

BILL DRAFT REQUEST FROM EXECUTIVE AGENCIES  
DRAFT 12 Aug. 22, 2006 New/revisions highlighted in yellow

REQUEST LIMITED TO

FOR LCB USE ONLY

ONE SUBJECT ONLY

BDR # \_\_\_\_\_

FROM: Division of Child & Family Services  
Agency

VIA: Department of Administration

TO: Legislative Counsel

I. Intent of Proposed Bill: (Brief summary of intended effect)

The intent of the proposed bill is to ensure compliance with the Federal Child Abuse Prevention and Treatment Act (CAPTA), Re-Authorized 2003, Section 106(b)(2)(A)(i), reporting of child abuse and neglect; Section 106 (b)(2)(A)(iv) Procedures for screening; Section 106 (b)(2)(A)(vi) investigation; Section 106 (b)(2)(A)(viii) child fatality review panels; **Section 106(b)(2)(A)(ix) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity**; Section 106 (b)(2)(A)(x), regarding public disclosure of child fatalities and near fatalities; and Section 106 (b)(2)(A)(xii) expungement of records. In addition, the intent of this bill is to delete references to a requirement for the development of a plan of efforts that was made mandatory pursuant to the Adoptions and Safe Families Act of 1997 and has been incorporated into existing NRS.

II. Justification or Purpose: (Brief narrative of requirement. Use continuation sheet if necessary)

The purpose for the proposed bill is to clarify provisions that will ensure continued compliance with the Federal CAPTA provisions contained in Section 106(b)(2)(A)(i), reporting of abuse or neglect, Section 106 (b)(2)(A)(iv) Procedures for screening; Section 106 (b)(2)(A)(vi) investigation; Section 106 (b)(2)(A)(viii) child fatality review panels; **Section 106(b)(2)(A)(ix) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity**; Section 106 (b)(2)(A)(x), regarding public disclosure of child fatalities and near fatalities; and Section 106 (b)(2)(A)(xii) expungement of records and the Administration on Children and Families Child Welfare Policy Manual Section 2, CAPTA. Compliance with CAPTA is necessary to receive the Child Abuse and Neglect grants provided by this federal fund. The provisions of CAPTA are directed at improving the child protection system.

The purpose of removing the 1987 references to a plan of efforts (NRS 432B.395) to prevent or eliminate the removal of a child from his home, is to reduce redundancy and clarify provisions contained in the Adoption and Safe Families Act of 1997 that have been incorporated into existing 1999 NRS 432B.393. Plan of efforts provisions are now required in court petitions and

all child welfare agencies are audited by the Division of Child and Family Services for compliance.

III. NRS Title, Chapter and Section affected: (If applicable)

NRS 432.0155  
NRS 432B.010  
NRS 432B.020  
NRS 432B.170 (1)  
NRS 4342B.180(6) and NAC 432B.030(6)  
NRS 432B.220 (3)(6)  
NRS 432B.230(2)  
NRS 432B.260(2)(3)  
NRS 432B.270(1)  
**NRS 432B.280(2)**  
NRS 432B.290(2) – (3)  
NRS 432B.300  
NRS 432B.310 (1) and NAC 432B.170(7)  
NRS 432B.330(4)  
NRS 432B.400  
NRS 432B.405, .408 - .409  
Deletions:  
NRS 432B.395 and NAC 432B.040

IV. Effective Date:

- Default (October 1, 2007)
- July 1, 2007
- Upon Passage and Approval
- Other \_\_\_\_\_

V. Suggested language: (Optional) (Use continuation sheet if necessary)

**NRS 432.0155 (1) Establishment of standards for receipt of federal money and programs concerning juveniles; development of state plans by Administrator of Division.**

1. The Department, through the Division, is the sole state agency for the establishment *and enforcement* of standards for the receipt of federal money in the field of juvenile development and for programs to prevent, combat and control delinquency, *and in the field of child welfare and child welfare services as defined by NRS 432B.044*. The Administrator, with the approval of the Director, may develop *and enforce* state plans, make reports to the Federal Government and comply with such other conditions as may be imposed by the Federal Government for the receipt of assistance for those programs. In developing and revising state plans, the Administrator shall consider, among other things, the amount of money available from the Federal Government for those programs and the conditions attached to that money, and the limitations of legislative appropriations for the programs.

**NRS 432B.010 Definitions.** As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to **432B.115**, inclusive, have the meanings ascribed to them in those sections.

