

Amendment No. 262

Senate Amendment to Senate Bill No. 274	(BDR 38-705)
Proposed by: Senate Committee on Health and Human Services	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will: (1) MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 274 (§§ 1.3, 1.6). (2) MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 274 (§ 29).
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ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EWR/BJF



Date: 4/17/2021

S.B. No. 274—Revises provisions relating to commercially sexually exploited children. (BDR 38-705)



SENATE BILL NO. 274—SENATORS RATTI; AND CANNIZZARO

MARCH 18, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to commercially sexually exploited children. (BDR 38-705)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE ~~[(§§ 24, 25, 27)]~~ (§ 29)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to child welfare; providing for the licensure of receiving centers for commercially sexually exploited children and the certification of certain other facilities and entities that provide services to such children; imposing certain requirements concerning the operation of a receiving center; ~~prescribing the procedure for the emergency admission or court ordered admission of a child alleged to be a commercially sexually exploited child to a receiving center or secured child care facility; establishing financial responsibility for the treatment of a child who is so admitted;~~ revising the actions that an agency which provides child welfare services is required to take in response to a report of the commercial sexual exploitation of a child; delaying the effective date of provisions prohibiting the adjudication of a child as delinquent or the assignment of a child to a detention facility in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term “commercially sexually exploited child” to mean any child who is sex trafficked, sexually abused or sexually exploited for the financial benefit of any person or in exchange for anything of value. (NRS 432C.060) ~~Section ~~1.2~~~~ of this bill defines the term “receiving center” to mean a secured facility that operates 24 hours each day, 7 days each week to provide specialized inpatient and outpatient services to commercially sexually exploited children. ~~Sections 8, 9 and 11 of this bill define certain other terms, and section 28~~ Section 1.8 of this bill makes a conforming change to indicate the placement of ~~sections 8-11~~ sections 1.1, 1.15 and 1.2 of this bill in the Nevada Revised Statutes. ~~Sections ~~1.9~~, 3 and 4~~ of this bill provide that a receiving center is not a group foster home, child care facility or child care institution for the purposes of the requirements of existing law. ~~Section ~~1.3~~~~ of this bill requires a person or entity to apply to the Division of Child and Family Services of the Department of Health and Human Services in order to obtain a license to operate a receiving center. ~~Section ~~1.3~~~~ also requires the Division to adopt regulations

governing receiving centers. ~~Section 1.4~~ Section 1.4 of this bill requires a receiving center to provide or make available certain services for commercially sexually exploited children.

Existing law requires certain facilities or homes which occasionally or regularly have physical custody of children pursuant to the order of a court and each agency which provides child welfare services to treat each child in all respects in accordance with the child's gender identity or expression. Existing law also requires the Division to adopt regulations to ensure that each child in the custody of such a facility, home or agency is placed in a manner that is appropriate for the gender identity or expression of the child. (NRS 62B.212, 63.425, 432A.1759, 432B.172, 433B.325) ~~Section 1.5~~ Section 1.5 of this bill extends these provisions to apply to receiving centers. ~~Sections 1.5, 5, 6, 1.5, 31, 32 and 34~~ Sections 1.5, 5, 6, 1.5, 31, 32 and 34 of this bill require the Division to consult with certain persons, including, without limitation lesbian, gay, bisexual, transgender and questioning children who currently reside in or have resided in receiving centers when adopting regulations to ensure that each child is placed in a manner that is appropriate for the gender identity or expression of the child. ~~Section 1.6~~ Section 1.6 of this bill authorizes the Division to require the certification of facilities or organizations, other than receiving centers, that provide services to commercially sexually exploited children. ~~Section 1.7~~ Section 1.7 of this bill makes it a misdemeanor to operate: (1) a receiving center without a license; or (2) a facility or other entity for which a certificate is required without such a certificate. ~~Section 1.7~~ Section 1.7 also authorizes the Division to bring an action for an injunction to prevent any person or entity from operating a receiving center without a license or a facility or other entity for which a certificate is required without such a certificate.

~~Existing law provides for the emergency admission and court-ordered admission of children with an emotional disturbance and persons in a mental health crisis to a mental health facility. (NRS 432B.607-432B.6085, 433A.145-433A.197) Section 14 of this bill authorizes the admission of a child who is alleged to be a commercially sexually exploited child to a receiving center for inpatient treatment only under emergency admission or court-ordered admission. Section 14 also authorizes a receiving center to accept referrals from certain persons and entities for outpatient treatment. Sections 18-27 of this bill prescribe procedures governing emergency admission and court-ordered admission to a receiving center or secured child care facility. Section 18 of this bill requires the Division to prescribe forms for emergency admission and a petition for court-ordered admission. Sections 18 and 33 of this bill provide for the confidentiality of forms and proceedings relating to emergency admission and court-ordered admission.~~

~~Sections 19 and 20 of this bill provide for a child alleged to be a commercially sexually exploited child who is in imminent danger to be detained under an emergency admission to a receiving center or secured child care facility. Section 19 requires a child admitted under emergency admission to be released within 24 hours after the child is detained unless a petition for court-ordered admission is filed within that time. If this period expires on a day on which the office of the court clerk is closed, the child must be released unless a petition for court-ordered admission is filed before the close of the business day next following the expiration of the 24-hour period. Section 20 authorizes an officer authorized to make arrests in the State of Nevada or an employee of an agency which provides child welfare services who has reasonable cause to believe that a child is a commercially sexually exploited child and is in imminent danger to: (1) take the child into custody without a warrant; and (2) transport the child to a receiving center or secured child care facility for emergency admission.~~

~~Section 21 of this bill authorizes the parent or guardian of a child, a law enforcement officer, an agency which provides child welfare services or a person in charge of a receiving center or secured child care facility from which a child is currently receiving services to petition for the court-ordered admission of a child to a receiving center or secured child care facility. Section 22 of this bill requires the court to set a hearing on such a petition before the end of the next judicial day after such a petition is filed. Section 23 of this bill requires the court to cause an evaluation team to evaluate the child before the hearing. If the personnel required for an evaluation team are not available in the county where the petition is filed, section 24 of this bill authorizes the proceedings for the court-ordered admission to be conducted in the nearest county where such persons are available. Section 24 also requires the county in which a petition is filed or the county in which the child resides to pay the cost of the proceedings. Section 25 of this bill provides for the retention or appointment of counsel to represent the child in the proceedings. Section 25 also requires the office of the district attorney and the agency which provides child welfare services to represent the best interests of~~

the child in the proceedings. Section 25 additionally prescribes certain requirements concerning a hearing on a petition for court-ordered admission.

