

ASSEMBLY BILL NO. 148—ASSEMBLYWOMAN MARZOLA

FEBRUARY 13, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to child welfare.
(BDR 11-671)

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

CONTAINS UNFUNDED MANDATE (§§ 9, 10, 32, 33)
(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; prescribing qualifications for magistrates who make certain determinations concerning child custody; providing for the appointment of a guardian ad litem for an incapacitated parent or other person responsible for the welfare of a child in certain child welfare proceedings; revising the titles of certain officials appointed to oversee proceedings concerning juveniles and child support; prescribing the procedure for the judicial review of the placement of a child who is in the custody of an agency which provides child welfare services in a qualified residential treatment program; revising the procedures governing the court-ordered admission of such a child who has an emotional disturbance to certain psychiatric facilities and the release of such a child from such a facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires a court to follow certain procedures concerning how to
2 determine custody when a magistrate determines probable cause exists that a party
3 to the custody proceeding has committed an act of abduction against a child. (NRS
4 125C.0035, 125C.240, 432B.159) **Sections 2, 3 and 44** of this bill require the
5 magistrate who makes such a determination to be a magistrate who has the power
6 to issue a criminal arrest warrant.

7 Upon the filing of a petition that a child is in need of protection, existing law
8 requires the appointment of a guardian ad litem to represent and protect the best



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interests of the child during the child welfare proceedings. (NRS 432B.500) **Sections 9, 10, 32 and 33** of this bill prescribe a procedure for the appointment of a guardian ad litem to represent the best interests of: (1) a parent who is incapacitated in a proceeding to terminate parental rights; or (2) a parent or other person responsible for the welfare of a child who is incapacitated during a child welfare proceeding. **Sections 11 and 34** of this bill require a guardian ad litem appointed for a parent or other person responsible for the welfare of a child to act in the best interests of the parent or other person after considering the wishes of the parent or other person. **Sections 11 and 34** additionally: (1) provide that communications between a parent or other person responsible for the welfare of a child and his or her guardian ad litem are privileged; and (2) prohibit a guardian ad litem from taking any action to effectuate a termination of parental rights or consent to a specific adoption.

In general, existing law provides that information maintained by an agency which provides child welfare services is confidential and may only be disclosed under certain circumstances. (NRS 432B.290) **Section 46** of this bill authorizes the disclosure of information maintained by an agency which provides child welfare services to the guardian ad litem of a parent or legal guardian of a child appointed pursuant to **section 32** under certain circumstances.

Existing law authorizes, and in certain circumstances, requires a court to appoint a master to preside over child support proceedings. (NRS 3.405, 425.381) Existing law also authorizes a court to appoint a master to preside over certain proceedings concerning juveniles. (NRS 62B.020) **Sections 17, 21, 22, 29 and 74** of this bill revise the title of those appointed officials to "child support magistrate" and "juvenile magistrate," respectively, without changing the duties of those positions. **Sections 1, 4-7, 12-16, 18, 19, 23-26, 48, 68 and 69** make various changes to conform to the terminology revised by **sections 17, 21, 22, 29 and 74**.

Existing law authorizes the placement of a child who is in need of protection in the protective custody of an agency which provides child welfare services under certain circumstances. (NRS 432B.390) If a court finds that such a child is in need of protection, existing law authorizes the court to place the child with certain entities, including a public agency or institution authorized to care for children. (NRS 432B.550) Existing law prescribes procedures governing the placement of a child who is in need of protection and requires such placement to be reviewed semiannually. (NRS 432B.450, 432B.580) Existing law also requires a court overseeing proceedings concerning such a child to hold an annual hearing concerning the permanent placement of the child. (NRS 432B.590) Existing federal law defines "qualified residential treatment program" to mean a program that: (1) provides trauma-informed treatment of children with serious emotional or behavioral disorders or disturbances; (2) has clinical staff available 24 hours a day and 7 days a week; and (3) meets certain other requirements. (42 U.S.C. § 672(k)(4)) **Section 31** of this bill adopts that federal definition, and **section 43** of this bill makes a conforming change to indicate the proper placement of **section 31** in the Nevada Revised Statutes. **Section 52** of this bill makes a conforming change to remove a definition of the term "qualified residential treatment program" that duplicates the definition prescribed in **section 31**. **Sections 35, 50 and 51** of this bill require a court to review the appropriateness of the placement of a child who is in the custody of an agency which provides child welfare services in a qualified residential treatment program: (1) not later than 60 days after the beginning of the placement; (2) as part of each semiannual review concerning the temporary placement of the child; and (3) at each annual hearing concerning the permanent placement of the child. **Sections 20, 45 and 47-49** of this bill make conforming changes to indicate the proper placement of **sections 32-35** in the Nevada Revised Statutes.



Existing law prescribes the procedure for: (1) placing a person who is in a mental health crisis on a mental health crisis hold for assessment, evaluation, intervention and treatment at a hospital or mental health facility; (2) the emergency admission of such a person to a mental health facility; and (3) the involuntary court-ordered admission of such a person to a mental health facility or assisted outpatient treatment. (NRS 433A.145-433A.345) Existing law prescribes a separate procedure for the involuntary court-ordered admission of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to certain psychiatric facilities. (NRS 432B.607-432B.6085) **Sections 37-40 and 54-57** of this bill revise the latter procedure to provide separate procedures for: (1) the involuntary court-ordered admission of such a child for nonemergency mental health treatment; and (2) the continuation of the emergency admission of such a child for longer than 5 days. **Sections 37, 39, 54 and 56** of this bill authorize a physician, a psychologist, a physician assistant under the supervision of a psychologist or an advanced practice registered nurse or clinical social worker who possesses certain training to conduct certain examinations in the course of those procedures. **Sections 70 and 71** of this bill make conforming changes to indicate the applicability of the training requirements for such an advanced practice registered nurse or clinical social worker.

Sections 38 and 55 of this bill authorize the court to order the nonemergency admission or continued emergency admission, respectively, of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services if the court finds by clear and convincing evidence that the child presents a substantial likelihood of serious harm to himself or herself or others and certain other requirements are met. **Section 36** of this bill prescribes the manner in which to determine whether a child presents a substantial likelihood of serious harm to himself or herself or others for those purposes. **Sections 41 and 58** of this bill provide for the expiration and renewal of an order for nonemergency mental health treatment or to continue an emergency admission, as applicable. **Sections 41 and 58** also authorize the release of a child who has been admitted to a facility under such an order under certain circumstances, and **section 75** of this bill repeals: (1) existing provisions governing the release of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services from a facility; and (2) additional provisions of existing law which are duplicative of the provisions of **sections 37-40 and 54-57**.

Sections 42 and 59 of this bill require a facility to which a child who is in the custody of an agency which provides child welfare services is admitted under an involuntary court-ordered admission or a continued emergency admission to develop a written plan for the continued care, treatment and training of the child upon discharge from the facility. **Sections 53 and 62** of this bill make conforming changes to indicate the proper placement of **sections 36-42** in the Nevada Revised Statutes. **Sections 27, 28, 60, 61 and 63-67** of this bill make other conforming changes to indicate the continued applicability of certain provisions of existing law to the procedures created by **sections 37-40 and 54-57**.

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

Section 1. NRS 125B.200 is hereby amended to read as follows:

125B.200 As used in NRS 125B.200 to 125B.300, inclusive, unless the context otherwise requires:



1 1. "Court" includes a referee or ~~master~~ *magistrate* appointed
2 by the court.

3 2. "Minor child" means a person who is:

4 (a) Under the age of 18 years;

5 (b) Under the age of 19 years, if the person is enrolled in high
6 school;

7 (c) Under a legal disability; or

8 (d) Not declared emancipated pursuant to NRS 129.080 to
9 129.140, inclusive.

10 3. "Obligor-parent" means a parent who has been ordered by a
11 court to pay for the support of a minor child.

12 **Sec. 2.** NRS 125C.0035 is hereby amended to read as follows:

13 125C.0035 1. In any action for determining physical custody
14 of a minor child, the sole consideration of the court is the best
15 interest of the child. If it appears to the court that joint physical
16 custody would be in the best interest of the child, the court may
17 grant physical custody to the parties jointly.

18 2. Preference must not be given to either parent for the sole
19 reason that the parent is the mother or the father of the child.

20 3. The court shall award physical custody in the following
21 order of preference unless in a particular case the best interest of the
22 child requires otherwise:

23 (a) To both parents jointly pursuant to NRS 125C.0025 or to
24 either parent pursuant to NRS 125C.003. If the court does not enter
25 an order awarding joint physical custody of a child after either
26 parent has applied for joint physical custody, the court shall state in
27 its decision the reason for its denial of the parent's application.

28 (b) To a person or persons in whose home the child has been
29 living and where the child has had a wholesome and stable
30 environment.

31 (c) To any person related within the fifth degree of
32 consanguinity to the child whom the court finds suitable and able to
33 provide proper care and guidance for the child, regardless of
34 whether the relative resides within this State.

35 (d) To any other person or persons whom the court finds
36 suitable and able to provide proper care and guidance for the child.

37 4. In determining the best interest of the child, the court shall
38 consider and set forth its specific findings concerning, among other
39 things:

40 (a) The wishes of the child if the child is of sufficient age and
41 capacity to form an intelligent preference as to his or her physical
42 custody.

43 (b) Any nomination of a guardian for the child by a parent.



(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

(e) The ability of the parents to cooperate to meet the needs of the child.

(f) The mental and physical health of the parents.

(g) The physical, developmental and emotional needs of the child.

(h) The nature of the relationship of the child with each parent.

(i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;



(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

➡ In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

9. If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the



1 order concerning physical custody, reconsider the previous order
2 concerning physical custody pursuant to subsections 7 and 8.

3 10. As used in this section:

4 (a) "Abduction" means the commission of an act described in
5 NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other
6 jurisdiction that prohibits the same or similar conduct.

7 (b) "Domestic violence" means the commission of any act
8 described in NRS 33.018.

9 *(c) "Magistrate" has the meaning ascribed to it in*
10 *NRS 169.095.*

11 **Sec. 3.** NRS 125C.240 is hereby amended to read as follows:

12 125C.240 1. A determination by the court after an
13 evidentiary hearing and finding by clear and convincing evidence
14 that either parent or any other person seeking custody of a child has
15 committed any act of abduction against the child or any other child
16 creates a rebuttable presumption that sole or joint custody or
17 unsupervised visitation of the child by the perpetrator of the
18 abduction is not in the best interest of the child. If the parent or other
19 person seeking custody does not rebut the presumption, the court
20 shall not enter an order for sole or joint custody or unsupervised
21 visitation of the child by the perpetrator and the court shall set forth:

22 (a) Findings of fact that support the determination that one or
23 more acts of abduction occurred; and

24 (b) Findings that the custody or visitation arrangement ordered
25 by the court adequately protects the child and the parent or other
26 person from whom the child was abducted.

