

# **LEGAL OBLIGATIONS UNDER NEVADA LAW WHEN IT IS BELIEVED A CHILD HAS BEEN ABUSED OR NEGLECTED\***

## **1. MANDATORY REPORTING**

- a. In 1985, Nevada adopted mandatory reporting laws to protect children from abuse and neglect.
- b. Mandatory reporting laws impose a duty on citizens to act if they believe a child has been abused or neglected.

## **2. DEFINITIONS AND TERMS**

a. **“Child”** means anyone under the age of 18 years or, if in school, until graduation from high school (NRS 432B.040).

b. **“Abuse or Neglect”** means (NRS 432B.020):

1. Physical or mental injury of a non-accidental nature

A. **“Mental injury,”** means any injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of his ability to function within his normal range (NRS 432B.070).

B. **“Physical injury,”** includes, without limit (NRS 432B.090):

1. A sprain or dislocation.
  2. Damage to cartilage.
  3. A fracture of a bone or the skull.
  4. An intracranial hemorrhage or injury to another internal organ.
  5. A burn or scalding.
  6. A cut, laceration, puncture or bite.
  7. Permanent or temporary disfigurement.
  8. Permanent or temporary loss or impairment of a body part.
2. Sexual abuse or sexual exploitation
- A. **“Sexual abuse”** is (NRS 432B.100):
1. Incest as defined in NRS 201.180.
  2. Lewdness as defined in NRS 201.230.

3. Sado-masochistic abuse as defined in NRS 201.262.
4. Sexual assault as defined in NRS 200.366.
5. Statutory sexual seduction as defined in NRS 200.368.
6. Open or gross lewdness as defined in NRS 201.210.
7. Mutilation of the genitalia of a female child, aiding or participating in such conduct, or removal of a female child from this state for the purpose of such conduct under NRS 200.5083.

B. "Sexual exploitation" includes forcing or encouraging a child to (NRS 432B.110):

1. Solicit or engage in prostitution.
2. View pornographic film or literature.
3. Engage in filming, photographing or recording on video tape which involves the exhibition of a child's genitals or any sexual conduct with a child as defined in NRS 200.700.
4. Engage in posing, modeling, depiction or a live performance before an audience which involves the exhibition of a child's genitals or any sexual conduct with a child as defined in NRS 200.700.
3. Negligent treatment or maltreatment caused by or allowed by a parent or guardian which indicates the child's health or welfare is harmed or threatened.

A. "Allowed" means to do nothing to prevent or stop the abuse or neglect of the child. (NRS 432B.020(3)).

B. "Negligent treatment or maltreatment," occurs when (NRS 432B.140):

1. The child has been subjected to harmful behavior that is terrorizing, degrading, painful or emotionally traumatic.
2. The child is abandoned.
3. The child is without proper care, control or supervision.
4. The child lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the habits or faults of the person responsible for the child's welfare.

c. "**Excessive Corporal Punishment**" may result in physical or mental injury which constitutes abuse or neglect of a child (NRS 432B.150).

**3. MANDATORY REPORTERS: PERSONS REQUIRED TO REPORT CHILD ABUSE OR NEGLECT (NRS 432B.220).**

a. A person who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected, MUST:

1. Report the abuse or neglect of the child to an agency which provides welfare services or to a law enforcement agency AND

2. Make such report as soon as reasonably practicable BUT NOT LATER THAN 24 HOURS after the person knows or has reasonable cause to believe that the child has been abused or neglected.

3. If the reporter has reason to believe the act or omission giving rise to the abuse or neglect was an act or omission by a person directly responsible for daycare of the child, or is an employee or volunteer in a public or private home, institution or facility, the reporter must report to a law enforcement agency (NRS 432B.220(a)).

4. If an agency which provides child welfare services or a law enforcement agency is the one that committed the act or omission which directly resulted in the abuse or neglect of the child, the reporter must report to an agency other than the one alleged to have committed the act or omission (NRS 432B.220(2)(b)).

b. Mandatory Reporters: NRS 432B.220(4)(a)-(l) lists various persons who MUST report child abuse or neglect, which list includes, but is not limited to the following persons in their professional capacity: marriage and family therapists, alcohol and drug abuse counselors, clergymen (except when the information is gained through confession), school staff and personnel, all child care workers, all volunteers of agencies that provide services for abused and neglected children or for children suspected of being victims of abuse or neglect, and “any adult” who is employed by an entity that provides organized activities for children.

c. A report MAY be made by any other citizen (NRS 432B.220(5)).

#### **4. METHODS AND CONTENT OF REPORT (NRS 432B.230).**

a. A person may make a report by telephone, or in light of the surrounding facts and circumstances that are known or reasonable should be known, by any other means of oral, written or electronic communication that a reasonable person would believe, under the facts and circumstances, is a reliable and swift means of communicating information. The Diocese strongly recommends that any oral report be confirmed in writing.

b. A report of suspected child abuse or neglect should contain the following, if obtainable:

1. Name, address, age and sex of the child;

2. Name and address of the child’s parents or other person responsible for the child’s care;

3. Nature and extent of the abuse or neglect or effect of prenatal drug abuse on infant;

4. Any evidence of previously known or suspected abuse or neglect of the child or the child’s siblings or effect of prenatal drug abuse on infant;

5. Name, address and relationship of the person who is alleged to have abused or neglected the child; and

6. Any other information known to the person making the report that the agency which provides child welfare services considers necessary.

**5. PENALTIES FOR NON-REPORTERS (NRS 432B.240).**

Any person who knowingly and willfully violates the mandatory reporting provisions is guilty of a misdemeanor for the first violation or gross misdemeanor for subsequent violations. A misdemeanor is punishable by imprisonment in county jail for up to 6 months and/or a fine of not more than \$1,000. A gross misdemeanor is punishable by up to 364 days in the county jail and/or a fine of not more than \$2,000.

**6. WHAT HAPPENS TO PERSON WHO MAKES A REPORT?**

a. If the report is made in good faith, person making report is immune from civil or criminal liability (NRS 432B.160).

b. Reports are to be confidential, as well as all records concerning reports and investigations of the reports (NRS 432B.280(1)).

1. Reports may be released to certain limited persons and entities (e.g., physician treating child, District Attorney prosecuting case, a court for in camera inspection, investigative agency, parent or other personal responsible for child). (NRS 432B.290(2)).

2. Anyone releasing a report or information concerning it, except as authorized or required by law, is guilty of a gross misdemeanor. (NRS 432B.280(2)).