Section 26 of this bill authorizes a court to order the admission of a child to a receiving center or secured child care facility only if it determines that: (1) the child is a commercially sexually exploited child; and (2) it is contrary to the welfare of the child to remain in the community. Section 26 requires a hearing on the court-ordered admission of a child to be held every 5 days unless the child is released. Section 26 prohibits a court from ordering the admission of a child to a receiving center or secured child care facility for longer than 30 consecutive days unless another suitable placement for the child is not available at that time. Section 27 of this bill establishes financial responsibility for the treatment of a child who is admitted to a receiving center or secured child care facility under an emergency admission or court-ordered admission. Section 29 of this bill authorizes an agency which provides child welfare services that receives a report that a child is a commercially sexually exploited child to cause the emergency admission of the child to a receiving center or secured child care facility or petition for the court-ordered admission of the child to such a facility where appropriate. In each judicial district where a family court has been established, section 30 of this bill provides that the family court has exclusive jurisdiction over proceedings for the court-ordered admission of a child alleged to be a commercially sexually exploited child to a receiving center or secured child care facility.]

Existing law requires the development of a plan to establish the infrastructure to provide treatment, housing and services to commercially sexually exploited children. (NRS 424.0195) Section 2 of this bill requires the plan to include plans for providing receiving centers and other appropriate placements to meet the housing needs of such children. Section 2 also removes a requirement that the plan must ensure that any secured placement for a commercially sexually exploited child is temporary, subject to judicial review and utilized only when necessary.

Existing law requires an agency which provides child welfare services that receives a report of the commercial sexual exploitation of a child to conduct an initial screening to determine whether there is reasonable cause to believe that the child is a victim of commercial sexual exploitation. (NRS 432C.130) Section 29 of this bill replaces that requirement with a requirement that the agency which provides child welfare services conduct an assessment using the resources of a children's advocacy center to determine whether the child: (1) is a victim of commercial sexual exploitation; (2) is a victim of the abuse or neglect of a child; (3) is in immediate danger of serious bodily harm; or (4) suffers from any unmet basic need. Upon the completion of the assessment of a child who lives within the jurisdiction of the agency which provides child welfare services, section 29 requires the agency which provides child welfare services to take certain actions to protect the safety of the child and meet the other needs of the child.

Existing law prohibits the adjudication of a child who is alleged to have violated certain provisions of law relating to prostitution as delinquent or in need of supervision or the detention of such a child in a state or local facility for the detention of children if there is reasonable cause to believe that the child is a commercially sexually exploited child, effective on July 1, 2022. Existing law also requires a juvenile justice agency that has reasonable cause to believe that a child in its custody is or has been a commercially sexually exploited child to report the commercial sexual exploitation of the child to an agency which provides child welfare services, effective on July 1, 2022. (Section 16 of chapter 513, Statutes of Nevada 2019, at page 3076) **Section 35** of this bill postpones the effective date of those provisions until July 1, 2023. [Sections 2 and 37 of this bill make conforming changes to clarify that, on July 1, 2023, a commercially sexually exploited child may only be placed in a secured placement in accordance with the provisions of sections 19-27 of this bill.]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 1.7, inclusive, of this act.

Sec. 1.1. "Child" has the meaning ascribed to it in NRS 432C.030.

1 Sec. 1.15. “Commercially sexually exploited child” has the meaning
2 ascribed to it in NRS 432C.060.

3 Sec. 1.2. “Receiving center” means a secured facility that operates 24
4 hours each day, 7 days each week to provide specialized inpatient and outpatient
5 services to commercially sexually exploited children.

6 Sec. 1.3. 1. To obtain a license to operate a receiving center, a person or
7 entity must submit an application to the Division in the form prescribed by the
8 Division. The application must include, without limitation, proof that the
9 applicant is capable of providing or making available the services required by
10 section 1.4 of this act.

11 2. The Division shall adopt regulations governing receiving centers, which
12 must include, without limitation:

13 (a) Requirements for the issuance and renewal of a license;

14 (b) The fee for the issuance and renewal of a license;

15 (c) Requirements governing the staffing of a receiving center and the
16 required training for the staff of a receiving center;

17 (d) Requirements concerning the operation of a receiving center and the
18 facility in which a receiving center operates; and

19 (e) Grounds for the suspension or revocation of a license or the imposition of
20 other disciplinary action against a receiving center, the disciplinary actions that
21 may be imposed and the procedure for imposing such disciplinary action.

22 3. The Division or an agency which provides child welfare services may
23 accept gifts, grants and donations for the purposes of:

24 (a) Establishing, promoting the establishment of and operating receiving
25 centers; and

26 (b) Paying for services provided by a receiving center.

27 Sec. 1.4. 1. A receiving center must ensure that each child placed in the
28 care of the receiving center or referred to the receiving center for outpatient care
29 receives, as necessary, the following services:

30 (a) Mental health triage;

31 (b) Assessment of basic needs;

32 (c) Assessment of medical needs;

33 (d) Psychiatric evaluation;

34 (e) Referral to detoxification;

35 (f) Short-term placement;

36 (g) Mobile crisis response;

37 (h) Academic support;

38 (i) Preventive services for children who are at risk of commercial sexual
39 exploitation, as defined in NRS 432C.050;

40 (j) Therapeutic treatment to assist the child in safely transitioning to a home-
41 based placement; and

42 (k) Any other services required by the regulations adopted pursuant to
43 section 1.3 of this act.

44 2. A receiving center may accept referrals to provide outpatient care to a
45 child from an agency which provides child welfare services, a law enforcement
46 agency, a community-based nonprofit organization, a provider of health care or
47 other similar persons and entities.

48 3. As used in this section, “provider of health care” has the meaning
49 ascribed to it in NRS 629.031.

50 Sec. 1.5. 1. A receiving center shall treat each child who is placed in the
51 receiving center in all respects in accordance with the child’s gender identity or
52 expression.

1 2. The Division shall adopt regulations establishing factors for a court to
2 consider before placing a child in the custody of a receiving center and protocols
3 for a receiving center to follow when placing a child in the receiving center that
4 ensure that each child who is so placed is placed in a manner that is appropriate
5 for the gender identity or expression of the child. Such regulations must be
6 adopted in consultation with:

7 (a) Lesbian, gay, bisexual, transgender and questioning children who are
8 currently residing in foster homes, facilities for the detention of children, child
9 care facilities, mental health facilities and receiving centers or who have resided
10 in such settings;

11 (b) Representatives of each agency which provides child welfare services in
12 this State;

13 (c) Representatives of state and local facilities for the detention of children;

14 (d) Representatives of lesbian, gay, bisexual, transgender and questioning
15 persons;

16 (e) Attorneys, including, without limitation, attorneys who regularly
17 represent children in child welfare or criminal proceedings;

18 (f) Representatives of juvenile courts and family courts;

19 (g) Advocates of children; and

20 (h) Any other person deemed appropriate by the Division.