27 2. For purposes of subsection 1, any of the following acts
28 constitute conclusive evidence that an act of abduction occurred:

29 (a) A conviction of the defendant of any violation of NRS
30 200.310 to 200.340, inclusive, or 200.359 or a law of any other
31 jurisdiction that prohibits the same or similar conduct;

32 (b) A plea of guilty or nolo contendere by the defendant to any
33 violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law
34 of any other jurisdiction that prohibits the same or similar conduct;
35 or

36 (c) An admission by the defendant to the court of the facts
37 contained in the charging document alleging a violation of NRS
38 200.310 to 200.340, inclusive, or 200.359 or a law of any other
39 jurisdiction that prohibits the same or similar conduct.

40 3. If, after a court enters a final order concerning custody of the
41 child, a magistrate determines there is probable cause to believe that
42 an act of abduction has been committed against the child or any
43 other child and that a person who has been awarded sole or joint
44 custody or unsupervised visitation of the child has committed the
45 act, the court shall, upon a motion to modify the order concerning



1 custody, reconsider the previous order concerning custody pursuant
2 to subsections 1 and 2.

3 4. As used in this section ~~["abduction"]~~ :

4 (a) "*Abduction*" means the commission of an act described in
5 NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other
6 jurisdiction that prohibits the same or similar conduct.

7 (b) "*Magistrate*" *has the meaning ascribed to it in*
8 *NRS 169.095.*

9 **Sec. 4.** NRS 126.111 is hereby amended to read as follows:

10 126.111 1. The court shall endeavor to resolve the issues
11 raised in an action pursuant to this chapter by an informal hearing.

12 2. As soon as practicable after an action to declare the
13 existence or nonexistence of the father and child relationship has
14 been brought, an informal hearing must be held. The court may
15 order that the hearing be held before a ~~["master"]~~ *magistrate*
16 *appointed by the court* or referee. The public shall be barred from
17 the hearing. A record of the proceeding or any portion thereof must
18 be kept if any party requests or the court orders. Strict rules of
19 evidence need not be observed, but those prescribed in NRS
20 233B.123 apply.

21 3. Upon refusal of any witness, including a party, to testify
22 under oath or produce evidence, the court may order the witness to
23 testify under oath and produce evidence concerning all relevant
24 facts. If the refusal is upon the ground that the witness's testimony
25 or evidence might tend to incriminate the witness, the court may
26 grant the witness immunity from prosecution for all criminal
27 offenses shown in whole or in part by testimony or evidence the
28 witness is required to produce, except for perjury committed in his
29 or her testimony. The refusal of a witness who has been granted
30 immunity to obey an order to testify or produce evidence is a civil
31 contempt of the court.

32 4. Testimony of a physician concerning the medical
33 circumstances of the pregnancy and the condition and characteristics
34 of the child upon birth is not privileged.

35 **Sec. 5.** NRS 126.121 is hereby amended to read as follows:

36 126.121 1. The court may, and shall upon the motion of a
37 party, order the mother, child, alleged father or any other person so
38 involved to submit to one or more tests for the typing of blood or
39 taking of specimens for genetic identification to be made by a
40 designated person, by qualified physicians or by other qualified
41 persons, under such restrictions and directions as the court or judge
42 deems proper. Whenever such a test is ordered and made, the results
43 of the test must be received in evidence and must be made available
44 to a judge, ~~["master"]~~ *magistrate* or referee conducting a hearing
45 pursuant to NRS 126.111. The results of the test and any sample or



specimen taken may be used only for the purposes specified in this chapter. Unless a party files a written objection to the result of a test at least 30 days before the hearing at which the result is to be received in evidence, the result is admissible as evidence of paternity without foundational testimony or other proof of authenticity or accuracy. The order for such a test also may direct that the testimony of the experts and of the persons so examined may be taken by deposition or written interrogatories.

2. If any party refuses to submit to or fails to appear for a test ordered pursuant to subsection 1, the court may presume that the result of the test would be adverse to the interests of that party or may enforce its order if the rights of others and the interests of justice so require.

3. The court, upon reasonable request by a party, shall order that independent tests for determining paternity be performed by other experts or qualified laboratories.

4. In all cases, the court shall determine the number and qualifications of the experts and laboratories.

5. As used in this section:

(a) "Designated person" means a person who is:

(1) Properly trained to take samples or specimens for tests for the typing of blood and genetic identification; and

(2) Designated by an enforcing authority to take such samples or specimens.

(b) "Enforcing authority" means the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative, a district attorney or the Attorney General when acting pursuant to NRS 425.380.

Sec. 6. NRS 126.141 is hereby amended to read as follows:

126.141 1. On the basis of the information produced at the pretrial hearing, the judge, ~~master~~ *magistrate* or referee conducting the hearing shall evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration of the relationship would be in the best interest of the child. On the basis of the evaluation, an appropriate recommendation for settlement must be made to the parties, which may include any of the following:

(a) That the action be dismissed with or without prejudice.

(b) That the matter be compromised by an agreement among the alleged father, the mother and the child, in which the father and child relationship is not determined but in which a defined economic obligation, fully secured by payment or otherwise, is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the judge, ~~master~~ *magistrate* or referee conducting the hearing. In reviewing the obligation



undertaken by the alleged father in a compromise agreement, the judge, ~~master~~ *magistrate* or referee conducting the hearing shall consider the best interest of the child, discounted by the improbability, as it appears to him or her, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on the alleged father.

(c) That the alleged father voluntarily acknowledge his paternity of the child.

2. If the parties accept a recommendation made in accordance with subsection 1, judgment may be entered accordingly.

3. If a party refuses to accept a recommendation made under subsection 1 and blood tests or tests for genetic identification have not been taken, the court shall require the parties to submit to blood tests or tests for genetic identification, if practicable. Thereafter the judge, ~~master~~ *magistrate* or referee shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action must be set for trial.

4. The guardian ad litem may accept or refuse to accept a recommendation under this section.

5. The pretrial hearing may be terminated and the action set for trial if the judge, ~~master~~ *magistrate* or referee conducting the hearing finds unlikely that all parties would accept a recommendation he or she might make under subsection 1 or 3.

Sec. 7. NRS 126.143 is hereby amended to read as follows:

126.143 After an action is set for trial pursuant to NRS 126.141, the judge, ~~master~~ *magistrate* or referee shall, upon the motion of a party, issue an order providing for the temporary support of the child pending the resolution of the trial if the judge, ~~master~~ *magistrate* or referee determines that there is clear and convincing evidence that the party against whom the order is issued is the father of the child.

Sec. 8. Chapter 128 of NRS is hereby amended by adding thereto the provisions set forth as sections 9, 10 and 11 of this act.

Sec. 9. 1. *If the parent of a child who is the subject of proceedings under this chapter is less than 18 years of age and is not emancipated, the court shall hold a hearing to determine whether the parent is incapacitated. If the court determines that the parent is incapacitated, the court shall appoint a guardian ad litem for the parent.*

2. *If the provisions of subsection 1 do not apply, a court may appoint a guardian ad litem for a parent of a child who is the*



1 *subject of proceedings under this chapter upon the motion of a*
2 *party or its own motion if the court determines that the parent is*
3 *incapacitated. A party shall not make a motion pursuant to this*
4 *subsection for the purpose of delay.*

5 *3. When determining whether a parent is incapacitated*
6 *pursuant to subsection 1 or 2, a court shall consider:*

7 *(a) The ability of the parent to:*

8 *(1) Appreciate the allegations against him or her;*

9 *(2) Understand the possible outcomes of the proceedings;*

10 *(3) Understand the nature of the legal process;*

11 *(4) Disclose to his or her attorney the facts relevant to the*
12 *proceedings;*

13 *(5) Display appropriate behavior in the courtroom; and*

14 *(6) Testify regarding issues relevant to the proceedings;*

15 *(b) Any findings in another legal proceeding that the parent is*
16 *incapacitated or incompetent;*

17 *(c) Any mental illness, intellectual disability or developmental*
18 *disability that affects the capacity of the parent;*

19 *(d) The results of any psychiatric evaluation conducted*
20 *pursuant to section 10 of this act; and*

21 *(e) Any other factor that affects the capacity of the parent or*
22 *evidence concerning such capacity.*

23 *4. A court may determine that a parent is incapacitated*
24 *pursuant to this section only if it finds by clear and convincing*
25 *evidence that the parent is unable to:*

26 *(a) Understand the nature of the allegations against him or*
27 *her;*

28 *(b) Understand the nature and purpose of the proceedings; or*

29 *(c) Aid and assist his or her attorney at any time during the*
30 *proceedings with a reasonable degree of rational understanding.*

31 *5. If a court determines that a parent is incapacitated*
32 *pursuant to this section, the court shall appoint a guardian ad*
33 *litem for the parent. The court may not appoint the attorney for*
34 *the parent as his or her guardian ad litem. When determining the*
35 *person who will be appointed as the guardian ad litem, the court:*

36 *(a) Shall consider the wishes of the parent for whom the*
37 *guardian ad litem will be appointed;*

38 *(b) May consider any other relevant evidence; and*

39 *(c) May call additional witnesses.*

40 *6. The court shall, upon the request of a parent for whom a*
41 *guardian ad litem will be appointed pursuant to this section,*
42 *conduct the initial evaluation of a person who may be appointed*
43 *as the guardian ad litem outside the presence of the other parties.*

44 *7. An order appointing a guardian ad litem pursuant to this*
45 *section must set forth:*



1 (a) *The reasons for the determination of the court that the*
2 *parent is incapacitated; and*

3 (b) *The authority and duties of the guardian ad litem.*

4 8. *Except as otherwise provided in this subsection, the court*
5 *shall review an order appointing a guardian ad litem pursuant to*
6 *this section upon the request of any party to determine whether the*
7 *parent for whom the guardian ad litem was appointed remains*
8 *incapacitated. The court is not required to conduct such a review*
9 *within 45 days after:*

10 (a) *The issuance of the order; or*

11 (b) *The most recent previous review.*

12 9. *If a court determines that a parent is incapacitated solely*
13 *because of his or her age and appoints a guardian ad litem for the*
14 *parent, the guardianship must terminate on the 18th birthday of*
15 *the parent.*

