

CHAPTER.....

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; 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. **Section 1.8** of this bill makes a conforming change to indicate the placement of **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** 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** of this bill extends these provisions to apply to receiving centers. **Sections 1.5, 5, 6, 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** 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** 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** 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 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 or 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 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.

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

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.*

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



Sec. 1.2. *“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. 1.3. *1. To obtain a license to operate a receiving center, a person or entity must submit an application to the Division 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 1.4 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 the 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; and*
- (e) Grounds for the suspension or revocation of a license or the imposition of other disciplinary action against a receiving center, the disciplinary actions that may be imposed and the procedure for imposing such disciplinary action.*

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

- (a) Establishing, promoting the establishment of and operating receiving centers; and*
- (b) Paying for services provided by a receiving center.*

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

- (a) Mental health triage;*
- (b) Assessment of basic needs;*
- (c) Assessment of medical needs;*
- (d) Psychiatric evaluation;*
- (e) Referral to detoxification;*
- (f) Short-term placement;*
- (g) Mobile crisis response;*
- (h) Academic support;*
- (i) Preventive services for children who are at risk of commercial sexual exploitation, as defined in NRS 432C.050;*



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

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

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

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

Sec. 1.5. 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 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.

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.

Sec. 1.6. *1. The Division 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. 1.7. *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 1.6 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 1.6 of this act without a valid license or certificate, as applicable.

3. It is sufficient in an 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 1.6 of this act without a valid certificate.

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.

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:



~~11-1~~ (a) Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;

~~12-1~~ (b) Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

~~13-1~~ (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.

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, **receiving centers or 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 *receiving center or* secured ~~[placement for]~~ *child care facility into which* commercially sexually exploited children ~~;~~

~~— (1) Provides] are placed 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.]~~

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)~~ (b) “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.

(c) “Sexual abuse” has the meaning ascribed to it in NRS 432B.100.

(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; ~~(f)~~

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

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

Secs. 7-28. (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** 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; and

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

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

~~He)~~ *(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 . ~~;~~ and*



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

2. *An agency which provides child welfare services shall use the resources of a children's advocacy center when conducting an assessment pursuant to paragraph (a) of subsection 1 when such resources are available and appropriate based on the circumstances contained in the report received pursuant to NRS 432C.110.*

3. 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.}~~ 4. *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.*

5. 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.}~~ 3, 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.}~~ 6. 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, including, 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. (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 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 1.2 of this act.

Sec. 33. (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 , ~~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 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 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.