21 3. A court shall consider the factors established in the regulations adopted
22 pursuant to subsection 2 before placing a child in a receiving center.

23 4. A receiving center which has physical custody of a child pursuant to the
24 order of a court shall follow the protocols prescribed in the regulations adopted
25 pursuant to subsection 2 when placing the child within the receiving center.

26 Sec. 1.6. 1. The Division may adopt regulations requiring the
27 certification of a facility or organization, other than a receiving center, if the:

28 (a) Facility or organization provides any type of services for commercially
29 sexually exploited children; and

30 (b) Regulations are necessary to protect the welfare of commercially sexually
31 exploited children.

32 2. Any regulations adopted pursuant to this section must establish:

33 (a) The process for applying for the issuance or renewal of a certificate;

34 (b) The fee for the issuance or renewal of a certificate;

35 (c) Authorized activities for the holder of a certificate; and

36 (d) Grounds and procedures for imposing disciplinary action against the
37 holder of a certificate.

38 Sec. 1.7. 1. A person is guilty of a misdemeanor if he or she operates:

39 (a) A receiving center without holding a valid license; or

40 (b) A facility or other entity for which a certificate is required by the
41 regulations adopted pursuant to section 1.6 of this act without such a certificate.

42 2. The Division may bring an action in the name of the State of Nevada to
43 enjoin any person or entity from operating a receiving center or a facility or other
44 entity for which a license or certificate, as applicable, is required by the
45 regulations adopted pursuant to section 1.6 of this act without a valid license or
46 certificate, as applicable.

47 3. It is sufficient in an action brought pursuant to subsection 2 to allege
48 that the defendant did, on a certain date, operate:

49 (a) A receiving center without a valid license; or

50 (b) A facility or other entity for which a certificate is required by the
51 regulations adopted pursuant to section 1.6 of this act without a valid certificate.

52 Sec. 1.8. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.011 to 424.018, inclusive, and sections 1.1, 1.15 and 1.2 of this act have the meanings ascribed to them in those sections.

~~Section 1.1~~ **Sec. 1.9.** NRS 424.015 is hereby amended to read as follows:

424.015 **1.** "Group foster home" means a foster home which provides full-time care and services for 7 to 15 children who are:

~~1.1~~ (a) Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;

~~1.2~~ (b) Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

~~1.3~~ (c) Received, cared for and maintained for compensation or otherwise, including the provision of free care.

2. The term "group foster home" does not include a receiving center. ~~as defined in section 1.1 of this act.~~

Sec. 2. NRS 424.0195 is hereby amended to read as follows:

424.0195 **1.** The Administrator of the Division shall create the position of coordinator of services for commercially sexually exploited children. The Administrator may employ or enter into a contract with a person to serve in that position.

2. The coordinator of services for commercially sexually exploited children shall, in collaboration with other state and local agencies, including, without limitation, agencies which provide child welfare services and juvenile justice agencies, and other interested persons, including, without limitation, nonprofit organizations that provide legal services and persons who advocate for victims:

(a) Assess existing gaps in services for commercially sexually exploited children;

(b) Assess the needs for services and housing of commercially sexually exploited children in this State and the anticipated needs for services and housing of such children in the future, including, without limitation, the range of services and housing that are currently needed and will be required to meet anticipated needs;

(c) Evaluate any incentives necessary to recruit providers of housing for commercially sexually exploited children that meet the criteria prescribed in paragraph (a) of subsection 3; and

(d) Develop a plan to establish the infrastructure to provide treatment, housing and services to commercially sexually exploited children that meets the requirements of subsection 3 and update the plan as necessary.

3. The plan developed pursuant to paragraph (d) of subsection 2 must include, without limitation, plans to:

(a) Provide specialized, evidence-based forms of housing, including, without limitation and where feasible and appropriate, home-based housing ~~and receiving centers~~ and other appropriate placements, to meet the needs of each commercially sexually exploited child in this State. All housing provided pursuant to this paragraph must:

(1) To the extent appropriate, allow residents freedom of movement inside and outside the house;

(2) Be secured from intrusion;

(3) To the extent appropriate, allow residents privacy and autonomy;

(4) Provide a therapeutic environment to address the needs of commercially sexually exploited children;

(5) Coordinate with persons and entities that provide services to residents; and

(6) Be operated by persons who have training concerning the specific needs of commercially sexually exploited children and practices for interacting with victims of trauma.

(b) Recruit providers of housing that meet the requirements of paragraph (a).

(c) Provide services to providers of housing for commercially sexually exploited children designed to increase the success of placements of such children.

(d) Provide legal representation to commercially sexually exploited children.

(e) Ensure that any ~~is~~

~~(1) Any receiving center or~~ secured ~~[placement for] child care facility into which~~ commercially sexually exploited children ~~is~~

~~(1) Provides] are placed [pursuant to sections 19 to 27, inclusive, of this act] provides~~ therapeutic treatment to assist the child in safely transitioning to a home-based placement. ~~is and~~

~~(2) Is temporary, subject to judicial review not later than 72 hours after the initiation of the placement and utilized only when necessary to:~~

~~(I) Return the child to a parent or legal guardian or to another jurisdiction; or~~

~~(II) Protect the child from further victimization or threats by a perpetrator of commercial sexual exploitation or a person acting on behalf of such a perpetrator. Commercially sexually exploited children are not placed in a secured placement except in accordance with sections 19 to 27, inclusive, of this act.]~~

4. As used in this section:

(a) ~~["Commercially sexually exploited child" means any child who is sex trafficked in violation of NRS 201.300, a victim of sexual abuse or sexually exploited for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.~~

~~(b)] "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.~~

~~[(c) "Receiving center" has the meaning ascribed to it in section 10 of this act.~~

~~(d)] (b) "Secured child care facility" [has the meaning ascribed to it in section 11 of this act.] means a residential child care facility that is locked and has implemented security measures to prevent unauthorized entry or escape. The term does not include any type of correctional facility.~~

~~[(e)] (c) "Sexual abuse" has the meaning ascribed to it in NRS 432B.100.~~

~~[(d) (f)] (d) "Sexually exploited" has the meaning ascribed to it in NRS 432B.110.~~

Sec. 3. NRS 432A.024 is hereby amended to read as follows:

432A.024 1. "Child care facility" means:

(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;

(b) An on-site child care facility;

(c) A child care institution; or

(d) An outdoor youth program.

2. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility;

(c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity;

(d) A location at which an out-of-school-time program is operated;

(e) A seasonal or temporary recreation program; ~~for~~

(f) An out-of-school recreation program ~~for~~; or

(g) *A receiving center, as defined in section ~~404~~ 1.2 of this act.*

Sec. 4. NRS 432A.0245 is hereby amended to read as follows:

432A.0245 1. "Child care institution" means a facility which provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

(a) Education to the children according to a curriculum approved by the Department of Education;

(b) Services to children who have been diagnosed as severely emotionally disturbed as defined in NRS 433B.045, including, without limitation, services relating to mental health and education; or

(c) Emergency shelter to children who have been placed in protective custody pursuant to chapter 432B of NRS.

2. *"Child care institution" does not include a receiving center, as defined in section ~~404~~ 1.2 of this act.*

3. As used in this section, "child" includes a person who is less than 18 years of age or who remains under the jurisdiction of a court pursuant to NRS 432B.594.

Sec. 5. NRS 432A.1759 is hereby amended to read as follows:

432A.1759 1. A child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall treat each child who is placed in the facility in all respects in accordance with the child's gender identity or expression.

2. The Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider before placing a child in the custody of a child care facility and protocols for a child care facility to follow when placing a child within the facility that ensure that each child who is so placed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities, ~~and~~ mental health facilities *and receiving centers* or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services of the Department.

3. A court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before placing a child in a child care facility.

4. A child care facility, including, without limitation, an emergency shelter, which has physical custody of a child pursuant to the order of a court shall follow

the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.

5. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Foster home" has the meaning ascribed to it in NRS 424.014.

(c) "Gender identity or expression" has the meaning ascribed to it in NRS 424.0145.

(d) "Receiving center" has the meaning ascribed to it in section ~~409~~ 1.2 of this act.

Sec. 6. NRS 432B.172 is hereby amended to read as follows:

432B.172 1. An agency which provides child welfare services shall treat each child to whom the agency provides services in all respects in accordance with the child's gender identity or expression.

2. The Division of Child and Family Services shall adopt regulations establishing protocols to ensure that each child in the custody of an agency which provides child welfare services is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities, mental health facilities *and receiving centers* or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services.

3. An agency which provides child welfare services shall:

(a) Follow the protocols prescribed in the regulations adopted pursuant to subsection 2 before placing a child in an out-of-home placement; and

(b) Ensure that an out-of-home placement into which a child is placed follows the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.

4. As used in this section:

(a) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(b) "Foster home" has the meaning ascribed to it in NRS 424.014.

(c) "Out-of-home placement" has the meaning ascribed to it in NRS 432.548.

(d) "Receiving center" has the meaning ascribed to it in section ~~409~~ 1.2 of this act.

Sec. 7. ~~[Chapter 432C of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 27, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 8. ~~["Child care facility" has the meaning ascribed to it in NRS 432A.024.] (Deleted by amendment.)~~

1 Sec. 9. ~~["Law enforcement agency" means any agency, office or bureau of~~
2 ~~this State or a political subdivision of this State, the primary duty of which is to~~
3 ~~enforce the law.] (Deleted by amendment.)~~

4 Sec. 10. ~~["Receiving center" means a secured facility that operates 24~~
5 ~~hours each day, 7 days each week to provide specialized inpatient and outpatient~~
6 ~~services to commercially sexually exploited children.] (Deleted by amendment.)~~

7 Sec. 11. ~~["Secured child care facility" means a residential child care~~
8 ~~facility that is locked and has implemented security measures to prevent~~
9 ~~unauthorized entry or escape. The term does not include any type of correctional~~
10 ~~facility.] (Deleted by amendment.)~~

11 Sec. 12. ~~[1. To obtain a license to operate a receiving center, a person or~~
12 ~~entity must submit an application to the Division of Child and Family Services of~~
13 ~~the Department of Health and Human Services in the form prescribed by the~~
14 ~~Division. The application must include, without limitation, proof that the~~
15 ~~applicant is capable of providing or making available the services required by~~
16 ~~section 13 of this act.~~

17 ~~2. The Division shall adopt regulations governing receiving centers, which~~
18 ~~must include, without limitation:~~

19 ~~(a) Requirements for the issuance and renewal of a license;~~

20 ~~(b) The fee for the issuance and renewal of a license;~~

21 ~~(c) Requirements governing staffing of a receiving center and the required~~
22 ~~training for the staff of a receiving center;~~

23 ~~(d) Requirements concerning the operation of a receiving center and the~~
24 ~~facility in which a receiving center operates, including, without limitation,~~
25 ~~requirements to ensure that a receiving center is equipped with a location that is~~
26 ~~suitable for holding proceedings for the court ordered admission of a child~~
27 ~~pursuant to sections 21 to 26, inclusive, of this act; and~~

28 ~~(e) Grounds for the suspension or revocation of a license or the imposition of~~
29 ~~other disciplinary action against a receiving center, the disciplinary actions that~~
30 ~~may be imposed and the procedure for imposing such disciplinary action.~~

31 ~~3. The Division or an agency which provides child welfare services may~~
32 ~~accept gifts, grants and donations for the purposes of:~~

33 ~~(a) Establishing, promoting the establishment of and operating receiving~~
34 ~~centers; and~~

35 ~~(b) Paying for services provided by a receiving center.] (Deleted by~~
36 ~~amendment.)~~

37 Sec. 13. ~~[A receiving center must ensure that each child placed in the care~~
38 ~~of the receiving center or referred to the receiving center for outpatient care~~
39 ~~receives, as necessary, the following services:~~

40 ~~1. Mental health triage;~~

41 ~~2. Assessment of basic needs;~~

42 ~~3. Assessment of medical needs;~~

43 ~~4. Psychiatric evaluation;~~

44 ~~5. Referral to detoxification;~~

45 ~~6. Short term placement;~~

46 ~~7. Mobile crisis response;~~

47 ~~8. Academic support;~~

48 ~~9. Preventive services for children who are at risk of commercial sexual~~
49 ~~exploitation;~~

50 ~~10. Therapeutic treatment to assist the child in safely transitioning to a~~
51 ~~home based placement; and~~

52 ~~11. Any other services required by the regulations adopted pursuant to~~
53 ~~section 12 of this act.] (Deleted by amendment.)~~

1 **Sec. 14.** ~~1. A child may be admitted to a receiving center only under:~~

2 ~~(a) Emergency admission pursuant to sections 19 and 20 of this act; or~~
3 ~~(b) Court-ordered admission pursuant to sections 21 to 26, inclusive, of this~~
4 ~~act.~~

5 ~~2. A receiving center may accept referrals to provide outpatient care to a~~
6 ~~child from an agency which provides child welfare services, a law enforcement~~
7 ~~agency, a community-based nonprofit organization, a provider of health care or~~
8 ~~other similar persons and entities.~~

9 ~~3. As used in this section, "provider of health care" has the meaning~~
10 ~~ascribed to it in NRS 629.031.] (Deleted by amendment.)~~

