

SENATE BILL NO. 167—SENATOR LESLIE

FEBRUARY 17, 2011

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Referred to Committee on Health and Human Services

**SUMMARY**—Revises provisions governing the release of certain reports of the abuse or neglect of children.  
(BDR 38-246)

**FISCAL NOTE:** Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets **[omitted material]** is material to be omitted.

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AN ACT relating to the protection of children; authorizing an agency which provides child welfare services to make available reports of the abuse or neglect of children under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law authorizes an agency which provides child welfare services to  
2 release data or information concerning reports of the abuse or neglect of a child to  
3 certain persons. (NRS 432B.290) This bill authorizes such data and information  
4 relating to a child over whom a guardianship is sought pursuant to chapter 159 of  
5 NRS or NRS 432B.466 to 432B.468, inclusive, to be released to: (1) the court  
6 which has jurisdiction over the proceeding; (2) the person who filed the petition; (3)  
7 the proposed guardian or proposed successor guardian; (4) the parent or guardian of  
8 the child; and (5) the child, if he or she is at least 14 years of age.

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

1      **Section 1.** NRS 432B.290 is hereby amended to read as  
2 follows:

3      432B.290    1. Except as otherwise provided in subsections 2  
4 and 3 and NRS 432B.165, 432B.175 and 432B.513, data or  
5 information concerning reports and investigations thereof made  
6 pursuant to this chapter may be made available only to:



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

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

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

12              (1) The child; or

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

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

17       (e) ~~(A)~~ Except as otherwise provided in paragraph (f), a court,  
18 for in camera inspection only, unless the court determines that  
19 public disclosure of the information is necessary for the  
20 determination of an issue before it;

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

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

28              (h) The attorney and the guardian ad litem of the child;  
29              (i) *A person who files a petition for the appointment of a  
30 guardian or successor guardian of a child pursuant to chapter 159  
31 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of  
32 the person responsible for reporting the abuse or neglect of the  
33 child to a public agency is kept confidential;*

34              (j) *The proposed guardian or proposed successor guardian of  
35 a child over whom a guardianship is sought pursuant to chapter  
36 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the  
37 identity of the person responsible for reporting the abuse or  
38 neglect of the child to a public agency is kept confidential;*

39       (k) A grand jury upon its determination that access to these  
40 records is necessary in the conduct of its official business;

41              (l) *A federal, state or local governmental entity, or an  
42 agency of such an entity, that needs access to the information to  
43 carry out its legal responsibilities to protect children from abuse and  
44 neglect;*



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1     ~~(m)~~ (m) A person or an organization that has entered into a  
2 written agreement with an agency which provides child welfare  
3 services to provide assessments or services and that has been trained  
4 to make such assessments or provide such services;

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

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

9     ~~(p)~~ (p) A parent or legal guardian of the child and an attorney  
10 of a parent or guardian of the child, *including, without limitation,*  
11 *the parent or guardian of a child over whom a guardianship is*  
12 *sought pursuant to chapter 159 of NRS or NRS 432B.466 to*  
13 *432B.468, inclusive,* if the identity of the person responsible for  
14 reporting the abuse or neglect of the child to a public agency is kept  
15 confidential;

16     ~~(q)~~ (q) *The child over whom a guardianship is sought*  
17 *pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468,*  
18 *inclusive, if:*

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

20         (2) *The identity of the person responsible for reporting the*  
21 *abuse or neglect of the child to a public agency is kept*  
22 *confidential;*

23     (r) The persons who are the subject of a report;

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

28     ~~(t)~~ (t) Upon written consent of the parent, any officer of this  
29 State or a city or county thereof or Legislator authorized, by the  
30 agency or department having jurisdiction or by the Legislature,  
31 acting within its jurisdiction, to investigate the activities or  
32 programs of an agency which provides child welfare services if:

33         (1) The identity of the person making the report is kept  
34 confidential; and

35         (2) The officer, Legislator or a member of the family of the  
36 officer or Legislator is not the person alleged to have committed the  
37 abuse or neglect;

38     ~~(u)~~ (u) The Division of Parole and Probation of the  
39 Department of Public Safety for use pursuant to NRS 176.135 in  
40 making a presentence investigation and report to the district court or  
41 pursuant to NRS 176.151 in making a general investigation and  
42 report;

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



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1       ~~(s)~~ (w) The Rural Advisory Board to Expedite Proceedings for  
2 the Placement of Children created pursuant to NRS 432B.602 or a  
3 local advisory board to expedite proceedings for the placement of  
4 children created pursuant to NRS 432B.604;

5       ~~(t)~~ (x) The panel established pursuant to NRS 432B.396 to  
6 evaluate agencies which provide child welfare services; or

7       ~~(u)~~ (y) An employer in accordance with subsection 3 of  
8 NRS 432.100.

9       2. An agency investigating a report of the abuse or neglect of a  
10 child shall, upon request, provide to a person named in the report as  
11 allegedly causing the abuse or neglect of the child:

12       (a) A copy of:

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

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

19           (b) A written summary of the allegations made against the  
20 person who is named in the report as allegedly causing the abuse or  
21 neglect of the child. The summary must not identify the person  
22 responsible for reporting the alleged abuse or neglect.

23       3. An agency which provides child welfare services shall  
24 disclose the identity of a person who makes a report or otherwise  
25 initiates an investigation pursuant to this chapter if a court, after  
26 reviewing the record in camera and determining that there is reason  
27 to believe that the person knowingly made a false report, orders the  
28 disclosure.

29       4. Any person, except for:

30           (a) The subject of a report;

31           (b) A district attorney or other law enforcement officer initiating  
32 legal proceedings; or

33           (c) An employee of the Division of Parole and Probation of the  
34 Department of Public Safety making a presentence investigation and  
35 report to the district court pursuant to NRS 176.135 or making a  
36 general investigation and report pursuant to NRS 176.151,  
37 ➔ who is given access, pursuant to subsection 1, to information  
38 identifying the subjects of a report and who makes this information  
39 public is guilty of a misdemeanor.

40       5. The Division of Child and Family Services shall adopt  
41 regulations to carry out the provisions of this section.

42       **Sec. 2.** This act becomes effective on July 1, 2011.