16 **Sec. 10.** 1. *If a parent described in subsection 1 of section 9*
17 *of this act or a parent who is the subject of a motion pursuant to*
18 *subsection 2 of section 9 of this act requests a psychiatric*
19 *evaluation and the court determines that the parent might be*
20 *incapacitated because he or she is not mentally competent, the*
21 *court shall order the parent to undergo a psychiatric evaluation by*
22 *a person professionally qualified in the field of psychiatric mental*
23 *health. In all other circumstances, the court may, upon the motion*
24 *of a party or its own motion, order such a psychiatric evaluation if*
25 *it determines that the parent might be incapacitated because he or*
26 *she is not mentally competent.*

27 2. *If a psychiatric evaluation is conducted pursuant to*
28 *subsection 1 upon:*

29 (a) *The request of the parent who is the subject of the*
30 *evaluation or the motion of court, the court may, except as*
31 *otherwise provided in subsection 3, pay the cost of the psychiatric*
32 *evaluation.*

33 (b) *The motion of a party, other than the parent who is the*
34 *subject of the evaluation, the moving party shall pay the cost of the*
35 *psychiatric evaluation.*

36 3. *The court shall pay the cost of a psychiatric evaluation*
37 *conducted pursuant to subsection 1 if:*

38 (a) *The psychiatric evaluation is conducted upon the request*
39 *of the parent who is the subject of the evaluation or the motion of*
40 *court;*

41 (b) *The psychiatric evaluation is not covered by a third party*
42 *or the third party that provides such coverage is unable or*
43 *unwilling to pay for the psychiatric evaluation in a timely manner;*
44 *and*



(c) *The parent who is the subject of the psychiatric evaluation has a household income that is less than 200 percent of the federally designated level signifying poverty.*

4. *If the court pays the cost of a psychiatric evaluation pursuant to subsection 3 and later determines that the parent who is the subject of the examination is financially able to pay all or part of the cost of the psychiatric evaluation, the court may require the parent to make such payment to the clerk of the court.*

5. *As used in this section:*

(a) *“Household” means persons of the first degree of consanguinity or affinity who live in the same dwelling.*

(b) *“Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433A.018.*

(c) *“Third party” means any insurer or organization providing health coverage or benefits in accordance with state or federal law.*

Sec. 11. *1. In making decisions on behalf of a parent, a guardian ad litem appointed for the parent pursuant to section 9 of this act shall:*

(a) *Consider the wishes of the parent and inform the court of those wishes; and*

(b) *Act in the best interests of the parent, as determined by the guardian ad litem using his or her independent judgement.*

2. *Communications between a parent and his or her guardian ad litem are privileged and confidential to the same extent as communications between the parent and his or her attorney.*

3. *A guardian ad litem appointed pursuant to section 9 of this act may not take any action to effectuate a termination of parental rights or consent to a specific adoption.*

Sec. 12. NRS 129.080 is hereby amended to read as follows:

129.080 Any minor who is at least 16 years of age, who is married or living apart from his or her parents or legal guardian, and who is a resident of the county, may petition the juvenile court of that county for a decree of emancipation. The district court may refer the petition to a ~~master~~ *juvenile magistrate* appointed pursuant to title 5 of NRS or chapter 432B of NRS.

Sec. 13. NRS 130.102 is hereby amended to read as follows:

130.102 1. The district court and, within the limitations of authority granted pursuant to NRS 3.405, 125.005 or 425.381 to 425.3852, inclusive, a ~~master~~ *child support magistrate* or referee appointed pursuant to any of those sections, are the tribunals of this State.

2. The support enforcement agency of this State may include, without limitation, a court, a district attorney, a law enforcement



1 agency or the Division of Welfare and Supportive Services of the
2 Department of Health and Human Services.

3 **Sec. 14.** NRS 3.025 is hereby amended to read as follows:

4 3.025 1. In each judicial district that includes a county whose
5 population is 100,000 or more, the district judges of that judicial
6 district shall choose from among those district judges a Chief Judge
7 who is to be the presiding judge of the judicial district.

8 2. The Chief Judge shall:

9 (a) Assign cases to each judge in the judicial district;

10 (b) Prescribe the hours of court;

11 (c) Adopt such other rules or regulations as are necessary for the
12 orderly conduct of court business; and

13 (d) Perform all other duties of the Chief Judge or of a presiding
14 judge that are set forth in this chapter and any other provision of
15 NRS.

16 3. If a case involves a matter within the jurisdiction of the
17 family court and:

18 (a) The parties to the case are also the parties in any other
19 pending case or were the parties in any other previously decided
20 case assigned to a department of the family court in the judicial
21 district; or

22 (b) A child involved in the case is also involved in any other
23 pending case or was involved in any other previously decided case
24 assigned to a department of the family court in the judicial district,
25 other than a case within the jurisdiction of the juvenile court
26 pursuant to title 5 of NRS,

27 ➡ the Chief Judge shall assign the case to the department of the
28 family court to which the other case is presently assigned or, if the
29 other case has been decided, to the department of the family court
30 that decided the other case, unless a different assignment is required
31 by another provision of NRS, a court rule or the Revised Nevada
32 Code of Judicial Conduct or the Chief Judge determines that a
33 different assignment is necessary because of considerations related
34 to the management of the caseload of the district judges within the
35 judicial district. If a case described in this subsection is heard
36 initially by a ~~{master:}~~ *magistrate appointed by the court*, the
37 recommendation, report or order of the ~~{master:}~~ *magistrate* must be
38 submitted to the district judge of the department of the family court
39 to which the case has been assigned pursuant to this subsection for
40 consideration and decision by that district judge.

41 **Sec. 15.** NRS 3.026 is hereby amended to read as follows:

42 3.026 1. In each judicial district that includes a county whose
43 population is 100,000 or more, in addition to the other duties set
44 forth in NRS 3.025:

45 (a) The Chief Judge shall ensure that:



(1) The procedures which govern the consideration and disposition of cases and other proceedings within the jurisdiction of the district court are applied as uniformly as practicable; and

(2) Cases and other proceedings within the jurisdiction of the district court are considered and decided in a timely manner.

(b) Except as otherwise provided in subsection 2, the Chief Judge shall establish procedures for addressing grievances that are:

(1) Submitted to the Chief Judge by a party in a case or other proceeding within the jurisdiction of the district court; and

(2) Directly related to the administration of the case or other proceeding.

2. For the purposes of paragraph (b) of subsection 1, a party in a case or other proceeding within the jurisdiction of the district court may not submit to the Chief Judge a grievance that:

(a) Addresses, in whole or in part, the merits of the case or other proceeding; or

(b) Challenges, in whole or in part, the merits of any decision or ruling in the case or other proceeding that is made by:

(1) The district court; or

(2) A ~~master~~ *magistrate appointed by the court* or other person who is acting pursuant to an order of the district court or pursuant to any authority that is granted to the ~~master~~ *magistrate* or other person by a specific statute, including, without limitation, NRS 3.405, 3.475 and 3.500.

Sec. 16. NRS 3.2201 is hereby amended to read as follows:

3.2201 1. The district court has exclusive jurisdiction to accept an application for, to consider an application for, and to issue or deny the issuance of any of the following orders when the adverse party against whom the order is sought is a child who is under 18 years of age:

(a) A temporary or extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive.

(b) A temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(c) An emergency or extended order for protection against high-risk behavior pursuant to NRS 33.500 to 33.670, inclusive.

(d) A temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

(e) A temporary or extended order for protection against stalking, aggravated stalking or harassment pursuant to NRS 200.591.

2. The district court shall appoint counsel for a child who is the adverse party against whom an order listed in subsection 1 is sought upon:



(a) The issuance of any emergency or temporary order listed in subsection 1; or

(b) Notice of an adversarial hearing on an application for an order listed in subsection 1.

3. If the district court issues an order listed in subsection 1, the order must be served upon:

(a) The child who is the adverse party; and

(b) The parent or guardian of the child.

4. The juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party in an order listed in subsection 1 has committed a delinquent act by violating a condition set forth in the order.

5. If the district court issues an order listed in subsection 1 and the adverse party reaches the age of 18 years while the order is still in effect, the order remains effective against the adverse party until the order expires or is dissolved by the district court.

6. The district court shall automatically seal all records related to the application for, consideration of and issuance of an order listed in subsection 1 as provided in NRS 62H.140 upon the dissolution or expiration of the order or when the adverse party reaches the age of 18 years, whichever is earlier, unless, at such a time, the order is still in effect, in which case the records must be automatically sealed by the district court upon the expiration or dissolution of the order.

7. A district court may appoint a ~~{master}~~ *magistrate* to conduct the proceedings described in this section.

Sec. 17. NRS 3.405 is hereby amended to read as follows:

3.405 1. In an action to establish paternity, the court may appoint a ~~{master}~~ *magistrate, who may be the juvenile magistrate appointed pursuant to NRS 62B.020, the child support magistrate appointed pursuant to NRS 425.381 or another magistrate appointed as authorized by law*, to take testimony and recommend orders.

2. The court ~~{may}~~ *shall* appoint a ~~{master}~~ *child support magistrate, as required by NRS 425.381*, to hear all cases in a county to establish or enforce an obligation for the support of a child, or to modify or adjust an order for the support of a child pursuant to NRS 125B.145.

3. The ~~{master}~~ *child support magistrate* must be an attorney licensed to practice in this State. The ~~{master:}~~ *child support magistrate:*

(a) Shall take testimony and establish a record;

(b) In complex cases shall issue temporary orders for support pending resolution of the case;



(c) Shall make findings of fact, conclusions of law and recommendations for the establishment and enforcement of an order;

(d) May accept voluntary acknowledgments of paternity or liability for support and stipulated agreements setting the amount of support;

(e) May, subject to confirmation by the district court, enter default orders against a responsible parent who does not respond to a notice or service within the required time; and

(f) Has any other power or duty contained in the order of reference issued by the court.

➤ If a temporary order for support is issued pursuant to paragraph (b), the ~~master~~ *child support magistrate* shall order that the support be paid to the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or district attorney is involved in the case, or otherwise to an appropriate party to the action, pending resolution of the case.

4. The findings of fact, conclusions of law and recommendations of the ~~master~~ *child support magistrate* must be furnished to each party or the party's attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 10 days after receipt of the findings of fact, conclusions of law and recommendations, either party may file with the court and serve upon the other party written objections to the report. If no objection is filed, the court shall accept the findings of fact, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 10-day period, the court shall review the matter upon notice and motion.