**NRS 432B.020 “Abuse or neglect of a child” defined.**

1. “Abuse or neglect of a child” means, except as otherwise provided in subsection 2:

- (a) Physical or mental injury of a nonaccidental nature;
- (b) Sexual abuse or sexual exploitation; ~~or~~
- (c) Negligent treatment or maltreatment as set forth in NRS 432B.140~~;~~; **or**
- (d) Harmed by exposure to substance misuse.**

of a child caused or allowed by a person responsible for his welfare under circumstances which indicate that the child’s health or welfare is harmed or threatened with harm.

*Add a new section NRS 432B.115:*

***NRS 432B.115 “Harmed by Exposure to Substance Misuse” defined.***

***1. For the purpose of this section a child is “harmed by exposure to substance misuse” when a child’s parent, legal guardian or legal custodian:***

- a. used a substance and such use, including use first discovered through a newborn child’s positive toxicology screen, resulted in physical, psychological, emotional or cognitive injury, or substantial risk of such injury, to the child; or***
- b. required, directed, coerced, encouraged, permitted, or negligently failed to prevent the child’s use of alcohol and such use resulted in physical, psychological, emotional or cognitive injury, or substantial risk of such injury, to the child; or***
- c. required, directed, coerced, encouraged, permitted, or negligently failed to prevent the child’s use of an illegal substance or use of a legal substance illegally; or***
- d. required, directed, coerced, encouraged, permitted, or negligently failed to prevent the child’s exposure to the sale, manufacture or distribution of an illegal substance or the illegal sale or distribution of a legal substance, or to the presence of chemicals or equipment intended for use in the manufacturing of an illegal substance.***

***2. For purposes of this section, the term “substance” refers to any mood or behavior altering product, including, but not limited to, alcohol, illegal or controlled drugs, legal drugs, such as over-the-counter or prescription medications, and other products that can be inhaled, ingested, injected or applied.***

***3. For purposes of this section, psychological, emotional or cognitive injury is a substantial, observable, adverse effect on a child’s behavioral, emotional, social or cognitive performance or condition. Evidence relevant to proving such an effect may include, but is not limited to, the child’s failure or inability to control aggressive or self-destructive impulses, significant acting-out or regressive behavior, social withdrawal, or inability to think or reason, and whether such behavior or condition is age or developmentally appropriate.***

**NRS 432B.170 Authority of agency which provides child welfare services to share information with state or local agencies.** Nothing in the provisions of this chapter or NRS 432.0999 to 432.130, inclusive, prohibits an agency which provides child welfare services from sharing information with other state or local agencies if:

1. The purpose for sharing the information is for the development of a plan for the care, treatment or supervision of a child who has been abused or neglected, or an infant who is born and has been affected by prenatal illegal substance abuse *or substance misuse*, or has withdrawal symptoms resulting from prenatal drug exposure or of a person responsible for the child's or infant's welfare;

**NRS 432B.180 Duties of Division of Child and Family Services.** The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.
2. Plan, coordinate and monitor the delivery of child welfare services provided throughout the State.
3. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.
4. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.
5. Involve communities in the improvement of child welfare services.
6. Evaluate all child welfare services provided throughout the State *and whenever it is determined that an agency providing child welfare services is not complying with federal or State laws or regulations or statewide plans or statewide policies, elect to do one or more of the following in order to bring the agency into compliance:*
  - a. *Withhold money;*
  - b. *Impose a monetary sanction;*
  - c. *Provide direct supervision and thereafter recover from that agency the cost and expenses the State has incurred in providing such supervision; and*
  - d. *Whenever it is determined by the State that an employee(s) contributes to the substantial cause of the agency's non-compliance, impose appropriate disciplinary action (i.e. suspension without pay) in accordance with personnel rules and regulations. ~~from any agency providing child welfare services which is not complying with the regulations adopted by the Division of Child and Family Services.~~*  
*Funds received from such fines shall be placed in the State General Fund in an account created for the Division of Child and Family Services Administration and used for the purpose of enhancing statewide quality assurance and improvement activities.*
7. Evaluate the plans submitted for approval pursuant to NRS 432B.395.
8. In consultation with each agency which provides child welfare services, request sufficient money for the provision of child welfare services throughout this State.

