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Civil Procedure; Burden of Proof-Pesumption of Good Faith for Reporting Child Abuse or Neglect

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a compromise settlement offer is deemed withdrawn if not accepted before trial or within ten days after being made.⁶ Under Chapter 443, if the offeree fails to obtain a more favorable judgment after an offer is withdrawn or rejected, the offeree cannot recover attorney's fee.⁷ Furthermore, the court must order the offeree to pay the following: (1) The offeror's taxable costs incurred; (2) the reasonable costs of expert witnesses; (3) the interest on the judgment from the time of the offer to the time of entry of the judgment; and (4) all reasonable attorney's fees incurred from the time of the offer.⁸

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6. 1987 Nev. Stat. ch. 443, sec. 1, at ___ (amending NEV. REV. STAT. § 17.115 3).

7. *Id.* sec. 1, at ___ (amending NEV. REV. STAT. § 17.115 4(b)).

8. *Id.* sec. 1, at ___ (amending NEV. REV. STAT. § 17.115 4(b)) (cost from date of filing the complaint). Any taxable costs, attorney's fees and interest which are not derived from an interest-bearing obligation is not to be considered in determining whether the judgment was more favorable than the offer which was rejected. *Id.* sec. 1, at ___ (enacting NEV. REV. STAT. § 17.115 5). If the attorney of the party for whom the offer of judgment is made is collecting a contingent fee for his services, the amount of any attorney's fees awarded to the party for whom the offer is made must be deducted from that contingent fee. *Id.* sec. 1, at ___ (enacting NEV. REV. STAT. § 17.115 6).

Civil Procedure; burden of proof—presumption of good faith for reporting child abuse or neglect

NEV. REV. STAT. § 432B.160 (amended).

AB 619 (Committee on Judiciary); 1987 STAT. Ch 499

Under existing law, reports must be made by those who, in their professional or occupational capacities, know or have reason to know that a child has been abused or neglected.¹ Furthermore, existing law

1. See NEV. REV. STAT. § 432B.220 2 (persons required to make reports of child abuse and neglect include: A physician, dentist, dental hygienist, chiropractor, optometrist, podiatrist, medical examiner, resident, intern, professional or practical nurse, physician's assistant, psychiatrist, psychologist, marriage and family counselor, alcohol or drug abuse counselor, advanced emergency medical technician-ambulance or other person providing medical services licensed or certified in this state; any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital; a coroner; a clergyman, practitioner of Christian Science or religious healer, unless the knowledge of the abuse or neglect was acquired from the offender during a confession; a social worker and an admin-

provides immunity from civil or criminal liability to a person who in good faith (a) makes a report,² (b) conducts or allows an interview to be taken,³ (c) allows or takes photographs or x-rays,⁴ (d) holds a child or places a child in protective custody,⁵ (e) refers a case or recommends the filing of a petition,⁶ or (f) participates in a judicial proceeding resulting from a referral or recommendation.⁷ Chapter 499 provides for a presumption of good faith for people performing these acts.⁸

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istrator, teacher, librarian or counselor of a school; any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child; any person licensed to conduct a foster home; any officer or employee of a law enforcement agency or an adult or juvenile probation officer; an attorney, unless the knowledge of the abuse or neglect is acquired from a client who is or may be accused of the abuse or neglect; and any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met). A report may also be made by a private person. *Id.* § 432B.220 3.

2. *See* NEV. REV. STAT. § 432B.230 (requirement of reporting).
3. *See id.* § 432B.270 (permission to conduct an interview).
4. *See id.* (permission to take photographs and x-rays).
5. *See id.* § 432B.400 (authority to hold or place a child in protective custody).
6. *See id.* § 432B.380 (authority to refer a case or recommend the filing of a petition).
7. *Id.* § 432B.160 6 (amended by 1987 Nev. Stat. ch. 499, sec. 1, at ____).
8. 1987 Nev. Stat. ch. 499, sec. 1, at ____ (amending NEV. REV. STAT. § 432B.160).

