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100 North Carson Street
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October 12, 2016

OPINION NO. 2016-08

PSYCHOLOGICAL EXAMINERS;
CHILD ABUSE AND NEGLECT:
NRS 432B.220, read in its entirety,
establishes that mandatory reporting
of child abuse by psychologists is
limited to reporting abuse of children
who are still minors at the time of the
disclosure, or, if the child is still in
school, until the child graduates from
high school.

Morgan Alldredge, Executive Director
Board of Psychological Examiners
4600 Kietzke Lane, Building B-116
Reno, Nevada 89502

Dear Ms. Alldredge:

You have requested an opinion from the Office of the Attorney General regarding whether NRS 432B.220(1) requires psychologists to report previous child abuse of adult clients.

QUESTION ONE

Does NRS 432B.220(1) require psychologists to report previous child abuse of adult clients to law enforcement?

SUMMARY CONCLUSION TO QUESTION ONE

NRS 432B.220, read in its entirety, establishes that mandatory reporting of child abuse by psychologists is limited to reporting abuse of children who are still minors at the time of the disclosure, or, if the child is still in school, until the child graduates from high school.

ANALYSIS

NRS Chapter 432B provides for the protection of children from abuse and neglect. As part of the Nevada Legislature's aim to protect children from abuse and neglect, the Chapter mandates that a person described in NRS 432B.220(4) report the abuse or neglect of a child, if in his or her professional or occupational capacity, the person knows or has reasonable cause to believe that such abuse or neglect has occurred or is occurring. NRS 432B.220(1). The Chapter provides definitions for "abuse or neglect of a child," *see* NRS 432B.020, and "reasonable cause to believe," *see* NRS 432B.121, but does not specify whether the reporting requirement applies when the abused or neglected person first discloses an act of abuse or neglect after the person has reached adulthood.

While NRS 432B.040 defines child as "a person under the age of 18 years or, if in school, until graduation from high school," this definition, by itself, does not make it clear whether the person's status as a child is determined only in reference to the date of the alleged abuse or neglect, or in reference to both the date of the alleged abuse or neglect and the date of its disclosure. Therefore, there are some psychologists who believe that a report is required only when the abused or neglected person remains a child as of the date of the disclosure, while others believe that a report is required even when the abused or neglected person is an adult as of the date of the disclosure. A proper understanding of the mandatory reporting required by NRS 432B.220 is important to the Board because the failure of a psychologist to report child abuse or neglect according to the terms of the provision may result in criminal penalties pursuant to NRS 432B.240 and/or be grounds for disciplinary action against the psychologist pursuant to NRS 641.230.

The provisions of NRS 432B.220(1) indicate that the reporting requirement applies only when the abused or neglected person remains a child as of the date of the disclosure. In this regard, when a person acting in his or her professional capacity

“knows or has reasonable cause to believe that *a child* has been abused or neglected. . . [that person must] make a 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.” NRS 432B.220(1)(b) (emphasis added). The first reference to “a child” leaves the time frame for mandatory reporting unclear because it speaks in general terms of any child who has suffered an act of abuse or neglect. However, the subsequent reference to “the child” indicates that the reporting obligation arises only in temporal proximity to the acquisition of knowledge about a specified child’s abuse or neglect. In short, it arises precisely because the child has recently disclosed an act of abuse or neglect. If the abused or neglected person is not a child as of the date of the disclosure, the reporting obligation is inapplicable because the pertinent information, when acquired, concerns an adult and not **the child** who has been contemporaneously identified as the subject of the disclosure.

“When construing a specific portion of a statute, the statute should be read as a whole, and, where possible, the statute should be read to give plain meaning to all of its parts.” *Bldg. & Constr. Trades Council of N. Nev. v. Pub. Works Bd.*, 108 Nev. 605, 610, 836 P.2d 633, 636 (1992) (citing *Sheriff v. Morris*, 99 Nev. 109, 117, 659 P.2d 852, 858 (1983)). See also *Harris Assoc. v. Clark County Sch. Dist.*, 119 Nev. 638, 641–42, 81 P.3d 532, 534 (2003) (“When ‘the words of the statute have a definite and ordinary meaning, this court will not look beyond the plain language of the statute, unless it is clear that this meaning was not intended.’” (quoting *State v. Quinn*, 117 Nev. 709, 713, 30 P.3d 1117, 1120 (2001)); *Meridian Gold Co. v. State ex rel. Dep’t of Taxation*, 119 Nev. 630, 633, 81 P.3d 516, 518 (2003) (“We have stated that ‘words in a statute will generally be given their plain meaning, unless such a reading violates the spirit of the act. . . .’” (quoting *Pellegrini v. State*, 117 Nev. 860, 873–74, 34 P.3d 519, 528 (2001))).

This is consistent with an Opinion issued by the South Carolina Attorney General. S.C. Att’y Gen. Op. June 30, 2014. In that Opinion, the South Carolina Attorney General stated “this Office believes a court will find that a mandatory reporter would not have to report [under the South Carolina statute] when an adult discloses being abused in the past as a child.” *Id.* While there are some differences in the South Carolina statutes requiring mandatory reporting, the underlying purpose and principles behind the law remain the same.

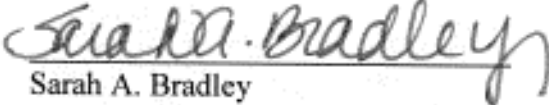
Reading NRS 432B.220 in its entirety and reviewing the plain language of all of its parts, the best interpretation is that mandatory reporting of child abuse or neglect is required only when psychologists and other persons described in NRS 432B.220(4) know or have reasonable cause to believe that a child meeting the definition contained in NRS 432B.040 at the time of the report has been abused or neglected. If a psychologist learns that an adult client was abused or neglected as a child, part of the therapeutic goal of the client’s therapy may involve the adult client reporting his or her abuse or neglect,

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but the psychologist is not required to report such abuse or neglect pursuant to NRS 432B.220(1). Of course, an adult victim is free to report, at any time, abuse he or she suffered as a child to the appropriate authorities.

Sincerely,

ADAM PAUL LAXALT
Attorney General

By: 
Sarah A. Bradley
Senior Deputy Attorney General

SAB/klr