 which provides child welfare services pursuant to this subsection
32 shall not be construed to require prosecution for any illegal action.

33 4. A report must be made pursuant to subsection 1 by the
34 following persons:

35 (a) A person providing services licensed or certified in this State
36 pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632,
37 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,
38 640D, 640E, 641, 641A, 641B or 641C of NRS.

39 (b) Any personnel of a medical facility licensed pursuant to
40 chapter 449 of NRS who are engaged in the admission, examination,
41 care or treatment of persons or an administrator, manager or other
42 person in charge of such a medical facility upon notification of
43 suspected abuse or neglect of a child by a member of the staff of the
44 medical facility.

45 (c) A coroner.



1 (d) A member of the clergy, practitioner of Christian Science or
2 religious healer, unless the person has acquired the knowledge of the
3 abuse or neglect from the offender during a confession.

4 (e) A person ~~working in a school who is licensed or endorsed~~
5 ~~pursuant to chapter 391 or 641B of NRS.~~ *employed by a public*
6 *school or private school and any person who serves as a volunteer*
7 *at such a school.*

8 (f) Any person who maintains or is employed by a facility or
9 establishment that provides care for children, children's camp or
10 other public or private facility, institution or agency furnishing care to
11 a child.

12 (g) Any person licensed pursuant to chapter 424 of NRS to
13 conduct a foster home.

14 (h) Any officer or employee of a law enforcement agency or an
15 adult or juvenile probation officer.

16 (i) Except as otherwise provided in NRS 432B.225, an attorney.

17 (j) Any person who maintains, is employed by or serves as a
18 volunteer for an agency or service which advises persons regarding
19 abuse or neglect of a child and refers them to persons and agencies
20 where their requests and needs can be met.

21 (k) Any person who is employed by or serves as a volunteer for
22 a youth shelter. As used in this paragraph, "youth shelter" has the
23 meaning ascribed to it in NRS 244.427.

24 (l) Any adult person who is employed by an entity that provides
25 organized activities for children.

26 5. A report may be made by any other person.

27 6. If a person who is required to make a report pursuant to
28 subsection 1 knows or has reasonable cause to believe that a child
29 has died as a result of abuse or neglect, the person shall, as soon as
30 reasonably practicable, report this belief to an agency which
31 provides child welfare services or a law enforcement agency. If such
32 a report is made to a law enforcement agency, the law enforcement
33 agency shall notify an agency which provides child welfare services
34 and the appropriate medical examiner or coroner of the report. If
35 such a report is made to an agency which provides child welfare
36 services, the agency which provides child welfare services shall
37 notify the appropriate medical examiner or coroner of the report.
38 The medical examiner or coroner who is notified of a report
39 pursuant to this subsection shall investigate the report and submit
40 his or her written findings to the appropriate agency which provides
41 child welfare services, the appropriate district attorney and a law
42 enforcement agency. The written findings must include, if
43 obtainable, the information required pursuant to the provisions of
44 subsection 2 of NRS 432B.230.



1 7. *In addition to any report required to be made by a person*
2 *listed in paragraph (e) of subsection 4, such a person shall make a*
3 *report to an agency which provides child welfare services or to a*
4 *law enforcement agency in the manner prescribed by subsection 1*
5 *if the person knows or has reasonable cause to believe, in his or*
6 *her professional or occupational capacity or in his or her capacity*
7 *as a volunteer at a public school or private school, that a child has*
8 *been abused or neglected, regardless of whether the person who is*
9 *the subject of the report is a person responsible for the welfare of*
10 *the child or any other person.*

11 8. The agency, board, bureau, commission, department,
12 division or political subdivision of the State responsible for the
13 licensure, certification or endorsement of a person who is described
14 in subsection 4 and who is required in his or her professional or
15 occupational capacity to be licensed, certified or endorsed in this
16 State shall, at the time of initial licensure, certification or
17 endorsement:

18 (a) Inform the person, in writing or by electronic
19 communication, of his or her duty as a mandatory reporter pursuant
20 to this section;

21 (b) Obtain a written acknowledgment or electronic record from
22 the person that he or she has been informed of his or her duty
23 pursuant to this section; and

24 (c) Maintain a copy of the written acknowledgment or electronic
25 record for as long as the person is licensed, certified or endorsed in
26 this State.

