

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)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; 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:

1 Existing law defines the term "commercially sexually exploited child" to mean
2 any child who is sex trafficked, sexually abused or sexually exploited for the
3 financial benefit of any person or in exchange for anything of value. (NRS
4 432C.060) **Section 10** of this bill defines the term "receiving center" to mean a
5 secured facility that operates 24 hours each day, 7 days each week to provide
6 specialized inpatient and outpatient services to commercially sexually exploited
7 children. **Sections 8, 9 and 11** of this bill define certain other terms, and **section 28**
8 of this bill makes a conforming change to indicate the placement of **sections 8-11**
9 in the Nevada Revised Statutes. **Sections 1, 3 and 4** of this bill provide that a



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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 12** 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 12** also requires the Division to adopt regulations governing receiving centers. **Section 13** 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 15** of this bill extends these provisions to apply to receiving centers. **Sections 5, 6, 15, 31, 32 and 34** of this bill require the Division to consult with 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 16** 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 17** 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 17** 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 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. 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)~~ **(a)** Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;

~~(2)~~ **(b)** Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

~~(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 10 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~~ *and receiving centers*, 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]~~ :

(I) *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; 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) *"Secured child care facility" has the meaning ascribed to it in section 11 of this act.*

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

~~[(d)]~~ (f) "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; ~~[(e)]~~

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

(g) A receiving center, as defined in section 10 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 10 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



1 the order of a court shall follow the protocols prescribed in the
2 regulations adopted pursuant to subsection 2 when placing the child
3 within the facility.

4 5. As used in this section:

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

7 (b) “Foster home” has the meaning ascribed to it in
8 NRS 424.014.

9 (c) “Gender identity or expression” has the meaning ascribed to
10 it in NRS 424.0145.

11 *(d) “Receiving center” has the meaning ascribed to it in*
12 *section 10 of this act.*

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

14 432B.172 1. An agency which provides child welfare
15 services shall treat each child to whom the agency provides services
16 in all respects in accordance with the child’s gender identity or
17 expression.

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

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

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

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

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

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

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

38 (g) Advocates of children; and

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

41 3. An agency which provides child welfare services shall:

42 (a) Follow the protocols prescribed in the regulations adopted
43 pursuant to subsection 2 before placing a child in an out-of-home
44 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 10 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.

Sec. 8. *"Child care facility" has the meaning ascribed to it in NRS 432A.024.*

Sec. 9. *"Law enforcement agency" means any agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.*

Sec. 10. *"Receiving center" means 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.*

Sec. 11. *"Secured child care facility" 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.*

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

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

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

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

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

(d) Requirements concerning the operation of a receiving center and the facility in which a receiving center operates, including, without limitation, requirements to ensure that a receiving center is equipped with a location that is suitable for



1 *holding proceedings for the court-ordered admission of a child*
2 *pursuant to sections 21 to 26, inclusive, of this act; and*

3 *(e) Grounds for the suspension or revocation of a license or*
4 *the imposition of other disciplinary action against a receiving*
5 *center, the disciplinary actions that may be imposed and the*
6 *procedure for imposing such disciplinary action.*

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

10 *(a) Establishing, promoting the establishment of and operating*
11 *receiving centers; and*

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

13 **Sec. 13.** *A receiving center must ensure that each child*
14 *placed in the care of the receiving center or referred to the*
15 *receiving center for outpatient care receives, as necessary, the*
16 *following services:*

17 *1. Mental health triage;*

18 *2. Assessment of basic needs;*

19 *3. Assessment of medical needs;*

20 *4. Psychiatric evaluation;*

21 *5. Referral to detoxification;*

22 *6. Short-term placement;*

23 *7. Mobile crisis response;*

24 *8. Academic support;*

25 *9. Preventive services for children who are at risk of*
26 *commercial sexual exploitation;*

27 *10. Therapeutic treatment to assist the child in safely*
28 *transitioning to a home-based placement; and*

29 *11. Any other services required by the regulations adopted*
30 *pursuant to section 12 of this act.*

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

33 *(a) Emergency admission pursuant to sections 19 and 20 of*
34 *this act; or*

35 *(b) Court-ordered admission pursuant to sections 21 to 26,*
36 *inclusive, of this act.*

37 *2. A receiving center may accept referrals to provide*
38 *outpatient care to a child from an agency which provides child*
39 *welfare services, a law enforcement agency, a community-based*
40 *nonprofit organization, a provider of health care or other similar*
41 *persons and entities.*

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



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

2. *The Division of Child and Family Services of the Department of Health and Human Services shall adopt regulations establishing factors for a court to consider before placing a child in the custody of a receiving center and protocols for a receiving center to follow when placing a child in the receiving center 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, 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 established in the regulations adopted pursuant to subsection 2 before placing a child in a receiving center pursuant to section 26 of this act.*

4. *A receiving center 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 receiving center.*

5. *As used in this section:*

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

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

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



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

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

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

(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.

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.

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



1 entities who are not involved in the proceedings except as
2 authorized by NRS 432C.150.

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

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

17 3. If the period specified in subsection 2 expires on a day on
18 which the office of the clerk of the district court is not open, the
19 written petition must be filed on or before the close of the business
20 day next following the expiration of that period.