Sec. 18. NRS 3.475 is hereby amended to read as follows:

3.475 1. In a county whose population is 700,000 or more, the district court shall establish by rule approved by the Supreme Court a program of mandatory mediation in cases that involve the custody or visitation of a child.

2. The program must:

(a) Require the impartial mediation of the issues of custody and visitation and authorize the impartial mediation of any other nonfinancial issue deemed appropriate by the court.

(b) Authorize the court to exclude a case from the program for good cause shown, including, but not limited to, a showing that:

(1) There is a history of child abuse or domestic violence by one of the parties;

(2) The parties are currently participating in private mediation; or



(3) One of the parties resides outside of the jurisdiction of the court.

(c) Provide standards for the training of the mediators assigned to cases, including, but not limited to:

(1) Minimum educational requirements, which must not be restricted to any particular professional or educational training;

(2) Minimum requirements for training in the procedural aspects of mediation and the interpersonal skills necessary to act as a mediator;

(3) A minimum period of apprenticeship for persons who have not previously acted as domestic mediators;

(4) Minimum requirements for continuing education; and

(5) Procedures to ensure that potential mediators understand the high standard of ethics and confidentiality related to their participation in the program.

(d) Prohibit the mediator from reporting to the court any information about the mediation other than whether the dispute was resolved.

(e) Establish a sliding schedule of fees for participation in the program based on the ability of a party to pay.

(f) Provide for the acceptance of gifts and grants offered in support of the program.

(g) Allow the court to refer the parties to a private mediator.

3. The costs of the program must be paid from the county general fund. All fees, gifts and grants collected pursuant to this section must be deposited in the county general fund.

4. This section does not prohibit a court from referring a financial or other issue to a ~~special master~~ *magistrate* or other person for assistance in resolving the dispute.

Sec. 19. NRS 3.500 is hereby amended to read as follows:

3.500 1. In a county whose population is 100,000 or more and less than 700,000, the district court shall establish by rule approved by the Supreme Court a program of mandatory mediation in cases which involve the custody or visitation of a child. A district court in a county whose population is less than 100,000 may establish such a program in the same manner for use in that county. The district courts in two or more counties whose populations are less than 100,000 may establish such a program in the same manner for use in the counties in which the courts are located.

2. The program must:

(a) Require the impartial mediation of the issues of custody and visitation and any other nonfinancial issue deemed appropriate by the court.

(b) Allow the court to exclude a case from the program for good cause shown, including a showing of a history of child abuse or



1 domestic violence by one of the parties, ongoing private mediation
2 or residency of one of the parties out of the jurisdiction of the court.

3 (c) Provide standards for the training of the mediators assigned
4 to cases pursuant to the rule, including but not limited to:

5 (1) Minimum educational requirements, which may not be
6 restricted to any particular professional or educational training;

7 (2) Minimum requirements for training in the procedural
8 aspects of mediation and the interpersonal skills necessary to act as
9 a mediator;

10 (3) A minimum period of apprenticeship for persons who
11 have not previously acted as domestic mediators;

12 (4) Minimum requirements for continuing education; and

13 (5) Procedures to ensure that potential mediators understand
14 the high standard of ethics and confidentiality related to their
15 participation in the program.

16 (d) Prohibit the mediator from reporting to the court any
17 information about the mediation other than whether the mediation
18 was successful or not.

19 (e) Establish a sliding schedule of fees for participation in the
20 program based on the client's ability to pay.

21 (f) Provide for the acceptance of gifts and grants offered in
22 support of the program.

23 (g) Allow the court to refer the parties to a private mediator for
24 assistance in resolving the issues.

25 3. The costs of the program must be paid from the account for
26 dispute resolution in the county general fund. All fees, gifts and
27 grants collected pursuant to this section must be deposited in the
28 account.

29 4. This section does not prohibit a court from referring a
30 financial or other issue to a ~~{special-master}~~ *magistrate* or other
31 person for assistance in resolving the dispute.

32 **Sec. 20.** NRS 49.295 is hereby amended to read as follows:

33 49.295 1. Except as otherwise provided in subsections 2 and
34 3 and NRS 49.305:

35 (a) A married person cannot be examined as a witness for or
36 against his or her spouse without his or her consent.

37 (b) No spouse can be examined, during the marriage or
38 afterwards, without the consent of the other spouse, as to any
39 communication made by one to the other during marriage.

40 2. The provisions of subsection 1 do not apply to a:

41 (a) Civil proceeding brought by or on behalf of one spouse
42 against the other spouse;

43 (b) Proceeding to commit or otherwise place a spouse, the
44 property of the spouse or both the spouse and the property of the



spouse under the control of another because of the alleged mental or physical condition of the spouse;

(c) Proceeding brought by or on behalf of a spouse to establish his or her competence;

(d) Proceeding in the juvenile court or family court pursuant to title 5 of NRS or NRS 432B.410 to 432B.590, inclusive ~~{;}~~, *and sections 32 to 35, inclusive, of this act*; or

(e) Criminal proceeding in which one spouse is charged with:

(1) A crime against the person or the property of the other spouse or of a child of either, or of a child in the custody or control of either, whether the crime was committed before or during marriage.

(2) Bigamy or incest.

(3) A crime related to abandonment of a child or nonsupport of the other spouse or child.

3. The provisions of subsection 1 do not apply in any criminal proceeding to events which took place before the spouses were married.

Sec. 21. NRS 62A.210 is hereby amended to read as follows:

62A.210 ~~“Master of the juvenile court”~~ *“Juvenile magistrate”* means a ~~{person who is appointed to act as a master of the}~~ juvenile ~~{court}~~ *magistrate appointed* pursuant to NRS 62B.020.

Sec. 22. NRS 62B.020 is hereby amended to read as follows:

62B.020 1. Except as otherwise provided in this section, the juvenile court or the chief judge of the judicial district may appoint any person to act as a ~~{master of the}~~ juvenile ~~{court}~~ *magistrate* if the person is qualified by previous experience, training and demonstrated interest in the welfare of children to act as a ~~{master of the}~~ juvenile ~~{court.}~~ *magistrate.*

2. A probation officer shall not act as a ~~{master of the}~~ juvenile ~~{court}~~ *magistrate* unless the proceeding concerns:

(a) A minor traffic offense;

(b) An offense related to tobacco; or

(c) A child who is alleged to be a habitual truant.

3. If a person is appointed to act as a ~~{master of the}~~ juvenile ~~{court.}~~ *magistrate*, the person shall attend instruction at the National Council of Juvenile and Family Court Judges in Reno, Nevada, in a course designed for the training of new judges of the juvenile court on the first occasion when such instruction is offered after the person is appointed.

4. If, for any reason, a ~~{master of the}~~ juvenile ~~{court}~~ *magistrate* is unable to act, the juvenile court or the chief judge of the judicial district may appoint another qualified person to act temporarily as a ~~{master of the}~~ juvenile ~~{court}~~ *magistrate* during



the period that the ~~master~~ *juvenile magistrate* who is regularly appointed is unable to act.

5. The compensation of a ~~master of the~~ juvenile ~~court~~ *magistrate*:

(a) May not be taxed against the parties.

(b) Must be paid out of appropriations made for the expenses of the district court, if the compensation is fixed by the juvenile court.

Sec. 23. NRS 62F.350 is hereby amended to read as follows:

62F.350 1. The juvenile court may not refer to a *juvenile magistrate or* master any finding, determination or other act required to be made or performed by the juvenile court pursuant to NRS 62F.320 and 62F.340.

2. As used in this section, "master" has the meaning ascribed to it in Rule 53 of the Nevada Rules of Civil Procedure.

Sec. 24. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master *or magistrate* in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(h) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(i) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and



(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(j) Any county manager in this State.

(k) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.

(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.

(n) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 25. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master *or magistrate* in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed



1 by such county or city clerk or registrar of voters in the elections
2 division of the county or city.

3 (f) Any peace officer or retired peace officer.

4 (g) Any prosecutor.

5 (h) Any state or county public defender.

6 (i) Any person employed by the Office of the Attorney General
7 who prosecutes or defends actions on behalf of the State of Nevada
8 or any agency in the Executive Department of the State
9 Government.

10 (j) Any person, including without limitation, a social worker,
11 employed by this State or a political subdivision of this State who as
12 part of his or her normal job responsibilities interacts with the public
13 and performs tasks related to child welfare services or child
14 protective services or tasks that expose the person to comparable
15 dangers.

16 (k) Any county manager in this State.

17 (l) Any inspector, officer or investigator employed by this State
18 or a political subdivision of this State designated by his or her
19 employer who possesses specialized training in code enforcement,
20 interacts with the public and whose primary duties are the
21 performance of tasks related to code enforcement.

22 (m) The spouse, domestic partner or minor child of a person
23 described in paragraphs (a) to (l), inclusive.

24 (n) The surviving spouse, domestic partner or minor child of a
25 person described in paragraphs (a) to (l), inclusive, who was killed
26 in the performance of his or her duties.

27 (o) Any person for whom a fictitious address has been issued
28 pursuant to NRS 217.462 to 217.471, inclusive.

29 2. Any nonprofit entity in this State that maintains a
30 confidential location for the purpose of providing shelter to victims
31 of domestic violence may request that the personal information
32 described in subsection 4 of NRS 250.120 that is contained in the
33 records of a county assessor be kept confidential.

34 3. As used in this section:

35 (a) "Child protective services" has the meaning ascribed to it in
36 NRS 432B.042.

37 (b) "Child welfare services" has the meaning ascribed to it in
38 NRS 432B.044.

39 (c) "Code enforcement" means the enforcement of laws,
40 ordinances or codes regulating public nuisances or the public health,
41 safety and welfare.

42 (d) "Peace officer" means:

43 (1) Any person upon whom some or all of the powers of a
44 peace officer are conferred pursuant to NRS 289.150 to 289.360,
45 inclusive; and



(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

(f) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 26. NRS 293.908 is hereby amended to read as follows:

293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master *or magistrate* in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(i) Any county manager in this State.

(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:



(1) Who possess specialized training in code enforcement;
(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.

(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.

(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.

2. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 27. NRS 392.857 is hereby amended to read as follows:

392.857 1. If a pupil who is enrolled in a public school, including, without limitation, a university school for profoundly gifted pupils, is admitted by a court to a psychiatric hospital or facility which provides residential treatment for mental illness pursuant to NRS 432B.6076 ~~§~~ *or section 38 of this act*, the public school and, if applicable, the school district in which the pupil is enrolled, must:

(a) If the pupil is admitted to a psychiatric hospital, participate in the development of a plan for the continued education of the pupil pursuant to NRS 432B.60847 and comply with the provisions of the plan; and

(b) If an individualized education program has been developed for the pupil, provide the individualized education program to the psychiatric hospital or facility.

