

NEVADA
Senate Bill 191
Newborn Baby Abandonment Law
May 31, 2001
(Amended) NRS Chapter 432B:

1. A provider of emergency services shall take immediate possession of a child who is or appears to be not more than 30 days old:

... (a) When:

..... (1) The child is voluntarily delivered to the provider by a parent of the child; and

..... (2) The parent does not express an intent to return for the child; or

... (b) When the child is delivered to the provider by another provider of emergency services pursuant to paragraph (b) of subsection 2.

2. A provider of emergency services who takes possession of a child pursuant to subsection 1 shall:

... (a) Whenever possible, inform the parent of the child that:

..... (1) By allowing the provider to take possession of the child, the parent is presumed to have abandoned the child;

..... (2) By failing or refusing to provide an address where he can be located, the parent waives any notice of the hearing to be conducted pursuant to NRS 432B.470; and

..... (3) Unless the parent contacts the local agency which provides protective services, action will be taken to terminate his parental rights regarding the child.

... (b) Perform any act necessary to maintain and protect the physical health and safety of the child. If the provider is a public fire-fighting agency or a law enforcement agency, the provider shall immediately cause the safe delivery of the child to a hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS.

... (c) As soon as reasonably practicable but not later than 24 hours after the provider takes possession of the child, report that possession to an agency which provides protective services.

3. A parent who delivers a child to a provider of emergency services pursuant to paragraph (a) of subsection 1:

... (a) Shall leave the child:

..... (1) In the physical possession of a person who the parent has reasonable cause to believe is an employee of the provider; or

..... (2) On the property of the provider in a manner and location that the parent has reasonable cause to believe will not threaten the physical health or safety of the child, and immediately contact the provider, through the local emergency telephone number or otherwise, and inform the provider of the delivery and location of the child. A provider of emergency services is not liable for any civil damages as a result of any harm or injury sustained by a child after the child is left on the property of the provider pursuant to this subparagraph and before the provider is informed of the delivery and location of the child pursuant to this subparagraph or the provider takes physical possession of the child, whichever occurs first.

... (b) Shall be deemed to have given his consent to the performance of all necessary emergency services and care for the child.

... (c) Must not be required to provide any background or medical information regarding the child, but may voluntarily do so.

... (d) Unless there is reasonable cause to believe that the child has been abused or neglected, excluding the mere fact that the parent has delivered the child to the provider pursuant to subsection 1:

..... (1) Must not be required to disclose any identifying information, but may voluntarily do so;

..... (2) Must be allowed to leave at any time; and

..... (3) Must not be pursued or followed.

4. As used in this section, "provider of emergency services" means:

- . . . (a) A hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS;
- . . . (b) A public fire-fighting agency; or
- . . . (c) A law enforcement agency.

(Amended) NRS 432B:

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

- . . . (a) Parent delivers the child to a provider of emergency services pursuant to section 1 of this act, if the parent complies with the requirements of paragraph (a) of subsection 3 of that section; or
- . . . (b) Parent or guardian, in good faith, selects and depends upon nonmedical remedial treatment for such child, if such treatment is recognized and permitted under the laws of this state in lieu of medical treatment. This paragraph does not limit the court in ensuring that a child receive a medical examination and treatment pursuant to NRS 62.231.

(Amended) NRS 432B.160:

1. Except as otherwise provided in subsection 2, immunity...

... takes possession of a child pursuant to section 1 of this act or places a child in protective custody pursuant to any provision of this chapter;

- . . . (g) Performs any act pursuant to subsection 2 of section 1 of this act;
- . . . (h) Refers a case or recommends the filing of a petition pursuant to NRS 432B.380; or
- . . . (i) Participates in a judicial proceeding resulting from a referral or recommendation.

2. The provisions of subsection 1 do not confer any immunity from liability for the negligent performance of any act pursuant to paragraph (b) of subsection 2 of section 1 of this act.

3. In any proceeding to impose liability against a person for:

- . . . (a) Making a report pursuant to NRS 432B.220; or
- . . . (b) Performing any act set forth in paragraphs (b) to (i), inclusive, of subsection 1, there is a presumption that the person acted in good faith.

(Amended) NRS 432B.330:

1. A child is in need of protection if:

- . . . (e) He has been placed for care or adoption in violation of law ; or
- . . . (f) He has been delivered to a provider of emergency services pursuant to section 1 of this act.

(Amended) NRS 432B.390:

1. An agent or officer of a law enforcement agency, an officer of the local juvenile probation department or the local department of juvenile services, or a designee of an agency which provides protective services:

2. When an agency which provides protective services receives a report pursuant to subsection 2 of section 1 of this act, a designee of the agency which provides protective services shall immediately place the child in protective custody.

