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Nevada

Immunity for Reporters of Child Abuse and Neglect

To better understand this issue and to view it across States, download the PDF (</pubpdfs/immunity.pdf>) (481 KB) of this publication.

Current Through March 2015

Citation: Rev. Stat. § 432B.160

Except as otherwise provided below, immunity from civil or criminal liability extends to every person who in good faith:

- Makes a report pursuant to the reporting laws
- Conducts an interview or allows an interview to be taken
- Allows or takes photographs or x-rays
- Causes a medical test to be performed
- Provides a record, or a copy of a record, of a medical test to an agency that provides child welfare services to the child, a law enforcement agency that participated in the investigation of the report made pursuant to § 432B. 220, or the prosecuting attorney's office
- Holds a child pursuant to § 432B.400 [pertaining to the temporary detention of a child by a physician], takes possession of a child pursuant to § 432B.630 [pertaining to the delivery of a newborn child to a provider of emergency services], or places a child in protective custody
- Performs any act pursuant to § 432B.630(2)
- Refers a case or recommends the filing of a petition pursuant to § 432B.380 [pertaining to the referral of a case to a district attorney for criminal prosecution]
- Participates in a judicial proceeding resulting from a referral or recommendation

The provisions above do not confer any immunity from liability for the negligent performance of any act pursuant to § 432B.630.

In any proceeding to impose liability against a person for making a report pursuant to the reporting laws or performing any of the actions listed above, there is a presumption that a person acted in good faith.

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Mandatory Reporters of Child Abuse and Neglect

To better understand this issue and to view it across States, download the PDF (</pubpdfs/manda.pdf>) (763 KB) of this publication.

Current Through August 2015

Professionals Required to Report

Citation: Rev. Stat. § 432B.220

Mandatory reporters include:

- Persons providing services licensed or certified in this State pursuant to, without limitation, hospitals, physicians and other medical personnel, psychologists, therapists, social workers, and counselors, as described in chapters 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, and 641C
- Any personnel of a licensed medical facility engaged in the admission, examination, care, or treatment of persons or an administrator, manager, or other person in charge of the medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility
- Coroners
- Members of the clergy, Christian Science practitioners, or religious healers
- Persons working in schools
- Persons who maintain or are employed by facilities that provide care for children, children's camps, or other public or private facilities, institutions, or agencies furnishing care to children
- Persons licensed to conduct foster homes
- Officers or employees of law enforcement agencies or adult or juvenile probation officers
- Except as otherwise provided below, attorneys
- Person who maintain, are employed by, or serve as volunteers for agencies or services that advise persons regarding abuse or neglect of a child and refer them to persons and agencies where their requests and needs can be met
- Persons who are employed by or serve as volunteers for a youth shelter
- Any adult person who is employed by an entity that provides organized activities for children

Reporting by Other Persons

Citation: Rev. Stat. § 432B.220

Any other person may report.

Institutional Responsibility to Report

Not addressed in statutes reviewed.

Standards for Making a Report

Citation: Rev. Stat. § 432B.220

A report is required when:

- A reporter, in his or her professional capacity, knows or has reason to believe that a child is abused or neglected.
- A reporter has reasonable cause to believe that a child has died as a result of abuse or neglect.
- A medical services provider who delivers or provides medical services to a newborn infant, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure.

Privileged Communications

Citation: Rev. Stat. §§ 432B.220; 432B.225; 432B.250

The clergy-penitent privilege applies when the knowledge is gained during religious confession.

Notwithstanding the provisions of § 432B.220, an attorney shall not make a report of the abuse or neglect of a child if the attorney acquired knowledge of the abuse or neglect from a client during a privileged communication if the client:

- Has been or may be accused of committing the abuse or neglect
- Is the victim of the abuse or neglect, is in foster care, and did not give consent to the attorney to report the abuse or neglect

Nothing in this section shall be construed as relieving an attorney from:

- The duty to report the abuse or neglect of a child, except as otherwise provided above
- Complying with any ethical duties of attorneys, including, without limitation, any duty to take reasonably necessary actions to protect his or her client if the client is not capable of making adequately considered decisions because of age, mental impairment, or any other reason

Any other person who is required to report may not invoke privilege for failure to make a report.

Inclusion of Reporter's Name in Report

Not addressed in statutes reviewed.

Disclosure of Reporter Identity

Citation: Rev. Stat. § 432B.290

Information maintained by a child welfare agency may be made available to the persons listed below, as long as the identity of the person making the report is kept confidential:

- The proposed guardian or proposed successor guardian of a child
- A parent or legal guardian of the child and his or her attorney
- A child age 14 or older over whom a guardianship is sought
- Upon written consent of the parent, any officer of this State or a city or county or legislator, to investigate the activities or programs of a child welfare agency

An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child a written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

Except as provided below, before releasing any information an agency shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect.

A person who is the subject of an unsubstantiated report of child abuse or neglect who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency that provides child welfare services to release information maintained by the agency. If the court finds that there is a reasonable cause to believe that the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner.

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Penalties for Failure to Report and False Reporting of Child Abuse and Neglect

To better understand this issue and to view it across States, download the PDF (</pubpdfs/report.pdf>) (416 KB) of this publication.

Current Through August 2015

Failure to Report

Citation: Rev. Stat. § 432B.240

Any person who knowingly and willfully violates the provisions of § 432B.220 is guilty of:

- For the first violation, a misdemeanor
- For each subsequent violation, a gross misdemeanor

False Reporting

This issue is not addressed in the statutes reviewed.

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