2. As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 28. NRS 394.1998 is hereby amended to read as follows:

394.1998 1. If a pupil who is enrolled in a private school is admitted by a court to a psychiatric hospital pursuant to NRS 432B.6076 ~~§~~ *or section 38 of this act*, the private school must



1 participate in the development of a plan for the continued education
2 of the pupil pursuant to NRS 432B.60847 and comply with the
3 provisions of the plan.

4 2. If a pupil who is enrolled in a private school is admitted by a
5 court to a psychiatric hospital pursuant to NRS 432B.6076 *or*
6 *section 38 of this act* and the school district within whose
7 geographic boundaries the private school is located has developed a
8 services plan for the child, the school district must:

9 (a) Participate in the development of a plan for the continued
10 education of the pupil pursuant to NRS 432B.60847 and comply
11 with the provisions of the plan; and

12 (b) Provide the services plan to the psychiatric hospital.

13 3. As used in this section, “services plan” has the meaning
14 ascribed to it in 34 C.F.R. § 300.37.

15 **Sec. 29.** NRS 425.381 is hereby amended to read as follows:

16 425.381 1. A ~~{master}~~ *child support magistrate* must be
17 appointed as set forth in this section ~~{.}~~ *and NRS 3.405.*

18 2. The district judges of:

19 (a) The Family Court of the Second Judicial District shall
20 appoint the ~~{masters}~~ *child support magistrates* for that District, and
21 shall establish the qualifications and duties of those ~~{masters.}~~ *child*
22 *support magistrates;* and

23 (b) The Family Court of the Eighth Judicial District shall
24 appoint the ~~{masters}~~ *child support magistrates* for that District, and
25 shall establish the qualifications and duties of those ~~{masters.}~~ *child*
26 *support magistrates.*

27 3. The district judges of the remaining judicial districts shall
28 appoint the ~~{masters}~~ *child support magistrates* for those districts,
29 and shall establish the qualifications and duties of those ~~{masters.}~~ *child*
30 *support magistrates.*

31 4. A ~~{master}~~ *child support magistrate* serves at the pleasure of
32 the district judges who appointed the ~~{master.}~~ *child support*
33 *magistrate.*

34 **Sec. 30.** Chapter 432B of NRS is hereby amended by adding
35 thereto the provisions set forth as sections 31 to 42, inclusive, of this
36 act.

37 **Sec. 31.** *“Qualified residential treatment program” has the*
38 *meaning ascribed to it in 42 U.S.C. § 672(k)(4).*

39 **Sec. 32.** *1. If a parent or other person responsible for the*
40 *welfare of a child who is the subject of proceedings under this*
41 *section, NRS 432B.410 to 432B.590, inclusive, and sections 33, 34*
42 *and 35 of this act is less than 18 years of age and is not*
43 *emancipated, the court shall hold a hearing to determine whether*
44 *the parent or other person is incapacitated. If the court determines*



1 *that the parent or other person is incapacitated, the court shall*
2 *appoint a guardian ad litem for the parent or other person.*

3 2. *If the provisions of subsection 1 do not apply, a court may*
4 *appoint a guardian ad litem for a parent or other person*
5 *responsible for the welfare of a child who is the subject of*
6 *proceedings under this section, NRS 432B.410 to 432B.590,*
7 *inclusive, and sections 33, 34 and 35 of this act upon the motion of*
8 *a party or its own motion if the court determines that the parent or*
9 *other person is incapacitated. A party shall not make a motion*
10 *pursuant to this subsection for the purpose of delay.*

11 3. *When determining whether the parent or other person*
12 *responsible for the welfare of a child is incapacitated pursuant to*
13 *subsection 1 or 2, a court shall consider:*

14 (a) *The ability of the parent or other person to:*

15 (1) *Appreciate the allegations against him or her;*

16 (2) *Understand the possible outcomes of the proceedings;*

17 (3) *Understand the nature of the legal process;*

18 (4) *Disclose to his or her attorney the facts relevant to the*
19 *proceedings;*

20 (5) *Display appropriate behavior in the courtroom; and*

21 (6) *Testify regarding issues relevant to the proceedings;*

22 (b) *Any findings in another legal proceeding that the parent or*
23 *other person is incapacitated or incompetent;*

24 (c) *Any mental illness, intellectual disability or developmental*
25 *disability that affects the capacity of the parent or other person;*

26 (d) *The results of any psychiatric evaluation conducted*
27 *pursuant to section 33 of this act; and*

28 (e) *Any other factor that affects the capacity of the parent or*
29 *other person or evidence concerning such capacity.*

30 4. *A court may determine that a parent or other person*
31 *responsible for the welfare of a child is incapacitated pursuant to*
32 *this section only if it finds by clear and convincing evidence that*
33 *the parent or other person is unable to:*

34 (a) *Understand the nature of the allegations against him or*
35 *her;*

36 (b) *Understand the nature and purpose of the proceedings; or*

37 (c) *Aid and assist his or her attorney at any time during the*
38 *proceedings with a reasonable degree of rational understanding.*

39 5. *If a court determines that a parent or other person*
40 *responsible for the welfare of a child is incapacitated pursuant to*
41 *this section, the court shall appoint a guardian ad litem for the*
42 *parent or other person. The court may not appoint the attorney for*
43 *the parent or other person as his or her guardian ad litem. When*
44 *determining the person who will be appointed as the guardian ad*
45 *litem, the court:*



(a) Shall consider the wishes of the parent or other person for whom the guardian ad litem will be appointed;

(b) May consider any other relevant evidence; and

(c) May call additional witnesses.

6. The court shall, upon the request of a parent or other person responsible for the welfare of the child for whom a guardian ad litem will be appointed pursuant to this section, conduct the initial evaluation of a person who may be appointed as the guardian ad litem outside the presence of the other parties.

7. An order appointing a guardian ad litem pursuant to this section must set forth:

(a) The reasons for the determination of the court that the parent or other person responsible for the welfare of a child is incapacitated; and

(b) The authority and duties of the guardian ad litem.

8. Except as otherwise provided in this subsection, the court shall review an order appointing a guardian ad litem pursuant to this section upon the request of any party to determine whether the parent or other person responsible for the welfare of a child for whom the guardian ad litem was appointed remains incapacitated. The court is not required to conduct such a review within 45 days after:

(a) The issuance of the order; or

(b) The most recent previous review.

9. If a court determines that a parent or other person responsible for the welfare of a child is incapacitated solely because of his or her age and appoints a guardian ad litem for the parent or other person, the guardianship must terminate on the 18th birthday of the parent or other person.

Sec. 33. 1. If a parent or other person responsible for the welfare of a child described in subsection 1 of section 32 of this act or a parent or other person responsible for the welfare of a child who is the subject of a motion pursuant to subsection 2 of section 32 of this act requests a psychiatric evaluation and the court determines that the parent or other person might be incapacitated because he or she is not mentally competent, the court shall order the parent or other person to undergo a psychiatric evaluation by a person professionally qualified in the field of psychiatric mental health. In all other circumstances, the court may, upon the motion of a party or its own motion, order such a psychiatric evaluation if it determines that the parent or other person might be incapacitated because he or she is not mentally competent.

2. If a psychiatric evaluation is conducted pursuant to subsection 1 upon:



(a) The request of the parent or other person who is the subject of the evaluation or the motion of court, the court may, except as otherwise provided in subsection 3, pay the cost of the psychiatric evaluation.

(b) The motion of a party, other than the parent or other person who is the subject of the evaluation, the moving party shall pay the cost of the psychiatric evaluation.

3. The court shall pay the cost of a psychiatric evaluation conducted pursuant to subsection 1 if:

(a) The psychiatric evaluation is conducted upon the request of the parent or other person who is the subject of the evaluation or the motion of court;

(b) The psychiatric evaluation is not covered by a third party or the third party that provides such coverage is unable or unwilling to pay for the psychiatric evaluation in a timely manner; and

(c) The parent or other person who is the subject of the psychiatric evaluation has a household income that is less than 200 percent of the federally designated level signifying poverty.

4. If the court pays the cost of a psychiatric evaluation pursuant to subsection 3 and later determines that the parent or other person responsible for the welfare of a child who is the subject of the examination is financially able to pay all or part of the cost of the psychiatric evaluation, the court may require the parent or other person to make such payment to the clerk of the court.

5. As used in this section:

(a) “Household” means persons of the first degree of consanguinity or affinity who live in the same dwelling.

(b) “Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433A.018.

(c) “Third party” means any insurer or organization providing health coverage or benefits in accordance with state or federal law.

Sec. 34. 1. In making decisions on behalf of a parent or other person responsible for the welfare of a child, a guardian ad litem appointed for the parent or other person responsible for the welfare of a child pursuant to section 32 of this act shall:

(a) Consider the wishes of the parent or other person and inform the court of those wishes; and

(b) Act in the best interests of the parent or other person, as determined by the guardian ad litem using his or her independent judgement.

2. Communications between a parent or other person responsible for the welfare of a child and his or her guardian ad



1 *litem are privileged and confidential to the same extent as*
2 *communications between the parent and his or her attorney.*

3 3. A guardian ad litem appointed pursuant to section 32 of
4 this act may not take any action to effectuate a termination of
5 parental rights or consent to a specific adoption.

6 **Sec. 35.** 1. Not later than 72 hours after an agency which
7 provides child welfare services places a child who is in the custody
8 of the agency which provides child welfare services in a qualified
9 residential treatment program, the agency which provides child
10 welfare services shall file written notice of the placement with the
11 court and serve such notice upon each party to the proceedings
12 concerning the child being conducted pursuant to this section,
13 NRS 432B.410 to 432B.590, inclusive, and sections 32, 33 and 34
14 of this act.

15 2. Not later than 60 days after a child is placed in a qualified
16 residential treatment program, the court shall conduct a hearing
17 to review the status of the child and determine the appropriateness
18 of the placement.

19 3. At the hearing held pursuant to subsection 2, as part of
20 each review conducted pursuant to NRS 432B.580 and at each
21 hearing held pursuant to 432B.590 for the duration of the
22 placement in the qualified residential treatment program, the
23 court shall:

24 (a) Review the assessment of the child conducted by a qualified
25 individual, as defined in 42 U.S.C. § 675a(c)(1)(D); and

26 (b) Determine whether to approve or disapprove the
27 placement.