27 ~~8.1~~ 9. The employer of a person who is described in
28 subsection 4 and who is not required in his or her professional or
29 occupational capacity to be licensed, certified or endorsed in this
30 State must, upon initial employment of the person:

31 (a) Inform the person, in writing or by electronic
32 communication, of his or her duty as a mandatory reporter pursuant
33 to this section;

34 (b) Obtain a written acknowledgment or electronic record from
35 the person that he or she has been informed of his or her duty
36 pursuant to this section; and

37 (c) Maintain a copy of the written acknowledgment or electronic
38 record for as long as the person is employed by the employer.

39 10. *Before a person may serve as a volunteer at a public*
40 *school or private school, the school must:*

41 (a) *Inform the person, in writing or by electronic*
42 *communication, of his or her duty as a mandatory reporter*
43 *pursuant to this section;*



1 ***(b) Obtain a written acknowledgment or electronic record from***
2 ***the person that he or she has been informed of his or her duty***
3 ***pursuant to this section; and***

4 ***(c) Maintain a copy of the written acknowledgment or***
5 ***electronic record for as long as the person serves as a volunteer at***
6 ***the school.***

7 **Sec. 9.** NRS 432B.260 is hereby amended to read as follows:

8 432B.260 1. Upon the receipt of a report concerning the
9 possible abuse or neglect of a child, an agency which provides child
10 welfare services or a law enforcement agency shall promptly notify
11 the appropriate licensing authority, if any. A law enforcement
12 agency shall promptly notify an agency which provides child
13 welfare services of any report it receives.

14 2. Upon receipt of a report concerning the possible abuse or
15 neglect of a child, an agency which provides child welfare services
16 or a law enforcement agency shall immediately initiate an
17 investigation if the report indicates that:

18 (a) There is a high risk of serious harm to the child;

19 (b) The child has suffered a fatality; or

20 (c) The child is living in a household in which another child has
21 died, or the child is seriously injured or has visible signs of physical
22 abuse.

23 3. Except as otherwise provided in subsection 2, upon receipt
24 of a report concerning the possible abuse or neglect of a child or
25 notification from a law enforcement agency that the law
26 enforcement agency has received such a report, an agency which
27 provides child welfare services shall conduct an evaluation not later
28 than 3 days after the report or notification was received to determine
29 whether an investigation is warranted. For the purposes of this
30 subsection, an investigation is not warranted if:

31 (a) The child is not in imminent danger of harm;

32 (b) The child is not vulnerable as the result of any untreated
33 injury, illness or other physical, mental or emotional condition that
34 threatens the immediate health or safety of the child;

35 (c) The alleged abuse or neglect of the child or the alleged effect
36 of prenatal illegal substance abuse on or the withdrawal symptoms
37 resulting from any prenatal drug exposure of the newborn infant
38 could be eliminated if the child and the family of the child are
39 referred to or participate in social or health services offered in the
40 community, or both; or

41 (d) The agency determines that the:

42 (1) Alleged abuse or neglect was the result of the reasonable
43 exercise of discipline by a parent or guardian of the child involving
44 the use of corporal punishment; and



1 (2) Corporal punishment so administered was not so
2 excessive as to constitute abuse or neglect as described in
3 NRS 432B.150.

4 4. If the agency determines that an investigation is warranted,
5 the agency shall initiate the investigation not later than 3 days after
6 the evaluation is completed.

7 5. If an agency which provides child welfare services
8 investigates a report of alleged abuse or neglect of a child pursuant
9 to NRS 432B.010 to 432B.400, inclusive, the agency shall inform
10 the person responsible for the child's welfare *or any other person*
11 who is named in the report as allegedly causing the abuse or neglect
12 of the child of any allegation which is made against the person at the
13 initial time of contact with the person by the agency. The agency
14 shall not identify the person responsible for reporting the alleged
15 abuse or neglect.

16 6. Except as otherwise provided in this subsection, if the
17 agency determines that an investigation is not warranted, the agency
18 may, as appropriate:

19 (a) Provide counseling, training or other services relating to
20 child abuse and neglect to the family of the child, or refer the family
21 to a person who has entered into an agreement with the agency to
22 provide those services; or

23 (b) Conduct an assessment of the family of the child to
24 determine what services, if any, are needed by the family and, if
25 appropriate, provide any such services or refer the family to a
26 person who has entered into a written agreement with the agency to
27 make such an assessment.

28 7. If an agency which provides child welfare services enters
29 into an agreement with a person to provide services to a child or the
30 family of the child pursuant to subsection 6, the agency shall require
31 the person to notify the agency if the child or the family refuses or
32 fails to participate in the services, or if the person determines that
33 there is a serious risk to the health or safety of the child.

34 8. If an agency which provides child welfare services
35 determines pursuant to subsection 3 that an investigation is not
36 warranted, the agency may, at any time, reverse that determination
37 and initiate an investigation.

