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ASSEMBLY BILL NO. 81—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF LEGISLATIVE COMMITTEE ON  
CHILD WELFARE AND JUVENILE JUSTICE)

PREFILED FEBRUARY 1, 2013

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the protection of children. (BDR 38-67)

FISCAL NOTE: Effect on Local Government: No.  
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; requiring certain committees and other bodies appointed or organized by an agency which provides child welfare services to include a member who represents the interests of natural parents; requiring an improvement plan prepared by an agency which provides child welfare services to be posted on the Internet; consolidating certain state-level entities which review the death of children; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 **Section 1** of this bill requires an agency which provides child welfare services  
2 that is required by federal or state law to create a committee, group, panel,  
3 subcommittee, team or other similar body, to include in the body at least one  
4 member who represents the natural parents of a child in the custody of an agency  
5 which provides child welfare services. **Sections 2, 4 and 7** of this bill add such a  
6 member to certain existing entities organized or appointed by an agency which  
7 provides child welfare services. (NRS 432B.178, 432B.406, 432B.409)

8 Under existing law, both an administrative team, consisting of administrators of  
9 certain agencies, and the Executive Committee to Review the Death of Children are  
10 required to review and report upon the deaths of children. (NRS 432B.408,  
11 432B.409) **Sections 6-9** of this bill consolidate the administrative team, including  
12 its members and duties, into the Executive Committee so that there is just one state-  
13 level team.



14 Existing law specifies that each agency which provides child welfare services  
15 must, every 2 years, submit an improvement plan to the Division of Child and  
16 Family Services of the Department of Health and Human Services. (NRS  
17 432B.216) **Section 3** of this bill provides that each such improvement plan must be  
18 made available to the public and included on the Internet website maintained by the  
19 Division.

20 Under existing law, a multidisciplinary team to review the death of a child is  
21 authorized to access, review and share certain information regarding the death of a  
22 child. (NRS 432B.407) **Section 5** of this bill further allows a multidisciplinary team  
23 to use such data if the data: (1) does not allow for the identification of any person;  
24 (2) is aggregated; and (3) is used for research or to prevent future deaths of  
25 children.

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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 a new section to read as follows:

3 *If an agency which provides child welfare services is required*  
4 *by federal or state law to create a committee, group, panel,*  
5 *subcommittee, team or other similar body, the agency shall, except*  
6 *as otherwise provided by law, ensure that the committee, group,*  
7 *panel, subcommittee, team or other similar body includes at least*  
8 *one person to represent natural parents of a child in the custody of*  
9 *an agency which provides child welfare services.*

10 **Sec. 2.** NRS 432B.178 is hereby amended to read as follows:

11 432B.178 1. The Director of the Department of Health and  
12 Human Services may create an interagency committee to evaluate  
13 the child welfare system in this State. Any such evaluation must  
14 include, without limitation, a review of state laws to ensure that the  
15 state laws comply with federal law and to ensure that the state laws  
16 reflect the current practices of each agency which provides child  
17 welfare services and others involved in the child welfare system.

18 2. The Director may appoint as many members to the  
19 interagency committee as the Director deems appropriate except that  
20 the members of such a committee must include, without limitation,  
21 at least one person to represent:

- 22 (a) Each agency which provides child welfare services;  
23 (b) The Department of Education;  
24 (c) The juvenile justice system;  
25 (d) Law enforcement; ~~and~~  
26 (e) Providers of treatment or services for persons in the child  
27 welfare system ~~H~~; and  
28 (f) *Natural parents of a child in the custody of an agency*  
29 *which provides child welfare services.*



1 3. The interagency committee created pursuant to subsection 1  
2 may directly request the Legislative Counsel and the Legal Division  
3 of the Legislative Counsel Bureau to prepare one legislative  
4 measure for a regular legislative session if it determines that  
5 changes in legislation are necessary. Any such request must be  
6 submitted to the Legislative Counsel on or before September 1  
7 preceding the commencement of a regular session of the  
8 Legislature. Upon completion of the proposed legislation, the  
9 Legislative Counsel shall transmit any legislative measure prepared  
10 pursuant to this subsection to the appropriate standing committee of  
11 the Assembly or Senate within the first week of the next regular  
12 legislative session for introduction.

13 4. The interagency committee created pursuant to subsection 1  
14 shall, on or before January 1 of each odd-numbered year after it is  
15 created, submit to the Director of the Legislative Counsel Bureau a  
16 written report for transmittal to the Chairs of the Assembly and  
17 Senate Standing Committees on Judiciary, the Chair of the  
18 Assembly Committee on Health and Human Services and the Chair  
19 of the Senate Committee on Health and Education.

20 **Sec. 3.** NRS 432B.216 is hereby amended to read as follows:

21 432B.216 1. Each agency which provides child welfare  
22 services shall submit an improvement plan to the Division of Child  
23 and Family Services on or before January 1 of each odd-numbered  
24 year.