28 4. A court may approve placement of a child in a qualified
29 residential treatment program only if it finds by a preponderance
30 of the evidence that placement in the qualified residential
31 treatment program is:

32 (a) The least restrictive appropriate environment for the child,
33 including, without limitation, that:

34 (1) Placement in a lower level of care is not capable of
35 meeting the needs of the child; and

36 (2) The qualified residential treatment program provides
37 the most effective care and appropriate care and treatment for the
38 child; and

39 (b) Consistent with the short term and long term goals of the
40 child's treatment.

41 5. After the court conducts a review pursuant to this section,
42 the court shall issue a written determination concerning whether
43 to approve the continued placement of the child in the qualified
44 residential treatment program which must include, without
45 limitation, written findings on each factor listed in subsection 4.



6. *If a court disapproves the continued placement of a child in a qualified residential treatment program, the court:*

(a) *Shall order the agency which provides child welfare service to place the child in a less restrictive appropriate placement; and*

(b) *May make any other order that it determines to be in the best interest of the child.*

Sec. 36. *For the purposes of this section, NRS 432B.607 to 432B.6085, inclusive, and sections 37 to 42, inclusive, of this act, a determination concerning whether a child presents a substantial likelihood of serious harm to himself or herself or others must be made as provided in NRS 433A.0195.*

Sec. 37. 1. *An agency which provides child welfare services shall not place a child in the custody of the agency in a facility for the purpose of receiving nonemergency mental health treatment except as provided in this section and sections 38 to 42, inclusive, of this act.*

2. *A proceeding for the admission of a child alleged to be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility for nonemergency mental health treatment may be commenced by the filing of a petition with the clerk of the court which has jurisdiction in proceedings concerning the child. The petition may be filed by the agency which provides child welfare services without the consent of a parent of the child. The petition must be accompanied:*

(a) *By a certificate of a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that the physician, psychologist, physician assistant, clinical social worker or advanced practice registered nurse has examined the child alleged to be a child with an emotional disturbance and has concluded that the child:*

(1) *Is a child with an emotional disturbance and, because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and*

(2) *Is not capable of being safely and effectively treated in a less restrictive environment that is appropriate for the child; or*

(b) *By a sworn written statement by the petitioner that:*

(1) *The petitioner has, based upon personal observation of the child alleged to be a child with an emotional disturbance, probable cause to believe that the child:*



(I) Is a child with an emotional disturbance and, because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and

(II) Is not capable of being safely and effectively treated in a less restrictive environment that is appropriate for the child; and

(2) The child alleged to be a child with an emotional disturbance has refused to submit to examination or treatment by a person described in paragraph (a).

3. A child who is the subject of a petition filed pursuant to this section or the parent or guardian of such a child may oppose the petition:

(a) Orally at a hearing on the petition; or

(b) At any time by filing a written opposition with the court.

Sec. 38. 1. A child who is the subject of a petition pursuant to section 37 of this act may, after conferring with his or her attorney, submit to the court written consent to nonemergency mental health treatment. Upon receiving such written consent, the court may order the admission of the child to a facility for such treatment if it finds, with or without a hearing, that the treatment is in the best interests of the child.

2. A court that receives a petition pursuant to section 37 of this act for the court-ordered admission of a child alleged to be a child with an emotional disturbance to a facility for nonemergency mental health treatment:

(a) Shall hold a hearing on the petition upon the request of a person who opposes the petition pursuant to subsection 3 of section 37 of this act.

(b) In all other cases, may hold a hearing on the petition.

3. Except as otherwise provided in subsection 1, a court may order the admission of a child with respect to whom a petition was filed pursuant to section 37 of this act to a facility only if the court finds that there is clear and convincing evidence that the child:

(a) Is a child with an emotional disturbance;

(b) Because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and

(c) Is incapable of being treated in a less restrictive environment that is appropriate for the child.

4. The court shall issue a written order on a petition submitted pursuant to section 37 of this act. Except where the child consents to treatment pursuant to subsection 1, the order must include, without limitation, specific findings concerning each factor prescribed by subsection 3. The order must be



interlocutory and is subject to regular review pursuant to section 41 of this act.

Sec. 39. 1. A child or other person who opposes a petition for the admission of a child alleged to be a child with emotional disturbance to a facility for nonemergency mental health treatment pursuant to subsection 3 of section 37 of this act may petition the court to authorize a second examination. The court shall authorize such a second examination upon receiving such a petition. Except as otherwise ordered by the court, a second examination must be conducted not later than 45 business days after the court authorizes the examination.

2. If the court authorizes a second examination of the child, the examination must:

(a) Be conducted by an independent physician, psychologist, physician assistant under the supervision of a psychiatrist, clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 who is not:

(1) The same physician, psychologist, clinical social worker or advanced practice registered nurse who completed a certificate pursuant to paragraph (a) of subsection 2 of section 37 of this act or a physician, psychologist, clinical social worker or advanced practice registered nurse who participated in the examination conducted pursuant to that paragraph; or

(2) Employed by, connected to or otherwise affiliated with:

(I) The person described in subparagraph (1) or any facility which employs that person or with which that person has entered into a contract; or

(II) Any facility into which the child may be placed;

(b) Include, without limitation:

(1) An evaluation of the diagnosis of the child, the risks of harm posed by the child to himself or herself or others and whether the child is capable of being safely and effectively treated in a less restrictive environment; and

(2) Recommendations concerning the placement of the child and the level of care required by the child; and

(c) Be paid for by the governmental entity that is responsible for the agency which provides child welfare services, if such payment is not otherwise provided by the State Plan for Medicaid.

Sec. 40. In determining pursuant to sections 38 and 41 of this act whether to issue or renew an order for the admission of a child who is in the custody of an agency which provides child



welfare services to a facility for nonemergency treatment, the court shall consider:

1. The reports of any examinations or evaluations of a child by any person professionally qualified in the field of psychiatric mental health;

2. Any information concerning the child provided by:

(a) A person professionally qualified in the field of psychiatric mental health;

(b) A representative of the agency which provides child welfare services;

(c) An adult caretaker who is knowledgeable about the child; or

(d) A guardian ad litem appointed for the child pursuant to NRS 432B.500;

3. The wishes of the child concerning care, treatment and training and placement in a facility;

4. The best interests of the child, including, without limitation, whether the court believes the child might experience any psychological trauma from court-ordered admission;

5. Any alternative care, treatment or training options; and

6. Any other information the court deems relevant concerning the child.

Sec. 41. 1. If the court issues an order for the admission of a child who is in the custody of an agency which provides child welfare services to a facility for nonemergency mental health treatment pursuant to section 38 of this act, the order automatically expires:

(a) At the end of 90 days if the facility does not release the child pursuant to subsection 4 prior to the expiration of the order; or

(b) If the facility releases the child pursuant to subsection 4 prior to the expiration of the order, on the date of the release.

2. At the expiration of an order for nonemergency medical treatment pursuant to paragraph (a) of subsection 1, the agency which provides child welfare services, the Division of Child and Family Services or any facility may petition to renew the admission of the child for additional periods not to exceed 60 days each. Each petition for renewal must set forth the specific reasons why further treatment in the facility is in the best interest of the child.

3. If the court finds that:

(a) There is not clear and convincing evidence that the child with respect to whom the petition was filed is incapable of being safely and effectively treated in a less restrictive environment, the court:



(1) *Must not renew the admission; and*

(2) *Shall order the discharge of the child from the facility.*

(b) *There is clear and convincing evidence that the child with respect to whom the petition was filed is incapable of being safely and effectively treated in a less restrictive environment, the court may renew the admission.*

4. *A facility may unconditionally release a child who is admitted to the facility for nonemergency mental health treatment pursuant to section 38 of this act without an order of the court upon the recommendation of the psychiatrist and other persons professionally qualified in the field of psychiatric mental health who are responsible for treating the child. Not earlier than 30 days before the anticipated discharge, the facility shall provide notice of the recommendation to all parties. The facility shall provide such notice to the court at or before the next scheduled hearing after the notice is provided to the parties. Such notice must include, without limitation, an explanation of the reasons that:*

(a) *The release is clinically appropriate; and*

(b) *The child is capable of being safely and effectively treated in a less restrictive environment.*

Sec. 42. *A facility which provides care, treatment or training to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to section 38 of this act shall develop a plan, in consultation with the child, for the continued care, treatment and training of the child upon discharge from the facility. The plan must:*

1. *Be developed not later than 30 days after the child is admitted to the facility and be updated on an ongoing basis throughout the admission;*

2. *Be submitted to the court after each period of admission ordered by the court pursuant to section 38 of this act in the manner set forth in section 41 of this act; and*

3. *Include, without limitation:*

(a) *The anticipated length of treatment and the anticipated date of discharge of the child from the facility, if known;*

(b) *The name of any person professionally qualified in the field of psychiatric mental health who will provide care, treatment or training to the child after the child is discharged from the facility, if known;*

(c) *A plan for any appropriate care, treatment or training for the child for at least 60 days after the child is discharged from the facility; and*

(d) *The suggested type of placement of the child after the child is discharged from the facility.*



1 **Sec. 43.** NRS 432B.010 is hereby amended to read as follows:
2 432B.010 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 432B.020 to
4 432B.110, inclusive, *and section 31 of this act* have the meanings
5 ascribed to them in those sections.

6 **Sec. 44.** NRS 432B.159 is hereby amended to read as follows:
7 432B.159 1. A determination by the court after an
8 evidentiary hearing and finding by clear and convincing evidence
9 that either parent or any other person seeking custody of a child has
10 committed any act of abduction against the child or any other child
11 creates a rebuttable presumption that sole or joint custody or
12 unsupervised visitation of the child by the perpetrator of the
13 abduction is not in the best interest of the child. If the parent or other
14 person seeking custody does not rebut the presumption, the court
15 shall not enter an order for sole or joint custody or unsupervised
16 visitation of the child by the perpetrator and the court shall set forth:

17 (a) Findings of fact that support the determination that one or
18 more acts of abduction occurred; and

19 (b) Findings that the custody or visitation arrangement ordered
20 by the court adequately protects the child and the parent or other
21 person from whom the child was abducted.

22 2. For purposes of subsection 1, any of the following acts
23 constitute conclusive evidence that an act of abduction occurred:

24 (a) A conviction of the defendant of any violation of NRS
25 200.310 to 200.340, inclusive, or 200.359 or a law of any other
26 jurisdiction that prohibits the same or similar conduct;

27 (b) A plea of guilty or nolo contendere by the defendant to any
28 violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law
29 of any other jurisdiction that prohibits the same or similar conduct;
30 or

31 (c) An admission by the defendant to the court of the facts
32 contained in the charging document alleging a violation of NRS
33 200.310 to 200.340, inclusive, or 200.359 or a law of any other
34 jurisdiction that prohibits the same or similar conduct.