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

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

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

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

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

41 (b) A sworn statement of the reasons that the officer or
42 employee has reasonable cause to believe that immediate
43 placement in a secured facility is necessary to protect the life,
44 health or welfare of the child and specific, articulable facts to
45 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.

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.

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.

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



1 *child welfare services to take the child into protective custody and*
2 *transport the child to a receiving center or secured child care*
3 *facility where the child may be detained until a hearing is had*
4 *upon the petition or motion, as applicable. A child must not be*
5 *restrained while being transported to a receiving center or a*
6 *secured child care facility unless there is a significant risk of*
7 *immediate harm to the child or the person transporting the child if*
8 *the child is not restrained.*

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

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

20 6. *An evaluation team that evaluates a child pursuant to*
21 *subsection 1 shall, before the hearing set pursuant to subsection 1*
22 *of section 22 of this act, submit to the court in writing a summary*
23 *of its findings and evaluation regarding the child who is the*
24 *subject of the evaluation.*

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

30 2. *Except as otherwise provided in this subsection, the county*
31 *in which a petition for the court-ordered admission of a child is*
32 *filed must pay the entire cost of the proceedings. Where the child*
33 *to be admitted last resided in another county of the State, the*
34 *expense shall be charged to and payable by such county of*
35 *residence.*

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

44 2. *The court shall award any counsel appointed pursuant to*
45 *subsection 1 compensation for his or her services in an amount*



1 *determined by it to be fair and reasonable. The compensation must*
2 *be charged against the county where the child alleged to be a*
3 *commercially sexually exploited child last resided.*

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

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

15 5. *The court shall allow a child to participate in any*
16 *proceeding before the court relating to the court-ordered*
17 *admission of the child.*

18 6. *Proceedings for the court-ordered admission of a child to a*
19 *receiving center or secured child care facility must be held on the*
20 *premises of a receiving center or secured child care facility. The*
21 *proceedings must utilize a team approach in which the person*
22 *serving as the court, the evaluation team appointed to section 23 of*
23 *this act, the child, his or her parent or guardian, the attorney*
24 *representing the child, the district attorney and the agency which*
25 *provides child welfare services work collaboratively in the best*
26 *interests of the child.*

27 **Sec. 26. 1.** *If the court finds, after the proceedings for the*
28 *court-ordered admission of a child:*

29 (a) *That there is not clear and convincing evidence that the*
30 *child with respect to whom the hearing was held is a commercially*
31 *sexually exploited child and that it is contrary to his or her welfare*
32 *to remain in the community, the court must enter its finding to*
33 *that effect and the child must not be admitted to a receiving center*
34 *or secured child care facility. If the child has been detained in a*
35 *receiving center or secured child care facility under an emergency*
36 *admission pursuant to sections 19 and 20 of this act, the court*
37 *must issue a written order requiring the receiving center or*
38 *secured child care facility to release the child to his or her parent*
39 *or guardian or, if the child is in the custody of the agency which*
40 *provides child welfare services, to the agency which provides child*
41 *welfare services, not later than 24 hours after the court issues the*
42 *order.*

43 (b) *That there is clear and convincing evidence that the child*
44 *with respect to whom the hearing was held is a commercially*
45 *sexually exploited child and that it is contrary to his or her welfare*



1 *to remain in the community, the court may order the admission of*
2 *the child to a receiving center or secured child care facility.*

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

7 3. *Before issuing an order for the admission of a child to a*
8 *receiving center or secured child care facility or a renewal thereof,*
9 *the court shall explore other alternative courses of treatment*
10 *within the least restrictive appropriate environment, as suggested*
11 *by the evaluation team who evaluated the child pursuant to section*
12 *23 of this act or other persons determined by the court to be*
13 *qualified who have evaluated the child, which the court believes*
14 *may be in the best interests of the child.*

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

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

27 (b) *A description of:*

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

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

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

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

39 6. *A court shall not order the admission of a child to a*
40 *receiving center or a secured child care facility for more than 30*
41 *consecutive days unless another suitable placement for the child is*
42 *not available at that time.*

43 **Sec. 27. 1.** *Once a child has been admitted to a receiving*
44 *center or a secured child care facility under emergency admission*
45 *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.

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.

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 to determine whether there is reasonable cause to believe that the child is a victim of commercial sexual exploitation;



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

(c) 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; ~~and~~

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

(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 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 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. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020.



Sec. 30. NRS 3.223 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 432B 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.

~~(k)~~ (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.

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 10 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 10 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 1.4683, 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.049, 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,



1 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
2 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
3 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
4 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
5 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
6 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
7 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
8 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
9 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
10 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
11 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
12 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
13 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
14 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
15 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
16 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
17 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
18 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
19 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
20 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
21 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
22 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
23 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
24 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
25 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
26 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
27 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
28 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
29 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
30 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
31 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
32 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
33 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
34 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
35 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
36 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
37 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
38 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
39 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
40 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
41 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
42 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
43 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
44 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
45 703.196, 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.

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 , ~~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.

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 10 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 and 3 to 34, 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.