38 9. An agency which provides child welfare services and a law
39 enforcement agency shall cooperate in the investigation, if any, of a
40 report of abuse or neglect of a child.

41 *10. As used in this section, "abuse or neglect" includes,*
42 *without limitation, abuse or neglect reported pursuant to*
43 *subsection 7 of NRS 432B.220.*



1 **Sec. 10.** NRS 432B.270 is hereby amended to read as follows:

2 432B.270 1. A designee of an agency investigating a report
3 of abuse or neglect of a child may, without the consent of and
4 outside the presence of any person responsible for the child's
5 welfare, interview a child and any sibling of the child, if an
6 interview is deemed appropriate by the designee, concerning any
7 possible abuse or neglect. The child and any sibling of the child may
8 be interviewed, if an interview is deemed appropriate by the
9 designee, at any place where the child or any sibling of the child is
10 found. A designee who conducts an interview pursuant to this
11 subsection must be trained adequately to interview children. The
12 designee shall, immediately after the conclusion of the interview, if
13 reasonably possible, notify a person responsible for the child's
14 welfare that the child or sibling was interviewed, unless the designee
15 determines that such notification would endanger the child or
16 sibling.

17 2. A designee of an agency investigating a report of abuse or
18 neglect of a child may, without the consent of the person responsible
19 for a child's welfare:

20 (a) Take or cause to be taken photographs of the child's body,
21 including the areas of trauma; and

22 (b) If indicated after consultation with a physician, cause X-rays
23 or medical tests to be performed on a child.

24 3. Upon the taking of any photographs or X-rays or the
25 performance of any medical tests pursuant to subsection 2, the
26 person responsible for the child's welfare must be notified
27 immediately, if reasonably possible, unless the designee determines
28 that the notification would endanger the child. The reasonable cost
29 of these photographs, X-rays or medical tests must be paid by the
30 agency which provides child welfare services if money is not
31 otherwise available.

32 4. Any photographs or X-rays taken or records of any medical
33 tests performed pursuant to subsection 2, or any medical records
34 relating to the examination or treatment of a child pursuant to this
35 section, or copies thereof, must be sent to the agency which provides
36 child welfare services, the law enforcement agency participating in
37 the investigation of the report and the prosecuting attorney's office.
38 Each photograph, X-ray, result of a medical test or other medical
39 record:

40 (a) Must be accompanied by a statement or certificate signed by
41 the custodian of medical records of the health care facility where the
42 photograph or X-ray was taken or the treatment, examination or
43 medical test was performed, indicating:

44 (1) The name of the child;



1 (2) The name and address of the person who took the
2 photograph or X-ray, performed the medical test, or examined or
3 treated the child; and

4 (3) The date on which the photograph or X-ray was taken or
5 the treatment, examination or medical test was performed;

6 (b) Is admissible in any proceeding relating to the abuse or
7 neglect of the child; and

8 (c) May be given to the child's parent or guardian if the parent
9 or guardian pays the cost of duplicating them.

10 5. As used in this section ~~f, "medical"~~ :

11 (a) *"Abuse or neglect" includes, without limitation, abuse or*
12 *neglect reported pursuant to subsection 7 of NRS 432B.220.*

13 (b) *"Medical test"* means any test performed by or caused to be
14 performed by a provider of health care, including, without
15 limitation, a computerized axial tomography scan and magnetic
16 resonance imaging.

17 **Sec. 11.** NRS 432B.280 is hereby amended to read as follows:

18 432B.280 1. Except as otherwise provided in NRS 239.0115,
19 432B.165, 432B.175 and 439.538 and *sections 5, 6 and 7 of this act*
20 *and* except as otherwise authorized or required pursuant to NRS
21 432B.290, information maintained by an agency which provides
22 child welfare services, including, without limitation, reports and
23 investigations made pursuant to this chapter, is confidential.

24 2. Any person, law enforcement agency or public agency,
25 institution or facility who willfully releases or disseminates such
26 information, except:

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

29 (b) As otherwise authorized pursuant to NRS 432B.165 and
30 432B.175;

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

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

35 (e) As otherwise required pursuant to NRS 432B.513 ~~f~~ ; *or*

36 (f) *As otherwise authorized or required pursuant to sections 5,*
37 *6 and 7 of this act.*

38 ↪ is guilty of a gross misdemeanor.

39 **Sec. 12.** NRS 432B.290 is hereby amended to read as follows:

40 432B.290 1. Information maintained by an agency which
41 provides child welfare services must be maintained by the agency
42 which provides child welfare services as required by federal law as a
43 condition of the allocation of federal money to this State.