35 3. If, after a court enters a final order concerning custody of the
36 child, a magistrate determines there is probable cause to believe that
37 an act of abduction has been committed against the child or any
38 other child and that a person who has been awarded sole or joint
39 custody or unsupervised visitation of the child has committed the
40 act, the court shall, upon a motion to modify the order concerning
41 custody, reconsider the previous order concerning custody pursuant
42 to subsections 1 and 2.

43 4. A court, agency, institution or other person who places a
44 child in protective custody shall not release a child to the custody of
45 a person who a court has determined pursuant to this section has



engaged in one or more acts of abduction against the child or any other child, unless a court determines that it is in the best interest of the child for the perpetrator of the abduction to have custody of the child.

5. As used in this section ~~[“abduction”]~~:

(a) *“Abduction”* means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) *“Magistrate”* has the meaning ascribed to it in NRS 169.095.

Sec. 45. NRS 432B.250 is hereby amended to read as follows:

432B.250 Any person who is required to make a report pursuant to NRS 432B.220 may not invoke any of the privileges set forth in chapter 49 of NRS:

1. For failure to make a report pursuant to NRS 432B.220;

2. In cooperating with an agency which provides child welfare services or a guardian ad litem for a child; or

3. In any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive ~~[]~~, and sections 32 to 35, inclusive, of this act.

Sec. 46. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;



(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court, as defined in NRS 159A.015, to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;



(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A multidisciplinary team, as defined in NRS 432B.4014;

(q) A parent or legal guardian of the child and an attorney *or guardian ad litem* of a parent or *legal* guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(r) The child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(s) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

(t) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(u) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(v) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(w) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;



(x) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(y) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(z) An employer in accordance with subsection 3 of NRS 432.100;

(aa) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence;

(bb) The Committee on Domestic Violence appointed pursuant to NRS 228.470; or

(cc) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.



6. A person who is the subject of a report of child abuse or neglect made pursuant to this chapter that is assigned a disposition other than substantiated pursuant to NRS 432B.305 and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or



(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, “juvenile justice agency” means the Youth Parole Bureau or a director of juvenile services.

Sec. 47. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive ~~§~~, and *sections 32 to 35, inclusive, of this act*. Except as otherwise provided in subsection 3, if the person is indigent, the court may appoint an attorney to represent the person.

2. A child who is alleged to have been abused or neglected shall be deemed to be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive ~~§~~, and *sections 32 to 35, inclusive, of this act*. The court shall appoint an attorney to represent the child. The child must be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive ~~§~~, and *sections 32 to 35, inclusive, of this act*. The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.

3. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➤ as provided in the Indian Child Welfare Act.

4. Each attorney, other than an attorney compensated through a program for legal aid described in NRS 19.031 and 247.305, if appointed under the provisions of subsection 1 or 2, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime.

Sec. 48. NRS 432B.430 is hereby amended to read as follows:

432B.430 1. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is 700,000 or more:



(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, *and sections 32 to 35, inclusive, of this act*, other than a hearing held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 or a hearing held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately, must be open to the general public unless the judge or ~~{master,}~~ *juvenile magistrate*, upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be closed to the general public because such closure is in the best interests of the child who is the subject of the proceeding. In determining whether closing all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or ~~{master,}~~ *juvenile magistrate* must consider and give due weight to the desires of that child.

(b) If the judge or ~~{master,}~~ *juvenile magistrate* determines pursuant to paragraph (a) that all or part of a proceeding must be closed to the general public:

(1) The judge or ~~{master,}~~ *juvenile magistrate* must make specific findings of fact to support such a determination; and

(2) The general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~{master,}~~ *juvenile magistrate*, may be admitted to the proceeding.

(c) Any proceeding held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 and any proceeding held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately must be closed to the general public unless the judge or ~~{master,}~~ *juvenile magistrate*, upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or ~~{master,}~~ *juvenile magistrate* must consider and give due weight to the desires of that child. If the judge or ~~{master,}~~ *juvenile magistrate* determines pursuant to this paragraph that all or part of a proceeding must be open to the general public, the judge or ~~{master,}~~ *juvenile magistrate* must make specific findings of fact to support such a determination. Unless the judge or ~~{master,}~~ *juvenile magistrate* determines pursuant to this paragraph that all or part of a proceeding described in this paragraph must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~{master,}~~ *juvenile magistrate* may be admitted to the proceeding.



2. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is less than 700,000:

(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, *and sections 32 to 35, inclusive, of this act* must be closed to the general public unless the judge or ~~master,~~ *juvenile magistrate*, upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or ~~master,~~ *juvenile magistrate* shall consider and give due weight to the desires of that child.

(b) If the judge or ~~master,~~ *juvenile magistrate* determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the judge or ~~master,~~ *juvenile magistrate* must make specific findings of fact to support such a determination.

(c) Unless the judge or ~~master,~~ *juvenile magistrate* determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~master,~~ *juvenile magistrate*, may be admitted to the proceeding.

3. Except as otherwise provided in subsection 4 and NRS 432B.457, in a proceeding held pursuant to NRS 432B.470, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~master,~~ *juvenile magistrate*, may be admitted to the proceeding.

4. In conducting a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, *and sections 32 to 35, inclusive, of this act*, a judge or ~~master,~~ *juvenile magistrate* shall keep information confidential to the extent necessary to obtain federal funds in the maximum amount available to this state.

Sec. 49. NRS 432B.4675 is hereby amended to read as follows:

432B.4675 Upon the entry of a final order by the court establishing a guardianship pursuant to NRS 432B.4665:

1. The custody of the child by the agency which has legal custody of the child is terminated;

2. The proceedings concerning the child conducted pursuant to NRS 432B.410 to 432B.590, inclusive, *and sections 32 to 35, inclusive, of this act* terminate; and



3. Unless subsequently ordered by the court to assist the court, the following agencies and persons are excused from any responsibility to participate in the guardianship case:

(a) The agency which has legal custody of the child;

(b) Any counsel or guardian ad litem appointed by the court to assist in the proceedings conducted pursuant to NRS 432B.410 to 432B.590, inclusive ~~H~~, and sections 32 to 35, inclusive, of this act; and

(c) Any person nominated or appointed as the person who is legally responsible for the psychiatric care of the child pursuant to NRS 432B.4684 or 432B.4685, respectively.

Sec. 50. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be presented at the first hearing to occur after the siblings are separated and approved by the court. The plan for visitation must be updated as necessary to reflect any change in the placement of the child or a sibling, including, without limitation, any such change that occurs after the termination of parental rights to the child or a sibling or the adoption of a sibling.

(c) Information concerning the child's education, including:



(1) A copy of any academic plan or individual graduation plan developed for the child pursuant to NRS 388.155, 388.165, 388.205 or 388.227;

(2) The grade and school in which the child is enrolled;

(3) The name of each school the child attended before enrolling in the school in which he or she is currently enrolled and the corresponding dates of attendance;

(4) Whether the child has not completed or passed any course of instruction that the child should have completed or passed by the time the report is submitted, which has resulted in the child having a deficiency in credits;

(5) A copy of any individualized education program developed for the child;

(6) A copy of any plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

(7) A summary of any special education services received by the child;

(8) A copy of the most recent report card of the child;

(9) A statement of the number of credits earned by the child during the most recent semester, if applicable;

(10) A statement of the number of times the child has been absent from school during the current or most recent school year for which the child was enrolled in school;

(11) The scores the child received on any academic assessments or standardized examinations administered to the child;

(12) Any information provided by the educational decision maker appointed for the child pursuant to NRS 432B.462; and

(13) Whether a request that the child receive special education services has been made and, if so, the outcome of such a request.

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. Upon the issuance of such an order, the court shall provide each



1 sibling of the child with the case number of the proceeding for the
2 purpose of allowing the sibling to petition the court for visitation or
3 enforcement of the order for visitation. If a person refuses to comply
4 with or disobeys an order issued pursuant to this subsection, the
5 person may be punished as for a contempt of court.

6 5. The court or the panel shall hold a hearing to review the
7 placement, unless the parent, guardian or custodian files a motion
8 with the court to dispense with the hearing. If the motion is granted,
9 the court or panel may make its determination from any report,
10 statement or other information submitted to it.

11 6. Except as otherwise provided in subsection 7 and subsection
12 5 of NRS 432B.520, notice of the hearing must be filed with the
13 court and must be given by first-class mail or any other means
14 agreed upon in writing between the agency which provides child
15 welfare services and the recipient of the notice to:

16 (a) All the parties to any of the prior proceedings;

17 (b) Any persons planning to adopt the child;

18 (c) A sibling of the child, if known, who has been granted a
19 right to visitation of the child pursuant to this section or NRS
20 127.171 and his or her attorney, if any;

21 (d) Any other relatives of the child or providers of foster care
22 who are currently providing care to the child; and

23 (e) The educational decision maker appointed for the child
24 pursuant to NRS 432B.462.

25 7. The notice of the hearing required to be filed and given
26 pursuant to subsection 6:

27 (a) Must include a statement indicating that if the child is placed
28 for adoption the right to visitation of the child is subject to the
29 provisions of NRS 127.171;

30 (b) Must not include any confidential information described in
31 NRS 127.140;

32 (c) Need not be given to a parent whose rights have been
33 terminated pursuant to chapter 128 of NRS or who has voluntarily
34 relinquished the child for adoption pursuant to NRS 127.040; and

35 (d) Need not be given to a parent who delivered a child to a
36 provider of emergency services pursuant to NRS 432B.630.

37 8. The court or panel may require the presence of the child at
38 the hearing and shall provide to each person to whom notice was
39 given pursuant to subsection 6 a right to be heard at the hearing.

40 9. The court or panel shall, after considering the report
41 provided in subsection 2 and any other relevant evidence, determine
42 based on a preponderance of the evidence:

43 (a) The continuing necessity for and appropriateness of the
44 placement;



(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child;

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship; and

(e) Whether the child is making adequate academic progress and receiving the educational services or supports necessary to ensure the academic success of the child.

10. *If the child is placed in a qualified residential treatment program, the determination pursuant to paragraph (a) of subsection 9 must include, without limitation, a finding on each factor prescribed by subsection 4 of section 35 of this act.*

11. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

~~11.1~~ 12. As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 51. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in subsection 2 and NRS 432B.513, the court shall hold a hearing concerning the permanent placement of a child:

(a) Not later than 12 months after the initial removal of the child from the home of the child and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of NRS 432B.393.