11 **Sec. 15.** ~~1. A receiving center shall treat each child who is placed in the~~
12 ~~receiving center in all respects in accordance with the child's gender identity or~~
13 ~~expression.~~

14 ~~2. The Division of Child and Family Services of the Department of Health~~
15 ~~and Human Services shall adopt regulations establishing factors for a court to~~
16 ~~consider before placing a child in the custody of a receiving center and protocols~~
17 ~~for a receiving center to follow when placing a child in the receiving center that~~
18 ~~ensure that each child who is so placed is placed in a manner that is appropriate~~
19 ~~for the gender identity or expression of the child. Such regulations must be~~
20 ~~adopted in consultation with:~~

21 ~~(a) Lesbian, gay, bisexual, transgender and questioning children who are~~
22 ~~currently residing in foster homes, facilities for the detention of children, child~~
23 ~~care facilities, mental health facilities and receiving centers or who have resided~~
24 ~~in such settings;~~

25 ~~(b) Representatives of each agency which provides child welfare services in~~
26 ~~this State;~~

27 ~~(c) Representatives of state and local facilities for the detention of children;~~

28 ~~(d) Representatives of lesbian, gay, bisexual, transgender and questioning~~
29 ~~persons;~~

30 ~~(e) Attorneys, including, without limitation, attorneys who regularly~~
31 ~~represent children in child welfare or criminal proceedings;~~

32 ~~(f) Representatives of juvenile courts and family courts;~~

33 ~~(g) Advocates of children; and~~

34 ~~(h) Any other person deemed appropriate by the Division.~~

35 ~~3. A court shall consider the factors established in the regulations adopted~~
36 ~~pursuant to subsection 2 before placing a child in a receiving center pursuant to~~
37 ~~section 26 of this act.~~

38 ~~4. A receiving center which has physical custody of a child pursuant to the~~
39 ~~order of a court shall follow the protocols prescribed in the regulations adopted~~
40 ~~pursuant to subsection 2 when placing the child within the receiving center.~~

41 ~~5. As used in this section:~~

42 ~~(a) "Foster home" has the meaning ascribed to it in NRS 424.014.~~

43 ~~(b) "Gender identity or expression" has the meaning ascribed to it in NRS~~
44 ~~424.0145.] (Deleted by amendment.)~~

45 **Sec. 16.** ~~1. The Division of Child and Family Services of the Department~~
46 ~~of Health and Human Services may adopt regulations requiring the certification~~
47 ~~of a facility or organization, other than a receiving center, if the:~~

48 ~~(a) Facility or organization provides any type of services for commercially~~
49 ~~sexually exploited children; and~~

50 ~~(b) Regulations are necessary to protect the welfare of commercially sexually~~
51 ~~exploited children.~~

52 ~~2. Any regulations adopted pursuant to this section must establish:~~

53 ~~(a) The process for applying for the issuance or renewal of a certificate;~~

~~— (b) The fee for the issuance or renewal of a certificate;
— (c) Authorized activities for the holder of a certificate; and
— (d) Grounds and procedures for imposing disciplinary action against the holder of a certificate. (Deleted by amendment.)~~

~~Sec. 17. [1. A person is guilty of a misdemeanor if he or she operates:
— (a) A receiving center without holding a valid license; or
— (b) A facility or other entity for which a certificate is required by the regulations adopted pursuant to section 16 of this act without such a certificate.~~

~~2. The Division may bring an action in the name of the State of Nevada to enjoin any person or entity from operating a receiving center or a facility or other entity for which a certificate is required by the regulations adopted pursuant to section 16 of this act without a valid license or certificate, as applicable.~~

~~3. It is sufficient in such action brought pursuant to subsection 2 to allege that the defendant did, on a certain date, operate:~~

~~— (a) A receiving center without a valid license; or
— (b) A facility or other entity for which a certificate is required by the regulations adopted pursuant to section 16 of this act without a valid certificate. (Deleted by amendment.)~~

~~Sec. 18. [1. The Division of Child and Family Services of the Department of Health and Human Services shall prescribe forms for:~~

~~— (a) The emergency admission of a child alleged to be a commercially sexually exploited child to a receiving center or a secured child care facility pursuant to section 20 of this act; and~~

~~— (b) A petition for the court ordered admission of a child alleged to be a commercially sexually exploited child to a receiving center or a secured child care facility pursuant to section 21 of this act.~~

~~2. Any forms submitted pursuant to sections 19 to 27, inclusive, of this act and any proceedings conducted pursuant to those sections are confidential. Such forms or other information related to such proceedings must not be disclosed to persons or entities who are not involved in the proceedings except as authorized by NRS 432C.150. (Deleted by amendment.)~~

~~Sec. 19. [1. Except as otherwise provided in this subsection, a child who is alleged to be a commercially sexually exploited child may, in accordance with the procedures prescribed by section 20 of this act and subject to the provisions of subsection 2, be detained in a receiving center or a secured child care facility under an emergency admission, regardless of whether any parent or legal guardian of the child has consented to the admission.~~

~~2. Except as otherwise provided in subsection 3, a child must be released within 24 hours, including weekends and holidays, after the child is detained pursuant to section 20 of this act unless, before the close of the business day on which the 24 hours expires, a written petition for a court ordered admission to a receiving center or a secured child facility is filed with the clerk of the district court pursuant to section 21 of this act.~~

~~3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period. (Deleted by amendment.)~~

~~Sec. 20. [1. An officer authorized to make arrests in the State of Nevada or an employee of an agency which provides child welfare services who has reasonable cause to believe that a child is a commercially sexually exploited child and is in imminent danger may:~~

~~— (a) Take the child into custody without a warrant; and~~

~~(b) Transport the child to a receiving center or a secured child care facility or arrange for the child to be transported by a person who, as an employee or volunteer for a governmental entity or nonprofit organization, advocates for commercially sexually exploited children.~~

~~2. Upon transporting or arranging for the transportation of a child to a receiving center pursuant to subsection 1, an officer authorized to make arrests in the State of Nevada or an employee of an agency which provides child welfare services must complete and provide to the receiving center or secured child care facility the form prescribed by the Division for emergency admission. The form must include, without limitation:~~

~~(a) A description of the circumstances under which the child was taken into custody and the reasons therefore; and~~

~~(b) A sworn statement of the reasons that the officer or employee has reasonable cause to believe that immediate placement in a secured facility is necessary to protect the life, health or welfare of the child and specific, articulable facts to support those reasons.~~

~~3. A child being transported to a receiving center or a secured child care facility pursuant to subsection 1 must not be restrained unless there is a significant risk of immediate harm to the child or the person transporting the child if the child is not restrained.~~

~~4. An officer authorized to make arrests in the State of Nevada or an employee of an agency which provides child welfare services shall attempt to obtain the consent of the parent or guardian of an unemancipated child before admitting the child to a receiving center or secured child care facility under emergency admission. The employer of a person who admits a child to a receiving center or secured child care facility under an emergency admission shall maintain documentation of each such attempt until the child reaches at least 23 years of age.~~

~~5. As soon as practicable but not more than 8 hours after the emergency admission of an unemancipated child to a receiving center or secured child care facility, the person in charge of the receiving center or secured child care facility in which the child is being held or his or her designee shall give notice of such admission in person, by telephone or facsimile and by certified mail to the parent or legal guardian of that child.~~ (Deleted by amendment.)