25 2. Before submitting an improvement plan pursuant to  
26 subsection 1, the agency must solicit public input regarding the  
27 proposed improvement plan. The agency which provides child  
28 welfare services shall submit with the improvement plan an  
29 explanation of the manner in which the agency solicited such public  
30 input and a summary of any input received.

31 3. The improvement plan must cover a period of 2 years and  
32 include, without limitation:

33 (a) Specific performance targets for improving the safety,  
34 permanency and well-being of the children in the care of the agency  
35 which provides child welfare services; and

36 (b) The approach that the agency which provides child welfare  
37 services will take to achieve the specific performance targets,  
38 including, without limitation, specific strategies that will be used.

39 4. *The improvement plan is a public record and must be open*  
40 *for inspection pursuant to NRS 239.010. The Division of Child*  
41 *and Family Services shall post each improvement plan on its*  
42 *Internet website.*

43 5. On or before December 31 of each year, the agency which  
44 provides child welfare services must submit to the Division of Child  
45 and Family Services data demonstrating the progress that the agency



1 which provides child welfare services has made towards meeting the  
2 specific performance targets set forth in the improvement plan  
3 submitted pursuant to subsection 1.

4 **Sec. 4.** NRS 432B.406 is hereby amended to read as follows:

5 432B.406 1. A multidisciplinary team to review the death of  
6 a child that is organized by an agency which provides child welfare  
7 services pursuant to NRS 432B.405 must include, insofar as  
8 possible:

9 (a) A representative of any law enforcement agency that is  
10 involved with the case under review;

11 (b) Medical personnel;

12 (c) A representative of the district attorney's office in the county  
13 where the case is under review;

14 (d) A representative of any school that is involved with the case  
15 under review;

16 (e) A representative of any agency which provides child welfare  
17 services that is involved with the case under review; ~~and~~

18 (f) A representative of the coroner's office ~~;~~ **and**

19 ***(g) A representative of natural parents of a child in the custody***  
20 ***of an agency which provides child welfare services.***

21 2. A multidisciplinary team may include such other  
22 representatives of other organizations concerned with the death of  
23 the child as the agency which provides child welfare services deems  
24 appropriate for the review.

25 **Sec. 5.** NRS 432B.407 is hereby amended to read as follows:

26 432B.407 1. A multidisciplinary team to review the death of  
27 a child is entitled to access to:

28 (a) All investigative information of law enforcement agencies  
29 regarding the death;

30 (b) Any autopsy and coroner's investigative records relating to  
31 the death;

32 (c) Any medical or mental health records of the child; and

33 (d) Any records of social and rehabilitative services or of any  
34 other social service agency which has provided services to the child  
35 or the child's family.

36 2. Each organization represented on a multidisciplinary team to  
37 review the death of a child shall share with other members of the  
38 team information in its possession concerning the child who is the  
39 subject of the review, any siblings of the child, any person who was  
40 responsible for the welfare of the child and any other information  
41 deemed by the organization to be pertinent to the review.

42 3. A multidisciplinary team to review the death of a child may,  
43 if appropriate, meet and share information with a multidisciplinary  
44 team to review the death of the victim of a crime that constitutes



1 domestic violence organized or sponsored pursuant to NRS 217.475  
2 or 228.495.

3 4. A multidisciplinary team to review the death of a child may  
4 petition the district court for the issuance of, and the district court  
5 may issue, a subpoena to compel the production of any books,  
6 records or papers relevant to the cause of any death being  
7 investigated by the team. Except as otherwise provided in NRS  
8 239.0115, any books, records or papers received by the team  
9 pursuant to the subpoena shall be deemed confidential and  
10 privileged and not subject to disclosure.

11 5. *A multidisciplinary team to review the death of a child may*  
12 *use data collected concerning the death of a child for the purposes*  
13 *of research or to prevent future deaths of children so long as the*  
14 *data is aggregated and does not allow for the identification of any*  
15 *person.*

16 6. Except as otherwise provided in this section, information  
17 acquired by, and the records of, a multidisciplinary team to review  
18 the death of a child are confidential, must not be disclosed, and are  
19 not subject to subpoena, discovery or introduction into evidence in  
20 any civil or criminal proceeding.

21 **Sec. 6.** NRS 432B.408 is hereby amended to read as follows:

22 432B.408 1. The report and recommendations of a  
23 multidisciplinary team to review the death of a child must be  
24 transmitted ~~{to an administrative team}~~ for review ~~{~~

25 ~~—2. An administrative team must consist of administrators of~~  
26 ~~agencies which provide child welfare services, and agencies~~  
27 ~~responsible for vital statistics, public health, mental health and~~  
28 ~~public safety.~~

29 ~~—3.}~~ *to the Executive Committee to Review the Death of Children*  
30 *established pursuant to NRS 432B.409.*

31 2. The ~~{administrative team}~~ *Executive Committee* shall  
32 review the report and recommendations and respond in writing to  
33 the multidisciplinary team within 90 days after receiving the report.