44 2. Except as otherwise provided in this section and NRS
45 432B.165, 432B.175 and 432B.513, *and sections 5, 6 and 7 of this*



1 *act*, information maintained by an agency which provides child
2 welfare services may, at the discretion of the agency which provides
3 child welfare services, be made available only to:

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

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

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

15 (1) The child; or

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

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

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

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

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

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

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

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



- 1 reasonably necessary to promote the safety, permanency and well-
2 being of the child;
- 3 (k) A grand jury upon its determination that access to these
4 records and the information is necessary in the conduct of its official
5 business;
- 6 (l) A federal, state or local governmental entity, or an agency of
7 such an entity, or a juvenile court, that needs access to the
8 information to carry out its legal responsibilities to protect children
9 from abuse and neglect;
- 10 (m) A person or an organization that has entered into a written
11 agreement with an agency which provides child welfare services to
12 provide assessments or services and that has been trained to make
13 such assessments or provide such services;
- 14 (n) A team organized pursuant to NRS 432B.350 for the
15 protection of a child;
- 16 (o) A team organized pursuant to NRS 432B.405 to review the
17 death of a child;
- 18 (p) A parent or legal guardian of the child and an attorney of a
19 parent or guardian of the child, including, without limitation, the
20 parent or guardian of a child over whom a guardianship is sought
21 pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468,
22 inclusive, if the identity of the person responsible for reporting the
23 abuse or neglect of the child to a public agency is kept confidential
24 and the information is reasonably necessary to promote the safety,
25 permanency and well-being of the child and is limited to
26 information concerning that parent or guardian;
- 27 (q) The child over whom a guardianship is sought pursuant to
28 chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:
29 (1) The child is 14 years of age or older; and
30 (2) The identity of the person responsible for reporting the
31 abuse or neglect of the child to a public agency is kept confidential
32 and the information is reasonably necessary to promote the safety,
33 permanency and well-being of the child;
- 34 (r) The persons or agent of the persons who are the subject of a
35 report, if the information is reasonably necessary to promote the
36 safety, permanency and well-being of the child and is limited to
37 information concerning those persons;
- 38 (s) An agency that is authorized by law to license foster homes
39 or facilities for children or to investigate persons applying for
40 approval to adopt a child, if the agency has before it an application
41 for that license or is investigating an applicant to adopt a child;
- 42 (t) Upon written consent of the parent, any officer of this State
43 or a city or county thereof or Legislator authorized by the agency or
44 department having jurisdiction or by the Legislature, acting within



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; or

24 (aa) The Committee to Review Suicide Fatalities created by
25 NRS 439.5104.

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

29 (a) A copy of:

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

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

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

41 4. Except as otherwise provided by subsection 6, before
42 releasing any information maintained by an agency which provides
43 child welfare services pursuant to this section, an agency which
44 provides child welfare services shall take whatever precautions it
45 determines are reasonably necessary to protect the identity and



1 safety of any person who reports child abuse or neglect and to
2 protect any other person if the agency which provides child welfare
3 services reasonably believes that disclosure of the information
4 would cause a specific and material harm to an investigation of the
5 alleged abuse or neglect of a child or the life or safety of any person.

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

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

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

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

40 9. An agency which provides child welfare services may
41 provide a summary of the outcome of an investigation of the alleged
42 abuse or neglect of a child to the person who reported the suspected
43 abuse or neglect.

44 10. Except as otherwise provided in this subsection, any person
45 who is provided with information maintained by an agency which



1 provides child welfare services and who further disseminates the
2 information or makes the information public is guilty of a gross
3 misdemeanor. This subsection does not apply to:

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

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

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

13 11. An agency which provides child welfare services may
14 charge a fee for processing costs reasonably necessary to prepare
15 information maintained by the agency which provides child welfare
16 services for release pursuant to this section.