Sec. 21. ~~[The parent or guardian of a child, a law enforcement officer, an agency which provides child welfare services or the person in charge of a receiving center or secured child care facility from which a child is currently receiving services may commence a proceeding for a court ordered admission of a child to a receiving center or a secured child care facility by filing a petition in the form prescribed by the Division of Child and Family Services of the Department of Health and Human Services pursuant to section 18 of this act with the clerk of the district court of the county where the child who is to be admitted resides. The petition must include, without limitation:~~

~~1. A sworn written statement by the petitioner stating:~~

~~(a) That the petitioner has reasonable cause to believe that the child:~~

~~(1) Is a commercially sexually exploited child; and~~

~~(2) Will be in danger of harm to his or her life, health or welfare if he or she is not admitted by the court to a receiving center or secured child care facility; and~~

~~(b) The reasons that the petitioner believes that immediate placement in a secured facility is necessary to protect the life, health or welfare of the child and specific, articulable facts to support those reasons; and~~

~~2. If the child is currently admitted to a receiving center or secured child care facility under an emergency admission, a certified copy of the form for the emergency admission of the child submitted to the receiving center or secured child care facility pursuant to section 20 of this act.] (Deleted by amendment.)~~

~~Sec. 22. [1. Immediately after the clerk of the district court receives a petition filed pursuant to section 21 of this act, the clerk shall transmit the petition to the appropriate district judge, who shall set a time, date and place for its hearing. The hearing must be held before the end of the next judicial day after the petition is filed.~~

~~2. The court shall give notice of the petition and of the time, date and place of any proceedings thereon to the parent or guardian of the subject of the petition, the attorney for the subject of the petition, any other person or entity with custody of the subject of the petition, the petitioner, if applicable, the district attorney of the county in which the court has its principal office, the agency which provides child welfare services and the person in charge of any receiving center or secured child care facility in which the subject of the petition is detained.~~

~~3. The provisions of this section do not preclude a receiving center or secured child care facility from discharging a child to his or her parent or guardian or the agency which provides child welfare services before the time set pursuant to this section for the hearing concerning the child, if appropriate.] (Deleted by amendment.)~~

~~Sec. 23. [1. After the filing of a petition to commence proceedings for the court ordered admission of a child to a receiving center or secured child care facility pursuant to section 21 of this act, the court shall promptly cause an evaluation team to evaluate the subject of the petition. The evaluation team must include, without limitation:~~

~~(a) An attorney who specializes in advocating for abused and exploited children;~~

~~(b) An advocate for commercially sexually exploited children;~~

~~(c) A physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced practice registered nurse;~~

~~(d) A person who is the survivor of commercial sexual exploitation; and~~

~~(e) A representative of the agency which provides child welfare services.~~

~~2. Subject to the provisions in subsection 1, the court shall have complete discretion in selecting the members of the evaluation team required pursuant to subsection 1.~~

~~3. To conduct the evaluation of a child who is not being detained at a receiving center or secured child care facility under emergency admission pursuant to sections 19 and 20 of this act, the court may order a peace officer or the agency which provides child welfare services to take the child into protective custody and transport the child to a receiving center or secured child care facility where the child may be detained until a hearing is had upon the petition or motion, as applicable. A child must not be restrained while being transported to a receiving center or a secured child care facility unless there is a significant risk of immediate harm to the child or the person transporting the child if the child is not restrained.~~

~~4. If the child is not being detained under an emergency admission pursuant to sections 19 and 20 of this act, the child may be allowed to remain in his or her home or other place of residence pending an ordered evaluation and to return to his or her home or other place of residence upon completion of the evaluation. The child may be accompanied by his or her parent or guardian to the place of evaluation.~~

~~5. Each member of an evaluation team that evaluates a child pursuant to subsection 1 shall, in conducting the evaluation, consider the least restrictive environment appropriate for the child.~~

~~6. An evaluation team that evaluates a child pursuant to subsection 1 shall, before the hearing set pursuant to subsection 1 of section 22 of this act, submit to the court in writing a summary of its findings and evaluation regarding the child who is the subject of the evaluation.~~ (Deleted by amendment.)

~~Sec. 24. {1. In a county where the evaluating personnel required pursuant to section 23 of this act are not available, proceedings for the court ordered admission of a child must be conducted in the nearest county having such examining personnel available in order that there be minimum delay.~~

~~2. Except as otherwise provided in this subsection, the county in which a petition for the court ordered admission of a child is filed must pay the entire cost of the proceedings. Where the child to be admitted last resided in another county of the State, the expense shall be charged to and payable by such county of residence.~~ (Deleted by amendment.)

~~Sec. 25. {1. A child alleged to be a commercially sexually exploited child or his or her parent or guardian is entitled to retain counsel to represent the child in any proceeding before the court relating to a court ordered admission, and if he or she fails or refuses to obtain counsel, the court must advise the child and the child's parent or guardian, if known, of such right to counsel and shall appoint counsel, who may be the public defender or his or her deputy.~~

~~2. The court shall award any counsel appointed pursuant to subsection 1 compensation for his or her services in an amount determined by it to be fair and reasonable. The compensation must be charged against the county where the child alleged to be a commercially sexually exploited child last resided.~~

~~3. If the child alleged to be a commercially sexually exploited child is admitted by a court to a receiving center or secured child care facility, counsel must continue to represent the child until the child is unconditionally released from the receiving center or facility. The court shall serve notice upon such counsel of any action that is taken involving the child while the child is admitted to the receiving center or facility.~~

~~4. The district attorney or his or her deputy and a representative of the agency which provides child welfare services shall appear in each court ordered admission proceeding and present evidence concerning the best interests of the child.~~

~~5. The court shall allow a child to participate in any proceeding before the court relating to the court ordered admission of the child.~~

~~6. Proceedings for the court ordered admission of a child to a receiving center or secured child care facility must be held on the premises of a receiving center or secured child care facility. The proceedings must utilize a team approach in which the person serving as the court, the evaluation team appointed to section 23 of this act, the child, his or her parent or guardian, the attorney representing the child, the district attorney and the agency which provides child welfare services work collaboratively in the best interests of the child.~~ (Deleted by amendment.)