34 **Sec. 7.** NRS 432B.409 is hereby amended to read as follows:

35 432B.409 1. The Administrator of the Division of Child and  
36 Family Services shall establish an Executive Committee to Review  
37 the Death of Children, consisting of ~~{representatives}~~ :

38 (a) *Representatives* from multidisciplinary teams formed  
39 pursuant to ~~{paragraph (a) of}~~ subsection 1 of NRS 432B.405 and  
40 NRS 432B.406, vital statistics, law enforcement, public health and  
41 the Office of the Attorney General.

42 (b) *Administrators of agencies which provide child welfare*  
43 *services, and agencies responsible for mental health and public*  
44 *safety, to the extent that such administrators are not already*  
45 *appointed pursuant to paragraph (a).*



1 *(c) At least one person to represent natural parents of a child*  
2 *in the custody of an agency which provides child welfare services.*

3 2. The Executive Committee shall:

4 (a) Adopt statewide protocols for the review of the death of a  
5 child;

6 (b) Adopt regulations to carry out the provisions of NRS  
7 432B.403 to 432B.4095, inclusive;

8 (c) Adopt bylaws to govern the management and operation of  
9 the Executive Committee;

10 (d) Appoint one or more multidisciplinary teams to review the  
11 death of a child from the names submitted to the Executive  
12 Committee pursuant to paragraph (b) of subsection 1 of  
13 NRS 432B.405;

14 (e) Oversee training and development of multidisciplinary teams  
15 to review the death of children; ~~and~~

16 (f) Compile and distribute a statewide annual report, including  
17 statistics and recommendations for regulatory and policy changes ~~;~~

18 ;  
19 *(g) Carry out the duties specified in NRS 432B.408; and*  
20 *(h) Carry out such other duties as prescribed by the Division of*  
21 *Child and Family Services by regulation.*

22 3. The Review of Death of Children Account is hereby created  
23 in the State General Fund. The Executive Committee may use  
24 money in the Account to carry out the provisions of NRS 432B.403  
25 to 432B.4095, inclusive.

26 **Sec. 8.** NRS 432B.4095 is hereby amended to read as follows:

27 432B.4095 1. Each member of a multidisciplinary team  
28 organized pursuant to NRS 432B.405, a multidisciplinary team  
29 organized pursuant to NRS 432B.4075 ~~[-an administrative team~~  
30 ~~organized pursuant to NRS 432B.408]~~ or the Executive Committee  
31 to Review the Death of Children established pursuant to NRS  
32 432B.409 who discloses any confidential information concerning  
33 the death of a child is personally liable for a civil penalty of not  
34 more than \$500.

35 2. The Administrator of the Division of Child and Family  
36 Services:

37 (a) May bring an action to recover a civil penalty imposed  
38 pursuant to subsection 1 against a member of a multidisciplinary  
39 team organized pursuant to NRS 432B.4075 ~~[-an administrative~~  
40 ~~team]~~ or the Executive Committee; and

41 (b) Shall deposit any money received from the civil penalty with  
42 the State Treasurer for credit to the State General Fund.

43 3. Each director or other authorized representative of an agency  
44 which provides child welfare services that organized a  
45 multidisciplinary team pursuant to NRS 432B.405:



1 (a) May bring an action to recover a civil penalty pursuant to  
2 subsection 1 against a member of the multidisciplinary team; and

3 (b) Shall deposit any money received from the civil penalty in  
4 the appropriate county treasury.

5 **Sec. 9.** As soon as practicable after October 1, 2013:

6 1. The Administrator of the Division of Child and Family  
7 Services of the Department of Health and Human Services shall  
8 appoint to the Executive Committee to Review the Death of  
9 Children established pursuant to NRS 432B.409 the additional  
10 members of the Executive Committee required by paragraphs (b)  
11 and (c) of subsection 1 of NRS 432B.409, as amended by section 7  
12 of this act.

13 2. A person to represent natural parents of a child in the  
14 custody of an agency which provides child welfare services must be  
15 appointed to:

16 (a) Any committee, group, panel, subcommittee, team or other  
17 similar body to which the provisions of section 1 of this act apply  
18 which exists on October 1, 2013, by the agency which provides  
19 child welfare services that created the body if such a person is not  
20 already a member of any such body and appointment is not  
21 prohibited by law.

22 (b) A multidisciplinary team to review the death of a child that  
23 is organized pursuant to NRS 432B.405 before October 1, 2013, by  
24 the agency which provides child welfare services that created the  
25 multidisciplinary team if such a person is not already a member of  
26 the team and appointment will not unduly delay the work of the  
27 multidisciplinary team as determined by the agency which provides  
28 child welfare services.