**CORRESPONDING REGULATION CHANGE**

(Form Effective 2/19/04)

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**NAC 432B.030 Evaluation of child welfare services in state; actions upon determination of noncompliance with certain provisions. (NRS 432B.180, 432B.190)**

1. The evaluation required by subsection 6 of NRS 432B.180 must:

(a) Include:

(1) Audits of each agency which provides child welfare services, *including child fatalities*.

(2) An assurance that each agency which provides child welfare services is complying with this chapter, chapter 432B of NRS, any other applicable state and federal law, and any written agreements entered into with the division or the department of human resources.

(b) Be conducted by audit teams composed of:

(1) Representatives from the division;

(2) A representative of the agency being reviewed; and

(3) A representative from a related discipline, including, without limitation, law enforcement, mental health, a medical program or a school district.

2. Each audit team described in subsection 1 shall provide a written evaluation of the audit to the agency which provides child welfare services being audited.

3. Within 30 days after the completion of an audit performed pursuant to subsection 1, the division will issue a written notice to the agency which provides child welfare services if the division determines as a result of the audit that the agency is not in compliance with the provisions of this chapter, chapter 432B of NRS, any applicable state or federal law, *statewide policies*, or any written agreements entered into with the division or the department of human resources. **The notice must set forth the nature of the noncompliance and any sanction outlined in NRS 432B.180(6).**

4. Within 30 days after receipt of a notice issued pursuant to subsection 3, the agency which provides child welfare services shall submit to the division a *6 month corrective* plan of action for the areas of noncompliance. **The corrective plan of action must be approved by the Division.**

The agency may use the services of a consultant to carry out the plan of action. Upon request by an agency which provides child welfare services, the division will provide to the agency assistance relating to carrying out its *corrective* plan of action.

5. Each audit team shall reevaluate the areas of noncompliance *by the child welfare agency within 4 to 6 months* after the completion of the audit. ~~Within 6 months after completion of the audit, +~~ The agency which provides child welfare services shall complete the *corrective* plan of action or demonstrate that it has made significant progress, as determined by the division, towards completing the *corrective* plan of action. If the division determines that the agency has demonstrated that it has made significant progress towards completing the plan of action, the division may grant the agency an additional 3 months to complete the plan. **If the Division determines that the child welfare agency's corrective plan of action has not made significant progress or remains non-compliant with applicable federal or state laws or regulations, each area of non-compliance will result in the imposition of a fine.**

6. The division may, pursuant to subsection 6 of NRS 432B.180, withhold money ~~from;~~ **impose a monetary sanction; provide direct supervision and thereafter recover from that agency the cost and expenses the State has incurred in providing such supervision; or whenever it is determined by the State that an employee(s) contributes to the substantial cause of the agency's non-compliance, impose appropriate disciplinary action (i.e. suspension without pay) in accordance with personnel rules and regulations, from any agency** which provides child welfare services based upon the failure of the agency

(Form Effective 2/19/04)

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to complete the plan of action within the period set forth in subsection 5. *Each area of non-compliance by a child welfare agency will result in a fine to be determined upon the completion of a corrective action plan and a subsequent audit or re-evaluation of the areas of non-compliance.* As used in this subsection, “period set forth in subsection 5” includes any additional time to complete the plan granted to the agency by the division pursuant to subsection 5.

***New Section:***

***7. A child welfare agency may submit a written request for an appeal of a sanction imposed pursuant to NRS 432B.180(6) to the Administrator of the Division within 30 days of the date of the notification, when one of the following situations apply:***

***a. Dispute of audit findings by provision of credible evidence that was not submitted during the audit; or***

***b. Documentation of circumstances beyond the control of the agency, such as a major disaster, a catastrophic event, or other similar action.***

***The Administrator of the Division shall respond, in writing, to the appeal or request for waiver within 60 days of the date of the request.***

**NRS 432B.220 (3)(6) Persons required to make report; when and to whom reports are required; any person may make report; report and written findings if reasonable cause to believe death of child caused by abuse or neglect.**

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

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to *an agency which provides child welfare services or a law enforcement agency. If a report of a child who has died as a result of abuse or neglect is made to a law enforcement agency, that agency shall notify an agency which provides child welfare services*, the appropriate medical examiner or coroner, who shall investigate the report. *The medical examiner or coroner shall* ~~and submit to an agency which provides child welfare services~~ *his written findings to an agency which provides child welfare services and a law enforcement agency.* The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