(Amended) NRS 432B.393:

1. Except as otherwise provided in this section, an agency which provides protective services shall make reasonable efforts to preserve and reunify the family of a child to prevent or eliminate the need for his removal from his home and to make it possible for his safe return to his home.

3. An agency which provides protective services is not required to make the reasonable efforts required by subsection 1 if the court finds that:

- . . . (f) (or)The child was delivered to a provider of emergency services pursuant to section 1 of this act.

(Amended) NRS 432B.470:

2. Except as otherwise provided in this subsection, notice of the time and place of the hearing must be given to a parent or other person responsible for the child's welfare:

. . . (a) By personal service of a written notice;

. . . (b) Orally; or

. . . (c) If the parent or other person responsible for the child's welfare cannot be located after a reasonable effort, by posting a written notice on the door of his residence. If the child was delivered to a provider of emergency services pursuant to section 1 of this act and the location of the parent is unknown, the parent shall be deemed to have waived any notice of the hearing conducted pursuant to this section.

(Amended) NRS 432B.520:

4. If the:

. . . (a) Person summoned resides in this state, the summons must be served personally:

. . . (b) Person summoned cannot be found within this state or does not reside in this state, the summons must be mailed by registered or certified mail to his last known address[.] ; or

. . . (c) Child was delivered to a provider of emergency services pursuant to section 1 of this act and the location of the parent is unknown, the summons must be served on the parent by publication at least once a week for 3 consecutive weeks in a newspaper published in the county and if no such newspaper is published, then a newspaper published in this state that has a general circulation in the county. The failure of the parent to appear in the action after the service of summons on the parent pursuant to this paragraph shall be deemed to constitute a waiver by the parent of any further notice of the proceedings that would otherwise be required pursuant to this chapter.

(Amended) NRS 432B.540:

1. If the court finds that the allegations of the petition are true, it shall order that a report be made in writing by an agency which provides protective services, concerning:

. . . (a) Except as otherwise provided in paragraph (b), the conditions in the child's place of residence, the child's record in school, the mental, physical and social background of his family, its financial situation and other matters relevant to the case; or

. . . (b) If the child was delivered to a provider of emergency services pursuant to section 1 of this act, any matters relevant to the case.

(Amended) NRS 432B.550:

4. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides protective services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to section 1 of this act and the location of the parent is unknown, the report need not be sent to that parent.

(Amended) NRS 432B.560:

The court may also order:

. . . (a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

. . . (b) A parent or guardian to refrain from:

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to section 1 of this act and the location of the parent is unknown.

(Amended) NRS 432B.580:

2. Except as otherwise provided in this subsection, a copy of the report must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to section 1 of this act and the parent has not appeared in the action, the report need not be sent to that parent.
3. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.
4. Except as otherwise provided in this subsection and paragraph (c) of subsection 4 of NRS 432B.520, notice of the hearing must be given by registered or certified mail to:
 - . . . (a) All the parties to any of the prior proceedings; and
 - . . . (b) Any persons planning to adopt the child, relatives of the child or providers of foster care who are currently providing care to the child.

Notice of the hearing need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040.

(Amended) NRS 128.097:

If a parent of a child:

1. Engages in conduct that violates any provision of NRS 200.465; or
2. Voluntarily delivers a child to a provider of emergency services pursuant to section 1 of this act, the parent is presumed to have abandoned the child.

(Amended) NRS 200.508:

3. A person does not commit a violation of subsection 1 by virtue of the sole fact that he delivers or allows the delivery of a child to a provider of emergency services pursuant to section 1 of this act.

(Amended) NRS 201.110:

1. Except as otherwise provided in this section, any person who commits any act or omits the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of 18 to become a "neglected child," "child in need of supervision" or "delinquent child," as defined in NRS 201.090, to 201.110, inclusive, or which act or omission contributes thereto, or any person who, by any act or omission, or by threats, command or persuasion, induces or endeavors to induce any person under the age of 18 to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause any such person to become or to remain a person who is a "neglected child," "child in need of supervision" or "delinquent child," as defined in NRS 201.090, is guilty of contributory neglect or contributory delinquency. Contributory neglect or contributory delinquency is a misdemeanor.
2. A person does not commit a violation of subsection 1 by virtue of the sole fact that he delivers or induces the delivery of a child to a provider of emergency services pursuant to section 1 of this act.

The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

This act becomes effective upon passage and approval.

Signed by Governor - May 31, 2001 Effective - May 31, 2001

**Disclaimer: This representation of Nevada legislation should NOT be considered an OFFICIAL representation.