~~Sec. 26. {1. If the court finds, after the proceedings for the court ordered admission of a child:~~

~~(a) That there is not clear and convincing evidence that the child with respect to whom the hearing was held is a commercially sexually exploited child and that it is contrary to his or her welfare to remain in the community, the court must enter its finding to that effect and the child must not be admitted to a receiving center or secured child care facility. If the child has been detained in a receiving~~

~~center or secured child care facility under an emergency admission pursuant to sections 19 and 20 of this act, the court must issue a written order requiring the receiving center or secured child care facility to release the child to his or her parent or guardian or, if the child is in the custody of the agency which provides child welfare services, to the agency which provides child welfare services, not later than 24 hours after the court issues the order.~~

~~(b) That there is clear and convincing evidence that the child with respect to whom the hearing was held is a commercially sexually exploited child and that it is contrary to his or her welfare to remain in the community, the court may order the admission of the child to a receiving center or secured child care facility.~~

~~2. A court ordered admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 5 days if not terminated previously by the person in charge of the receiving center or secured child care facility.~~

~~3. Before issuing an order for the admission of a child to a receiving center or secured child care facility or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, as suggested by the evaluation team who evaluated the child pursuant to section 23 of this act or other persons determined by the court to be qualified who have evaluated the child, which the court believes may be in the best interests of the child.~~

~~4. At the end of the court ordered period of admission, the agency which provides child welfare services or the receiving center or secured child care facility to which the child has been admitted may petition to renew the admission of the child for additional periods not to exceed 5 days each. For each renewal, the petition must set forth:~~

~~(a) The specific reasons why further admission to the receiving center or secured child care facility would be in the best interests of the child, including, without limitation, the reasons that the welfare of the child would continue to be threatened if the admission is not continued, and specific, articulable facts to support those reasons; and~~

~~(b) A description of:~~

~~(1) The services described in section 13 of this act that are currently being provided to the child; and~~

~~(2) Any services described in section 13 of this act that have been determined to be necessary or beneficial for the child but are not currently being provided to the child and the efforts being made to provide those services to the child; and~~

~~(c) A description of the efforts made to find a less restrictive placement for the child.~~

~~5. Upon receiving a petition pursuant to subsection 4, the court shall hold proceedings on the petition in accordance with sections 21 to 26, inclusive, of this act.~~

~~6. A court shall not order the admission of a child to a receiving center or a secured child care facility for more than 30 consecutive days unless another suitable placement for the child is not available at that time. } (Deleted by amendment.)~~

~~Sec. 27. [1. Once a child has been admitted to a receiving center or a secured child care facility under emergency admission pursuant to sections 19 and 20 of this act or court ordered admission pursuant to sections 21 to 26, inclusive, of this act, the person in charge of the receiving center or secured child care facility must make an investigation, pursuant to the provisions of this chapter, to determine whether the parent or guardian of the child is capable of~~

~~paying for all or a portion of the costs that will be incurred for treatment and services provided to the child during the period of admission.~~

~~2. If the person in charge of a receiving center or secured child care facility concludes after conducting an investigation pursuant to subsection 1 that the parent or guardian of the child:~~

~~(a) Is capable of paying the full amount of the costs incurred for treatment and services provided to the child during the period of admission, the parent or guardian is responsible for the payment of those costs;~~

~~(b) Is not capable of paying the full amount of the costs incurred for treatment and services provided to the child during the period of admission, the agency which provides child welfare services is responsible for paying the portion of the costs that the parent or guardian is incapable of paying.~~

~~3. Determination of ability to pay pursuant to this section must include investigation of whether the child or his or her parent or guardian has benefits due and owing to the child, parent or guardian for the cost of his or her treatment from a third party source, including, without limitation, Medicare, Medicaid, the Children's Health Insurance Program, social security, health insurance, a retirement program, an annuity plan, government benefits or any other financially responsible third party. The person in charge of a receiving center or secured child care facility may accept payment for the cost of treatment and services provided to a child from an insurance company, Medicare, Medicaid, the Children's Health Insurance Program or any other similar third party.~~ (Deleted by amendment.)

Sec. 28. ~~[NRS 432C.010 is hereby amended to read as follows:~~

~~432C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432C.020 to 432C.090, inclusive, and sections 8 to 11, inclusive, of this act have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 29. NRS 432C.130 is hereby amended to read as follows:

432C.130 1. Upon the receipt of a report pursuant to NRS 432C.110, an agency which provides child welfare services:

(a) Shall conduct an ~~initial screening~~ assessment using the resources of a children's advocacy center to determine whether there is reasonable cause to believe that the child ~~is~~ :

~~(1) Is a victim of commercial sexual exploitation;~~

~~(2) Is a victim of the abuse or neglect of a child;~~

~~(3) Is in immediate danger of serious bodily harm; or~~

~~(4) Suffers from any unmet basic need, including, without limitation, the need for behavioral health services, medical services, detoxification services and educational services;~~

(b) Upon the completion of an assessment of a child who resides within the jurisdiction of the agency which provides child welfare services pursuant to paragraph (a), shall:

(1) Engage in appropriate planning to ensure the safety of the child;

(2) Refer the child for any services necessary to address an unmet basic need identified pursuant to subparagraph (4) of paragraph (a); and

(3) Refer the case to an attorney who specializes in representing children at the expense of the agency which provides child welfare services;

(c) Shall make a report to the appropriate law enforcement agency for the purpose of identifying the perpetrator of the commercial sexual exploitation; and

~~(c)~~ (d) If the child resides in another jurisdiction, may initiate contact with an agency which provides child welfare services in the jurisdiction in which the child

resides to provide notification of the circumstances surrounding the child's removal from the jurisdiction or placement in another location. ~~It and~~

~~(d) May conduct an assessment pursuant to chapter 432B of NRS.~~

~~(e) If there is reasonable cause to believe that the child will be in immediate danger of harm to his or her life, health or welfare if he or she remains in the community, may take the actions described in section 20 of this act to cause the emergency admission of the child to a receiving center or secured child care facility; and~~

~~(f) If there is reasonable cause to believe that the child will be in danger of harm to his or her life, health or welfare if he or she remains in the community, petition for the court ordered admission of the child to a receiving center or secured child care facility pursuant to section 21 of this act.~~

2. If an agency which provides child welfare services conducts an assessment pursuant to ~~chapter 432B of NRS~~ paragraph (a) of subsection 1 and no abuse or neglect of a child is identified, the agency may:

(a) Conduct an assessment of the family of the child to determine which services, if any, the family needs or refer the family to a person or an organization that has entered into a written agreement with the agency to make such an assessment; and

(b) If appropriate, provide to the child and his or her family counseling, training or other services relating to commercial sexual exploitation or refer the child and his or her family to a person or an organization that has entered into an agreement with the agency to provide those services.