**NRS 432B.230 Method of making report; contents.**

1. A person may make a report pursuant to NRS 432B.220 by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, if obtainable:

- (a) The name, address, age and sex of the child;
- (b) The name and address of the child's parents or other person responsible for his care;
- (c) The nature and extent of the abuse or neglect of the child, the effect of prenatal illegal substance abuse *or substance misuse* on the newborn infant or the nature of the withdrawal symptoms resulting from prenatal drug exposure of the newborn infant;
- (d) Any evidence of previously known or suspected:
  - (1) Abuse or neglect of the child or the child's siblings; or
  - (2) Effects of prenatal illegal substance abuse, *substance misuse*, on or evidence of withdrawal symptoms resulting from prenatal drug exposure of the newborn infant;

**NRS 432B.260 (2)(3) Action upon receipt of report; agency which provides child welfare services required to inform person named in report of allegation of abuse or neglect if report is investigated.**

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

- (a) The child is 5 years of age or younger;
- (b) There is a high risk of serious harm to the child; ~~or~~
- (c) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse-; **or**  
*(d) The child has died.*

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

- (a) The child is not in imminent danger of harm;
- (b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens his immediate health or safety;
- (c) The alleged abuse or neglect of the child or the alleged effect of prenatal illegal substance abuse *or substance misuse on the newborn infant* or the withdrawal symptoms resulting from prenatal drug exposure of the newborn infant could be eliminated if the child and his family *are referred for receive* or participate in social or health services offered in the community, or both;

**New Section 10:**

**10. In all instances where a child fatality has occurred and whenever the District Attorney in the district where the child died has determined that the pursuit of criminal charges is not appropriate, the District Attorney shall file with the District Court a statement which:**

- a. Discloses the name, age, and sex of the child, the circumstances of his/her living arrangements, whether in foster care, with one or both parents, with a relative or with a friend, or in an institution, which provides temporary or long term care for the child, whether the result of abuse, neglect, delinquency, or child in need of supervision status;**
- b. The statement will also indicate the cause of death along with a detailed explanation of any and all investigations into the cause of death, including all of the District Attorney's contacts with any other public agency charged with addressing the needs of abused and neglected children; and**
- c. The District Attorney's justification or rationale for declining to prosecute.**

**The presiding judge in the district in which this is filed shall review it and if the judge determines that further review is necessary, the presiding judge will refer the matter to the grand jury in the district in which the death occurred and the district grand jury shall have the discretion to require the appearance of the District Attorney to answer further questions or provide other evidence for information to the grand jury and upon concluding its review shall make a report to the District Court.**

**NRS 432B.270 (1) Interview of child; photographs, X rays and medical tests.**

1. A designee of an agency investigating a report of abuse or neglect of a child may, without the consent of and outside the presence of any person responsible for the child's welfare, interview a child **and his siblings** concerning any possible abuse or neglect. The child **and his siblings** may be interviewed at any place where he **or his siblings are** ~~is~~ found. The designee shall, immediately after the conclusion of the interview, if reasonably possible, notify a person responsible for the child's welfare that the child was interviewed, unless the designee determines that such notification would endanger the child **or his siblings**.

**NRS 432B.280 Confidentiality of reports and of records concerning reports and investigations; penalty.**

1. Reports made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

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

**(b) When a child welfare agency discloses information regarding a missing child within the agency's custody, to any Federal, State, or local government, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect. The custodial child welfare agency may disclose the following:**

- 1. Name of the child;**
- 2. Age of the child;**
- 3. Description of the child; and**
- 4. Photograph.**

~~(b)~~ (c) As otherwise authorized or required pursuant to [NRS 432B.290](#); or

~~(e)~~ (d) As otherwise required pursuant to [NRS 432B.513](#),  
is guilty of a misdemeanor.