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

20 13. As used in this section ~~1~~, “juvenile”:

21 (a) *“Abuse or neglect” includes, without limitation, abuse or*
22 *neglect reported pursuant to subsection 7 of NRS 432B.220.*

23 (b) *“Juvenile justice agency” means the Youth Parole Bureau or*
24 *a director of juvenile services.*

25 **Sec. 13.** NRS 432B.300 is hereby amended to read as follows:

26 432B.300 *1.* If an agency which provides child welfare
27 services determines that an investigation of a report concerning the
28 possible abuse or neglect of a child is warranted pursuant to NRS
29 432B.260, the agency shall determine, without limitation:

30 ~~1-1~~ (a) The composition of the family, household or facility,
31 including the name, address, age, sex and race of each child named
32 in the report, any siblings or other children in the same place or
33 under the care of the same person, the persons responsible for the
34 children’s welfare and any other adult living or working in the same
35 household or facility;

36 ~~1-2~~ (b) Whether there is reasonable cause to believe any child is
37 abused or neglected or threatened with abuse or neglect, the nature
38 and extent of existing or previous injuries, abuse or neglect and any
39 evidence thereof, and the person apparently responsible;

40 ~~1-3~~ (c) Whether there is reasonable cause to believe that a child
41 has suffered a fatality as a result of abuse or neglect regardless of
42 whether or not there are any siblings of the child or other children
43 who are residing in the same household as the child who is believed
44 to have suffered a fatality as a result of abuse or neglect;



1 ~~14~~ (d) If there is reasonable cause to believe that a child is
2 abused or neglected, the immediate and long-term risk to the child if
3 the child remains in the same environment;

4 ~~15~~ (e) The treatment and services which appear necessary to
5 help prevent further abuse or neglect and to improve the
6 environment of the child and the ability of the person responsible for
7 the child's welfare to care adequately for the child; and

8 ~~16~~ (f) Whether the report concerning the possible abuse or
9 neglect of a child is substantiated or unsubstantiated.

10 2. *As used in this section, "abuse or neglect" includes,*
11 *without limitation, abuse or neglect reported pursuant to*
12 *subsection 7 of NRS 432B.220.*

13 **Sec. 14.** NRS 432B.310 is hereby amended to read as follows:

14 432B.310 1. Except as otherwise provided in subsection 6 of
15 NRS 432B.260, the agency investigating a report of abuse or neglect
16 of a child shall, upon completing the investigation, report to the
17 Central Registry:

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

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

26 (c) The disposition of the case.

27 2. An agency which provides child welfare services shall not
28 report to the Central Registry any information concerning a child
29 identified as being affected by prenatal illegal substance abuse or as
30 having withdrawal symptoms resulting from prenatal drug exposure
31 unless the agency determines that a person has abused or neglected
32 the child after the child was born.

33 3. *As used in this section, "abuse or neglect" includes,*
34 *without limitation, abuse or neglect reported pursuant to*
35 *subsection 7 of NRS 432B.220.*

36 **Sec. 15.** NRS 432B.315 is hereby amended to read as follows:

37 432B.315 1. If an agency which provides child welfare
38 services determines pursuant to NRS 432B.300 that a report made
39 pursuant to NRS 432B.220 is substantiated, the agency shall provide
40 written notification to the person responsible for the child's welfare
41 *or any other person* who is named in the report as allegedly causing
42 the abuse or neglect of the child which includes statements
43 indicating that:

44 ~~17~~ (a) The report which was made against the person has been
45 substantiated and the agency which provides child welfare services



1 intends to place the person's name in the Central Registry pursuant
2 to NRS 432B.310; and

3 ~~121~~ (b) The person may request an administrative appeal of the
4 substantiation of the report and the agency's intention to place the
5 person's name in the Central Registry by submitting a written
6 request to the agency which provides child welfare services within
7 the time required pursuant to NRS 432B.317.

8 *2. As used in this section, "abuse or neglect" includes,*
9 *without limitation, abuse or neglect reported pursuant to*
10 *subsection 7 of NRS 432B.220.*

11 **Sec. 16.** NRS 432B.320 is hereby amended to read as follows:

12 432B.320 1. An agency which provides child welfare
13 services may waive a full investigation of a report of abuse or
14 neglect of a child made by another agency or a person if, after
15 assessing the circumstances, it is satisfied that:

16 (a) The person or other agency who made the report can provide
17 services to meet the needs of the child and the family, and this
18 person or agency agrees to do so; and

19 (b) The person or other agency agrees in writing to report
20 periodically on the child and to report immediately any threat or
21 harm to the child's welfare.

22 2. The agency which provides child welfare services shall
23 supervise for a reasonable period the services provided by the
24 person or other agency pursuant to subsection 1.

25 *3. As used in this section, "abuse or neglect" includes,*
26 *without limitation, abuse or neglect reported pursuant to*
27 *subsection 7 of NRS 432B.220.*

28 **Sec. 17.** The provisions of subsection 1 of NRS 218D.380 do
29 not apply to any provision of this act which adds or revises a
30 requirement to submit a report to the Legislature.

31 **Sec. 18.** This act becomes effective on July 1, 2017.