3. If an agency which provides child welfare services conducts an assessment pursuant to paragraph (a) of subsection 1 and abuse or neglect of a child is identified, the agency which provides child welfare services may take any action authorized under chapter 432B of NRS. If the agency which provides child welfare services places a child who is a victim of commercial sexual exploitation into protective custody pursuant to NRS 432B.390, the agency which provides child welfare services shall, whenever possible, place the child in a placement appropriate for the needs of the child, including, without limitation, the need for safety.

4. If an agency which provides child welfare services has entered into an agreement with a person or an organization to provide services to a child or his or her family and the person or organization will provide such services pursuant to subsection 2, the agency shall require the person or organization to notify the agency if:

(a) The child or his or her family refuses or fails to participate in such services; or

(b) The person or organization determines that there is a serious risk to the health or safety of the child.

~~[4.] 5.~~ As used in this section ~~["abuse"]~~ :

(a) "Abuse" or neglect of a child" has the meaning ascribed to it in NRS 432B.020.

(b) "Children's advocacy center" means a public or private entity that provides an environment friendly to children where multidisciplinary teams work to:

(1) Investigate and help children recover from abuse or neglect; and

(2) Hold perpetrators of abuse or neglect of children accountable.

(c) "Multidisciplinary team" means a team of different types of professionals convened by a children's advocacy center to respond to the abuse or neglect of a child. Such a team may include, without limitation, law enforcement officers, representatives of agencies which provide child welfare services, district attorneys

or their deputies, providers of health care and advocates for victims of abuse or neglect of children.

Sec. 30. ~~[NRS 3.222 is hereby amended to read as follows:~~

~~3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:~~

~~(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 422B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support;~~

~~(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion;~~

~~(c) For judicial approval of the marriage of a minor;~~

~~(d) Otherwise within the jurisdiction of the juvenile court;~~

~~(e) To establish the date of birth, place of birth or parentage of a minor;~~

~~(f) To change the name of a minor;~~

~~(g) For a judicial declaration of the sanity of a minor;~~

~~(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law;~~

~~(i) Brought pursuant to sections 21 to 26, inclusive, of this act for the court-ordered admission of a child alleged to be a commercially sexually exploited child to a receiving center or secured child care facility;~~

~~(j) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court ordered admission to a mental health facility;~~

~~[(j)] (k) Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an involuntary court ordered isolation or quarantine;~~

~~2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence;~~

~~3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.] (Deleted by amendment.)~~

Sec. 31. NRS 62B.212 is hereby amended to read as follows:

62B.212 1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall:

(a) Treat each child that a juvenile court commits to the institution or agency in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2; and

(b) To the extent applicable, comply with the Prison Rape Elimination Act, 42 U.S.C. §§ 15605 et seq., and all standards adopted pursuant thereto.

2. The Division of Child and Family Services shall adopt regulations establishing factors for a juvenile court to consider before committing a child to a public or private institution or agency, including, without limitation, a facility for the detention of children, and protocols for such an institution or agency to follow when placing a child within the institution or agency that ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities, ~~and~~ mental health facilities *and receiving centers* or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services.

3. A juvenile court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a public or private institution or agency, including, without limitation, a facility for the detention of children.

4. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing a child within the facility.

5. As used in this section:

(a) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(b) "Foster home" has the meaning ascribed to it in NRS 424.014.

(c) "Gender identity or expression" has the meaning ascribed to it in NRS 424.0145.

(d) "Receiving center" has the meaning ascribed to it in section ~~409~~ 1.2 of this act.

Sec. 32. NRS 63.425 is hereby amended to read as follows:

63.425 1. A facility shall:

(a) Treat each child in the facility in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2; and

(b) Comply with the Prison Rape Elimination Act, 42 U.S.C. §§ 15605 et seq., and all standards adopted pursuant thereto.

2. The Division of Child and Family Services shall adopt regulations establishing factors for a juvenile court to consider before committing a child to a facility and protocols for a facility to follow when placing a child within the facility that ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities, ~~and~~ mental health facilities *and receiving centers* or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services.

3. A juvenile court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a facility.

4. A facility shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing a child within the facility.

5. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(c) "Foster home" has the meaning ascribed to it in NRS 424.014.

(d) "Gender identity or expression" has the meaning ascribed to it in NRS 424.0145.

(e) "Receiving center" has the meaning ascribed to it in section ~~140~~ 1.2 of this act.

Sec. 33. ~~NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4682, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.040, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115,~~

~~408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4215, 449A.112, 450.140, 450B.188, 452.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 462.120, 462.15992, 462.240, 462.3403, 462.3407, 462.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 482.340, 482.363, 482.575, 482.659, 482.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 602.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 622.121, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.326, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0967, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 18 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically,~~

~~the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:~~

~~(a) The public record:~~

~~(1) Was not created or prepared in an electronic format; and~~

~~(2) Is not available in an electronic format; or~~

~~(b) Providing the public record in an electronic format or by means of an electronic medium would:~~

~~(1) Give access to proprietary software; or~~

~~(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.~~

~~5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium;~~

~~(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.] (Deleted by amendment.)~~

Sec. 34. NRS 433B.325 is hereby amended to read as follows:

433B.325 1. A treatment facility and any other division facility into which a child may be committed by a court order shall treat each child committed to the facility by a court order in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2.

2. The Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider before committing a child to a treatment facility or other division facility and protocols for such a facility to follow when placing a child within the facility to ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities, ~~land~~ mental health facilities *and receiving centers* or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division.

3. A court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a treatment facility or other division facility.

4. A treatment facility or other division facility to which a child is committed by a court order shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.

5. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(c) "Foster home" has the meaning ascribed to it in NRS 424.014.

(d) "Gender identity or expression" has the meaning ascribed to it in NRS 424.0145.

(e) *"Receiving center" has the meaning ascribed to it in section ~~140~~ 1.2 of this act.*

Sec. 35. Section 19 of chapter 513, Statutes of Nevada 2019, at page 3077, is hereby amended to read as follows:

Sec. 19. 1. This section and sections 1 and 16.5 of this act become effective upon passage and approval.

2. Section 18 of this act becomes effective on July 1, 2019.

3. Section 16 of this act becomes effective on July 1, ~~2022~~ 2023.

Sec. 36. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 37. 1. This section and sections 35 and 36 of this act become effective upon passage and approval.

2. Sections 1 to 1.9, inclusive, and 3 to ~~34~~ 36, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

3. Section 2 of this act becomes effective on July 1, 2023.