**NRS 432B.290 (2)(3) Release of data or information concerning reports and investigations; penalty; regulations.**

2. Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter ~~may~~ *shall* be made available, *upon request*, to any member of the general public if the child who is the subject of a report of *child maltreatment related abuse or neglect* dies or is critically injured *as a result of a near fatality as certified by a physician.* ~~as a result of alleged abuse or neglect, except that~~ The data or information which may be disclosed ~~is limited to~~ *includes:*

~~(a) The fact that a report of abuse or neglect has been made and, if appropriate, a factual description of the contents of the report;~~

*(a) A summary of the report of abuse or neglect and a factual description of the contents of the report including:*

*(1) Date of notification to the child welfare agency about the fatality or near fatality of the child;*

*(2) Age of the child;*

*(3) Location of the child at the time of death (city and county); and*

*(4) Cause and manner of death, if known.*

(b) Whether an investigation has been initiated pursuant to NRS 432B.260, **sections 2 through 4**, and *a summary of the results of a* ~~the~~ completed investigation *including:*

*(1) A description of the credible evidence to support the findings of this report related to the fatality or near fatality of the child; and*

*(2) Whether or not the family is known to the child welfare system.*

*(c) A summary of services that were provided by the child welfare agency within the preceding five year period.*

*(d) Whether the case has been closed by a child welfare agency and the reasons for case closure, if applicable; and*

~~(e)~~ (e) Such other information as is authorized for disclosure by a court pursuant to subsection 4.

3. An agency which provides child welfare services shall not disclose *the following* data or information pursuant to subsection 2 : ~~if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning a report.~~

*(a) The name of the child;*

*(b) The name of the child's sibling(s) or information regarding the child's sibling(s);*

*(c) The name of the reporting party;*

*(d) Information that may undermine or adversely affect an ongoing or future criminal investigation;*

*(e) Any medical, mental health or psychological information that is confidential;*

*(f) The privileged communication of an attorney;*

*(g) Information that may cause mental or physical harm to a sibling or another child residing in the household;*

*(h) Information that may jeopardize the prosecution or the rights to a fair trial of any alleged perpetrator; or*

*(i) Any release of information prohibited by Federal or State law or regulation.*

**NRS 432B.300 Determinations to be made by investigation of report.** Except as otherwise provided in NRS 432B.260, an agency which provides child welfare services shall investigate each report of abuse or neglect received or referred to it to determine:

1. The composition of the family, household or facility, including the name, address, age, sex and race of each child named in the report, any siblings or other children in the same place or under the care of the same person, the persons responsible for the children's welfare and any other adult living or working in the same household or facility;
2. Whether there is reasonable cause to believe any child is abused or neglected or threatened with abuse or neglect, the nature and extent of existing or previous injuries, abuse or neglect and any evidence thereof, and the person apparently responsible;

*Add a new section:*

*3. Whether there is reasonable cause to believe that a child has died as the result of child abuse or neglect, including situations where there are no siblings or other children living in the household.*

~~3.~~ **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 he remains in the same environment; and

~~4.~~ **5.** The treatment and services which appear necessary to help prevent further abuse or neglect and to improve his environment and the ability of the person responsible for the child's welfare to care adequately for him.

**NRS 432B.310 Report to Central Registry of abuse or neglect required upon completion of investigation; report to Central Registry of prenatal illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure only required if child has been abused or neglected.**

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, *within 45 days or* upon completing the investigation, report to the Central Registry:

(a) Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare 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 and the severity of the injuries, *information regarding a child's death; and*

(c) The disposition of the case.

#### **CORRESPONDING REGULATION**

**NAC 432B.170 Determination and appeal of case findings; duties relating to central registry. (NRS 432B.190)**

1. After the investigation of a report of the abuse or neglect of a child, an agency which provides child welfare services shall determine its case findings based on whether there is reasonable cause to believe a child is abused or neglected, or threatened with abuse or neglect, and whether there is credible evidence of alleged abuse or neglect of the child. The agency shall make one of the following findings:

- (a) ~~The allegation of abuse or neglect is s~~ Substantiated; ~~or~~
- (b) ~~The allegation of abuse or neglect is u~~ Unsubstantiated; ~~or~~
- (c) *Unable to locate.*

~~7.~~ 2. As used in this section:

(a) "Substantiated" means that a report made pursuant to NRS 432B.220 was investigated and that credible evidence of the abuse or neglect exists.

(b) "Unsubstantiated" means that a report made pursuant to NRS 432B.220 was investigated and that no credible evidence of the abuse or neglect exists. ~~The term includes efforts made by an agency which provides child welfare services to prove or disprove an allegation of abuse or neglect that the agency is unable to prove because it was unable to locate the child or the person responsible for the welfare of the child.~~

(c) *"Unable to locate" means that a report made pursuant to NRS 432B.220 was investigated, diligent efforts were made to locate the child or person responsible for the welfare of the child to prove or disprove the allegation and there was no other credible evidence to support a finding.*

~~2.~~ 3. The agency which provides child welfare services shall enter the findings of the investigation in the central registry established pursuant to NRS 432.100.

