

Concepts for Proposed Bill Draft Request

1. Disclosure of information concerning cases of child abuse and neglect which involve a fatality or near fatality

Amend NRS 432B.290 and other provisions as necessary to require agencies that provide child welfare services to release information to the public upon request relating to a case of child abuse and neglect which involves a fatality or near fatality. The information that must be disclosed includes, without limitation, the information which the court in In Re Clark County (No. A510196, April 4, 2006) held could be disclosed. This information includes:

- Date of birth
- Date of death
- Cause of death when determined
- Whether the child or family was previously known to the child welfare system
- Whether the system has intervened previously or in the instant case
- Status of the child's protective service case at the time of the event
- Whether a previous case was closed, and why it was closed
- Whether interventions were previously made or will be made
- Whether referrals were previously made or will be made
- Whether services were offered or are ongoing
- Reasons for closing a case

2. Missing Children

Authorize agencies that provide child welfare services to report certain information about a child determined to be missing who is under the investigation or supervision of the agency. The information that may be released includes the name, date of birth and physical description of the child who is missing as well as a photograph of the child, if the information is likely to assist efforts in locating the child or to promote the safety or well-being of the child. Additional information may be released with the concurrence of the law enforcement agency primarily responsible for investigating the incident.

3. Create a Legislative Committee on Child Welfare

Create a Legislative Committee on Child Welfare as a permanent statutory committee to meet during the interim between legislative sessions to:

- Receive, review and evaluate reports and recommendations of the Legislative Auditor provided pursuant to Item #4
- Holding public hearings concerning issues affecting the welfare of children in this State
- Report periodically to the Legislative Commission
- Make recommendations for legislation

4. Create a permanent position within the Audit Division of the Legislative Counsel Bureau to conduct an ongoing performance audit to ensure the health, safety, welfare, civil and other rights of children under the care or supervision of certain governmental entities and private facilities

A. Create a permanent full-time position within the Audit Division of the Legislative Counsel Bureau to:

- Conduct performance audits and evaluations of the practices, policies and procedures of any agency or entity which has court-ordered custody of a child
- Inspect the records and facilities of any person, agency or entity which has court-ordered custody of a child
- Make unannounced visits to the agencies and entities audited
- Receive and review copies of all guidelines used by governmental entities and private facilities concerning the health, safety, welfare, civil rights and treatment of children
- Receive and review copies of and evaluate complaints that are filed by any child or any other person on behalf of a child who is under the care of a governmental entity or private facility concerning the health, safety, welfare, or civil or other rights of the child
- Receive and review reports and other documents prepared by governmental entities and private facilities concerning the disposition of any complaints which were filed by a child or any other person on behalf

of a child concerning the health, safety, welfare, or civil or other rights of the child

- Review practices, policies and procedures of governmental entities and private facilities for filing and investigating complaints made by a child under their care or by any other person on behalf of such a child concerning the health, safety, welfare, or civil or other rights of the child
- Receive, review and evaluate all information and reports from governmental entities and private facilities relating to a child who suffers a fatality and near fatality as result of child abuse or neglect
- Report periodically to the Legislative Committee on Child Welfare

B. Require any person, agency or entity which has court-ordered custody of a child to:

- Cooperate fully with the Legislative Auditor and the Legislative Committee on Child Welfare
- Allow the Legislative Auditor access to records and facilities with or without prior notice
- Allow the Legislative Auditor to interview children and staff
- Allow the Legislative Auditor to inspect, review and copy any records, reports and other documents relevant to the duties of the Legislative Auditor
- Post information in a conspicuous place within the governmental entity or private facility concerning the role of the Legislative Auditor and the

manner in which a child or other person may contact the Legislative Auditor to file a complaint or provide other information

- Forward to the Legislative Auditor copies of any complaint that is filed by a child under the care of a governmental entity or private facility or by any other person on behalf of such a child concerning the health, safety, welfare, or civil or other rights of the child

C. Require agencies that provide child welfare services to provide to the Legislative Auditor all information relating to any child under the investigation or supervision of the agency who suffers a fatality or near fatality as a result of child abuse or neglect. Except as otherwise provided in this paragraph, the Legislative Auditor shall disclose such information to the public upon request. The Legislative Auditor shall not release any of the following information in response to a request from the public for information relating to a case involving a child fatality or near fatality as a result of child abuse or neglect:

- A privileged communication with an attorney
- The identity of any person who provided information related to a report of child abuse made pursuant to NRS 432B.220
- Information that the Legislative Auditor reasonably believes may cause mental or physical harm to the child, a sibling of the child or any other child living in the household
- Information that the Legislative Auditor believes may undermine a criminal investigation or pending criminal prosecution

D. Require the Legislative Auditor to follow the procedures established pursuant to NRS 218.737 to 218.893, inclusive, except as otherwise specified. Require the Legislative Auditor to maintain the confidentiality of all information received other than that identified above. Information received by the Legislative Auditor shall be confidential until disclosed.