

**PROPOSED REGULATION OF THE  
DIVISION OF CHILD AND FAMILY SERVICES OF  
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**LCB File No. R212-08**

June 10, 2009

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 432B.175 and 432B.190.

A REGULATION relating to the protection of children; prescribing provisions governing reports and investigations of the fatality or near fatality of a child; and providing other matters properly relating thereto.

**Section 1.** Chapter 432B of NAC is hereby amended by adding thereto a new section to read as follows:

*1. An agency which provides child welfare services that receives a report of the abuse or neglect of a child which results in the fatality or near fatality of the child shall:*

*(a) Examine the nature and content of the report;*

*(b) Obtain any information necessary to evaluate the report; and*

*(c) Determine whether the report may be considered as informational or whether the report requires an investigation pursuant to this chapter and the provisions of chapter 432B of NRS.*

*If an agency which provides child welfare services receives information from a law enforcement agency concerning the fatality or near fatality of a child and the agency undertakes investigatory action based on that information, the agency shall determine that such information is a report which requires an investigation.*

2. *Upon receipt of a report concerning the possible abuse or neglect of a child which results in the fatality or near fatality of the child, the agency which provides child welfare services shall immediately evaluate the report. If the agency which provides child welfare services determines that the report:*

*(a) Concerns a child who was not abused or neglected, including, without limitation, a fatality or near fatality from natural causes, the agency may determine that the report is for informational purposes and the agency is not required to investigate the report.*

*(b) Concerns a stillborn child or a child who is dead at birth, the agency may determine that the report is for informational purposes and the agency is not required to investigate the report.*

*(c) Concerns a child who was abused or neglected, the agency shall, within 24 hours after receiving the report, begin an investigation into the alleged abuse or neglect of the child.*

3. *As part of the investigation of a report of the abuse or neglect of a child which results in the fatality or near fatality of the child, the agency which provides child welfare services that received the report shall check the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any other records available to the agency to determine whether a member of the child's family or household has had contact with an agency which provides child welfare services. For purposes of this subsection, a member of the child's family or household has had contact with an agency which provides child welfare services if an agency which provides child welfare services has received a report of abuse or neglect concerning the child or a member of the child's family or household and has opened an investigation or made a referral for a family assessment.*

*4. An agency which provides child welfare services shall:*

*(a) Within 48 hours after receiving a report of the abuse or neglect of a child which results in the fatality or near fatality of the child, provide to the Division the data and information required to be made available to the public pursuant to NRS 432B.175.*

*(b) Until the agency concludes the investigation of a report of the abuse or neglect of a child which results in the fatality or near fatality of the child, provide to the Division updates on the data and information required to be made available to the public pursuant to NRS 432B.175.*

*↪ The Division will post on the Internet website maintained for the Division the data and information provided pursuant to this subsection.*

*5. As used in this section:*

*(a) “Member of the child’s family or household” means any person who is related to a child within the fifth degree of consanguinity or affinity or who is or was actually residing with the child.*

*(b) “Near fatality” has the meaning ascribed to it in NRS 432B.175.*

*(c) “Report of the abuse or neglect of a child” means any in-person, written, telephonic or electronic communication concerning the abuse or neglect of a child which is transmitted or made to an agency which provides child welfare services.*