~~3.~~ 4. When a finding of confirmed abuse or neglect of a child by the person responsible for the welfare of the child has been made, the agency which provides child welfare services shall:

- (a) Provide written notification to the person concerning his right to appeal the finding; and
- (b) Provide information on the appeals process.

~~4.~~ 5. A request for an appeal must be made in writing to the agency within 15 days after the date on which the written notification is sent.

~~5.~~ 6. A hearing that is held pursuant to this section must be conducted in accordance with chapter 233B of NRS.

~~6.~~ 7. A communication or request relating to information contained in the central registry established pursuant to NRS 432.100 must be retained in the manner set forth in chapter 239 of NAC.

*New section.*

*8. A request may be made for an expungement of any records in the central registry established pursuant to NRS 432.100 that are accessible to the general public, or are used for purposes of employment or other background checks, in cases determined to be unsubstantiated or found to be false. The request must be made to the child welfare agency where the report was investigated and the agency may make a determination to expunge the record.*

### **NRS 432B.330 Circumstances under which child is or may be in need of protection.**

1. A child is in need of protection if:

- (a) He has been abandoned by a person responsible for his welfare;
- (b) He has been subjected to abuse or neglect by a person responsible for his welfare;

- (c) He is in the care of a person responsible for his welfare and another child has died as a result of abuse or neglect by that person;
  - (d) He has been placed for care or adoption in violation of law; or
  - (e) He has been delivered to a provider of emergency services pursuant to NRS 432B.630.
2. A child may be in need of protection if the person responsible for his welfare:
- (a) Is unable to discharge his responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity;
  - (b) Fails, although he is financially able to do so or has been offered financial or other means to do so, to provide for the following needs of the child:
    - (1) Food, clothing or shelter necessary for the child's health or safety;
    - (2) Education as required by law; or
    - (3) Adequate medical care; or
  - (c) Has been responsible for the abuse or neglect of a child who has resided with that person.
3. A child may be in need of protection if the death of a parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.
4. A child may be in need of protection if he is identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure.

*Add a New section*

*5. A child may be in need of protection if he is identified as being harmed by exposure to substance misuse as defined in NRS 432.115.*

**NRS 432B.400 Temporary detention of child by physician or person in charge of hospital or similar institution.** A physician treating a child or a person in charge of a hospital or similar institution may hold a child for no more than 24 hours if there is reasonable cause to believe that the child has been abused or neglected or has been affected by prenatal illegal substance abuse *or substance misuse* or has withdrawal symptoms resulting from prenatal drug exposure and that he is in danger of further harm if released. The physician or other person shall immediately notify a law enforcement agency or an agency which provides child welfare services that he is holding the child.

**NRS 432B.405 Organization of child death review teams.**

- 1. *The director of A*an agency which provides child welfare services:
  - (a) May *provisionally appoint and* organize one or more multidisciplinary teams to review the death of a child; ~~and~~
  - (b) Shall submit appointees for review and approval by the Executive Committee to Review the Death of Children.*
  - ~~(b)~~ (c) Shall organize one or more multidisciplinary teams to review the death of a child under any of the following circumstances:
    - (1) Upon receiving a written request from an adult related to the child within the third degree of consanguinity, if the request is received by the agency within 1 year after the date of death of the child;

- (2) If the child dies while in the custody of or involved with an agency which provides child welfare services, or if the child's family previously received services from such an agency;
  - (3) If the death is alleged to be from abuse or neglect of the child;
  - (4) If a sibling, household member or daycare provider has been the subject of a child abuse and neglect investigation within the previous 12 months, including cases in which the report was unsubstantiated or the investigation is currently pending;
  - (5) If the child was adopted through an agency which provides child welfare services; or
  - (6) If the child died of Sudden Infant Death Syndrome.
2. A review conducted pursuant to subparagraph (2) of paragraph (b) of subsection 1 must occur within 3 months after the issuance of a certificate of death.

*New sections:*

***3. All multidisciplinary teams are exempt from the Open Meeting Law because specific confidential information regarding a child fatality or near fatality are disclosed.***

***4. Multidisciplinary team members are subject to a civil sanction of \$500 for disclosure of confidential information. The child welfare agency responsible for organizing the multidisciplinary team may bring an action to recover any civil penalty imposed and shall deposit any money recovered with the State Treasurer or a county treasurer for credit to the State General Fund or appropriate county fund.***

***5. The Division may organize a multidisciplinary team pursuant to NRS 432B.407 with all the protections thereof to carryout the purposes of NRS 432B.403, in order to provide oversight related to the child fatality review process for all agencies which provide child welfare services.***

**NRS 432B.408 Administrative team to review report of child death review team.**

1. The report and recommendations of a multidisciplinary team to review the death of a child must be transmitted to an administrative team for review.
2. An administrative team must consist of administrators of agencies which provide child welfare services, and agencies responsible for vital statistics, public health, mental health and public safety.
3. The administrative team shall review the report and recommendations and respond in writing to the multidisciplinary team within 90 days after receiving the report.

***New Section***

***4. The administrative team meetings are exempt from Open Meeting Laws when it becomes necessary for specific confidential information regarding a child fatality or near fatality to be disclosed.***

***5. The administrative team members are subject to a civil sanction of \$500 for disclosure of confidential information. The Division may bring an action to recover any civil penalty imposed and shall deposit any money recovered with the State Treasurer for credit to the State General Fund.***

**NRS 432B.409 Establishment, composition and duties of Executive Committee to Review the Death of Children; creation of and use of money in Review of Death of Children Account.**

2. The Executive Committee shall:
- (a) Adopt statewide protocols for the review of the death of a child;
  - (b) *Adopt regulations to carry out the provisions of NRS 432B.403 through NRS 432B.409;*
  - (c) *The Executive Committee members are subject to a civil sanction of \$500 for disclosure of confidential information. The Division may bring an action to recover any civil penalty imposed and shall deposit any money recovered with the State Treasurer for credit to the State General Fund.*
  - (d) *Adopt bylaws for the operations of the committee;*
  - ~~(b) Designate the members of an administrative team for the purposes of NRS 432B.408;~~
  - ~~(e) (e) Oversee training and development of multidisciplinary teams to review the death of children; and~~
  - ~~(f) (f) Compile and distribute a statewide annual report, including statistics and recommendations for regulatory and policy changes.~~
3. The Review of Death of Children Account is hereby created in the State General Fund. The Executive Committee may use money in the Account to carry out the provisions of [NRS 432B.403](#) to [432B.409](#), inclusive.

**DELETION:**

~~**NRS 432B.395 Plan of efforts to prevent or eliminate need for removal of child from home and to make safe return to home possible.** An agency which provides child welfare services shall submit annually to the Division of Child and Family Services for its approval a plan to ensure that the reasonable efforts required by subsection 1 of [NRS 432B.393](#) are made by that agency.~~  
~~—(Added to NRS by 1987, 1439; A 1993, 2708; 1999, 2037; 2001 Special Session, 46)~~

**CORRESPONDING REGULATION CHANGE**

~~**NAC 432B.040 Plans submitted pursuant to NRS 432B.395: Evaluation by division; action by agency upon disapproval.**~~  
~~—1.— The division will conduct an annual review of plans submitted pursuant to NRS 432B.395 in such a manner as to ensure compliance with the provisions of this chapter and chapter 432B of NRS.~~  
~~—2.— The division will provide to an agency that submits a plan pursuant to NRS 432B.395 a written evaluation of the plan, including the division's approval or disapproval of the plan, within 60 days after the date of receipt of the plan by the division. If a plan is disapproved, the agency submitting the plan shall:~~  
~~—(a) Establish a corrected plan for areas found not in compliance with this chapter and chapter 432B of NRS, and submit the corrected plan to the division within 60 days after the date of the letter of disapproval.~~

~~—(b) As needed, seek consultative services to develop a corrected plan. The division will provide assistance if requested. The division will reevaluate areas of the plan found not in compliance within 30 days after the resubmittal.~~

DRAFT

VI. FISCAL NOTE:

**NRS 432B.115** adds another category in which to substantiate abuse/neglect. This could increase the number of substantiations and appeals to the central registry. Additional staffing is necessary.

**NRS 432B.220** may result in an increase in the number of reports received by CPS. Additional workers are necessary to handle the increased investigations. Funding will be necessary to organize/train specialized child fatality investigators.

**NRS 432B. 260, 300** CPS must now initiate investigations of all child fatalities within 24 hours, this will increase the number of investigations assigned to workers. This may lead to increased substantiations, more children being removed from the home, and increased services that need to be provided to maintain children safely in the home when possible. Additional staffing is necessary.

**NRS 432B.290** The proper release of child fatality information to the public will require an additional position. This position will be responsible for gathering, releasing, and tracking child fatality information released to the public. Given the number of fatalities and the required level of detail that is to be released, these duties cannot be absorbed by an existing position. Funding is necessary for an additional staff person.

**NRS 432B.180/NAC 432B.030** The additional responsibilities for quality assurance reviews and tracking that include child fatality will increase the need for an additional quality assurance reviewer and management analyst. Funding is necessary for two additional full time staff persons.

**NRS 432B.190** Requests for expungement of records and request for information from the Central Registry may increase, requiring clerical support staff.

**NRS 432B.330** Another category of “child in need of protection” may lead to an increase in the number of removals from the home and/or an increase in the number of services that must be located/provided by the agency/caseworker to maintain the children safely in the home. Funding is needed to increase/retain foster care providers and to support additional staffing to meet the additional demands that will be placed on caseworkers.

**NRS 432B.115** New substantiation criteria must be communicated to hospitals statewide. This will require funding for marketing and a hospital liason.

**NRS 432B.409** Increased time will be necessary from the Attorney General’s Office.

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**NRS 432B.115, 220, 260, 300** - Increased abuse/neglect related child fatality reporting:  
CCDFS: 3 new case workers at \$42,000.00 for one year = \$126,000.00 +

\$69,600.00 for benefits and work station = **\$195,600.00**  
WCDSS: 2 new case workers at \$45,448.00 for one year = \$90,896.00 +  
\$46,400.00 for benefits and work stations = **\$137,296.00**  
DCFS: 1 new case worker for one year @ \$37, 813.00 + \$23,200.00 for benefits  
and work station = **\$61,013.00**  
**Total: \$393,909.00**

**NRS 432B.180/NAC432B.030** – Increased quality assurance/improvement monitoring activities:  
DCFS: 1 Quality Assurance/Improvement Position for one year @ \$47,000.00 +  
\$23,000.00 for benefits and workstation = **\$70,000.00**  
1 Management Analyst @ \$39,955 + \$19,178 for benefits and workstation =  
**\$59,133.00**  
**Total: \$129,133.00**

**NRS 432B.220** - Development and training of the specialized child fatality investigative unit:  
Curriculum and training = **\$50,000.00**  
Public Disclosure of Child Fatalities:  
DCFS: 2 Child Fatality Positions for one year @ \$47,000.00 + \$23,000.00 for  
benefits and workstation = **\$140,000.00**  
**Total: \$190,000.00**

**NRS 432B.330** - Increased Foster Home placements due to increased reporting:  
6 additional foster care placements (3CCDFS, 2 WCDSS, 1 DCFS) for one year at  
approximately \$600.00 x 6 x 12 = **\$43,200.00**  
**Total: \$ 43,200.00**

**NRS 432B.409** - Increased time for the Attorney General's Office:  
1 half time position = **\$32,500.00**  
**Total: \$32,500.00**

**NRS 432B.190** - Increased requests for information from the Central Registry and  
expungement requests: 1 half time clerical position for one year @ \$13,000.00 +  
\$10,200.00 for benefits and work station = **\$23,200.00**  
**Total: \$23,200.00**

**GRAND TOTAL = \$811,942.00**

Effect on the State

Yes  No  Contains Appropriation \_\_\_\_\_

Executive Budget \_\_\_\_\_ Effect Less Than \$2,000 \_\_\_\_\_

Effect on Local Government

Yes \_\_\_\_\_ No X Contains Appropriation \_\_\_\_\_

VII. Preprinting of Bill: (Subsection 3 of NRS 218.240)

May bill be preprinted? Yes X No \_\_\_\_\_

VIII. Name of person to be consulted if more information needed:

Name: Barbara Legier, Clinical Program Planner  
Telephone No. 684-4407.

IX. Name, title and mailing address of person to whom a copy of the drafted bill request should be mailed.

Fernando Serrano, Administrator  
Division of Child and Family Services  
711 E. Fifth Street  
Carson City, NV 89701

\_\_\_\_\_  
Signature of head of agency

\_\_\_\_\_  
Date

From: Department of Administration

To: Legislative Counsel

Approved for preparation of bill draft.

\_\_\_\_\_  
Signature, Department of Administration