➤ Notice of this hearing must be filed with the court and must be given by first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.

2. A parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section.

3. The court may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 1 a right to be heard at the hearing.

4. At the hearing, the court shall review the report submitted by the agency which provides child welfare services pursuant to subsection 2 of NRS 432B.580, any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 and any



1 other relevant evidence and, if the goal of the plan is a permanent
2 living arrangement other than reunification with his or her parents,
3 placement for adoption, placement with a legal guardian or
4 placement with a relative, ask the child about his or her desired
5 permanent living arrangement. After doing so, the court must
6 determine, based on a preponderance of the evidence:

7 (a) Whether the agency with legal custody of the child has made
8 the reasonable efforts required by subsection 1 of NRS 432B.553;

9 (b) Whether, and if applicable when:

10 (1) The child should be returned to the parents of the child or
11 placed with other relatives;

12 (2) It is in the best interests of the child to:

13 (I) Initiate proceedings to terminate parental rights
14 pursuant to chapter 128 of NRS so that the child can be placed for
15 adoption;

16 (II) Initiate proceedings to establish a guardianship
17 pursuant to chapter 159A of NRS; or

18 (III) Establish a guardianship in accordance with NRS
19 432B.466 to 432B.468, inclusive; or

20 (3) The agency with legal custody of the child has produced
21 documentation of its conclusion that there is a compelling reason for
22 the placement of a child who has attained the age of 16 years in
23 another permanent living arrangement;

24 (c) If the child will not be returned to the parents of the child,
25 whether the agency with legal custody of the child fully considered
26 placement options both within and outside of this State;

27 (d) If the child has attained the age of 14 years, whether the
28 child will receive the services needed to assist the child in
29 transitioning to independent living; and

30 (e) If the child has been placed outside of this State, whether the
31 placement outside of this State continues to be appropriate for and in
32 the best interests of the child.

33 5. The court shall prepare an explicit statement of the facts
34 upon which each of its determinations is based pursuant to
35 subsection 4. If the court determines that it is not in the best interests
36 of the child to be returned to his or her parents, or to be placed for
37 adoption, with a legal guardian or with a relative, the court must
38 include compelling reasons for this determination and an
39 explanation of those reasons in its statement of the facts.

40 6. If the court determines that it is in the best interests of the
41 child to terminate parental rights, the court shall use its best efforts
42 to ensure that the procedures required by chapter 128 of NRS are
43 completed within 6 months after the date the court makes that
44 determination, including, without limitation, appointing a private
45 attorney to expedite the completion of the procedures.



7. The provisions of this section do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

8. If a child has been placed outside of the home and has resided outside of the home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

9. This hearing may take the place of the hearing for review required by NRS 432B.580.

10. *If a hearing pursuant to this section concerns a child who has been placed in a qualified residential treatment program, the hearing must include, without limitation, a review of that placement conducted in the manner prescribed by section 35 of this act.*

11. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 52. NRS 432B.595 is hereby amended to read as follows:

432B.595 1. Upon the request of a young adult who satisfies the requirements of subsection 1 of NRS 432B.594 to participate in the Program, the agency which provides child welfare services shall develop a written extended youth support services plan to assist the young adult in transitioning to self-sufficiency. Such a plan must include, without limitation:

(a) The persons or entities that will receive payments from the agency which provides child welfare services and the manner in which such payments will be allocated. The agency which provides child welfare services may make payments to more than one person or entity authorized to receive payments pursuant to subsection 2.

(b) The goals set forth in subsection 3.

2. The plan developed pursuant to subsection 1 may provide for the agency which provides child welfare services to make direct payments to:

(a) A foster home.

(b) A qualified residential treatment program.

(c) A child care institution.

(d) A person or entity, including, without limitation, a relative or fictive kin, who provides a supervised arrangement for independent living where the participant resides.

(e) A landlord, property manager or other entity that collects rental payments for housing.

(f) A participant.



(g) Any combination of the persons or entities listed in paragraphs (a) to (f), inclusive.

3. The plan developed pursuant to subsection 1 must include, without limitation, the following goals:

(a) That the young adult save enough money to pay for his or her monthly expenses for at least 3 months;

(b) If the young adult has not graduated from high school or obtained a general equivalency diploma or an equivalent document, that the young adult obtain a high school diploma or general equivalency diploma;

(c) If the young adult has graduated from high school or obtained a general equivalency diploma or an equivalent document, that the young adult:

(1) Complete a program of postsecondary or vocational education;

(2) Complete a program or activity designed to promote employment or remove obstacles to employment; or

(3) Be employed at least 80 hours per month;

(d) That the young adult secure housing;

(e) That the young adult have adequate income to meet his or her monthly expenses;

(f) That the young adult identify an adult who will be available to provide support to the young adult; and

(g) If applicable, that the young adult have established appropriate supportive services to address any mental health or developmental needs of the young adult.

4. If a young adult is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, of subsection 3, the young adult must have goals which are appropriate for the young adult based upon the needs of the young adult.

5. Based upon the needs of a participant, the agency which provides child welfare services may, at any time, after consulting with the participant, revise:

(a) The persons or entities to whom a payment is made pursuant to subsection 2.

(b) The manner in which payments are allocated between persons or entities to whom payments are made pursuant to subsection 2.

6. The plan developed pursuant to subsection 1 must be annually reviewed and mutually agreed upon by the young adult and the agency which provides child welfare services at the hearing required by NRS 432B.601.

7. The agency which provides child welfare services shall:

(a) Monitor the plan developed pursuant to subsection 1 and adjust the plan as necessary;



(b) Contact the young adult by telephone at least once each month and in person at least quarterly;

(c) Ensure that the young adult meets with a person who will provide guidance to the young adult and make the young adult aware of the services which will be available to the young adult; and

(d) Conduct a meeting with the young adult at least 30 days, but not more than 45 days, before he or she reaches the age of 21 years to determine whether the young adult requires any additional guidance.

8. As used in this section:

(a) “Child care institution” has the meaning ascribed to it in NRS 432A.0245.

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

~~[(c) “Qualified residential treatment program” has the meaning ascribed to it in 42 U.S.C. § 672.]~~

Sec. 53. NRS 432B.607 is hereby amended to read as follows:

432B.607 As used in NRS 432B.607 to 432B.6085, inclusive, *and sections 36 to 42, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 432B.6071 to 432B.6074, inclusive, have the meanings ascribed to them in those sections.

Sec. 54. NRS 432B.6075 is hereby amended to read as follows:

432B.6075 1. ~~[A proceeding for a court-ordered admission of a child alleged to be]~~ *If* a child with an emotional disturbance who is in the custody of an agency which provides child welfare services *is admitted* to a facility ~~[may be commenced by the filing of]~~ *under an emergency admission pursuant to NRS 433A.162 and the child has not been released within 5 days after the admission, the agency which provides child welfare services shall file* a petition *to continue the emergency admission* with the clerk of the court which has jurisdiction in proceedings concerning the child. The petition may be filed by the agency which provides child welfare services without the consent of a parent of the child. The petition must be accompanied ~~[-~~

~~—(a) By]~~ *by* a certificate of a physician, ~~[psychiatrist or licensed]~~, *a psychologist [stating], a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120:*



(a) *Stating* that the physician, ~~[psychiatrist or licensed]~~ psychologist, *physician assistant, clinical social worker or advanced practice registered nurse* has examined the child alleged to be a child with an emotional disturbance and has concluded that the child ~~[has]~~ *is a child with* an emotional disturbance and, because of that condition, ~~[is likely to harm himself or herself or others if allowed liberty; or~~

~~— (b) By a sworn written statement by the petitioner that:~~

~~— (1) The petitioner has, based upon personal observation of the child alleged to be a child with an emotional disturbance, probable cause to believe that the child has an emotional disturbance and, because of that condition, is likely to harm himself or herself or others if allowed liberty; and~~

~~— (2) The child alleged to be a child with an emotional disturbance has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.] presents a substantial likelihood of serious harm to himself or herself or others if discharged to a less restrictive environment; and~~

(b) Which includes, if available, the date on which the physician, psychologist, physician assistant, clinical social worker or advanced practice registered nurse anticipates that the child will be discharged from the emergency admission;

2. ~~[If a] A child who is the subject of a~~ petition filed pursuant to this section ~~[is to continue the placement of the child after an emergency admission, the petition must be filed not later than 5 days after the emergency admission or the child must be released.] or the parent or guardian of such a child may oppose the petition:~~

(a) Orally at a hearing on the petition; or

(b) At any time by filing a written opposition with the court.

Sec. 55. NRS 432B.6076 is hereby amended to read as follows:

432B.6076 1. ~~[Except as otherwise provided in NRS 432B.6077, if]~~ *A child who is the subject of a petition submitted pursuant to NRS 432B.6075 may, after conferring with his or her attorney, submit to the court written consent to continue the emergency admission. Upon receiving such written consent, the court may order the continuation of the emergency admission if it finds, with or without a hearing, that continuing the emergency admission is in the best interests of the child.*

2. *Except as otherwise provided in subsection 1, a court that receives a petition submitted pursuant to NRS 432B.6075 to continue the emergency admission of a child alleged to be a child with an emotional disturbance to a facility:*



(a) *Shall hold a hearing on the petition upon the request of a person who opposes the petition pursuant to subsection 2 of NRS 432B.6075; and*

(b) *In all other cases, may hold a hearing on the petition.*

3. *Except as otherwise provided in subsection 1, a court may order the continuation of the emergency admission of a child with respect to whom a petition was filed pursuant to NRS 432B.6075 to a facility only if the court finds* ~~[, after proceedings for the court-ordered admission of a child alleged to be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility, including, without limitation, an evidentiary hearing:-~~

~~—(a) That there is not clear and convincing evidence that the child with respect to whom the hearing was held exhibits observable behavior such that the child is likely to harm himself or herself or others if allowed liberty, the court shall enter its finding to that effect and the child must not be admitted to a facility.~~

~~—(b) That there is] by clear and convincing evidence that the child [with respect to whom the hearing was held is in need of treatment in a facility and is likely to harm himself or herself or others if allowed liberty, the court may order the admission of the child for the most appropriate course of treatment. The order of the court must be interlocutory and must not become final if, within 30 days after the admission, the child is unconditionally released from the facility pursuant to NRS 432B.6084.~~

~~2. Before issuing an order for admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment as suggested by the evaluation team who evaluated the child, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the child.] :~~

(a) *Is a child with an emotional disturbance; and*

(b) *Because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if discharged to a less restrictive environment.*

4. *The court shall issue a written order on a petition submitted pursuant to NRS 432B.6075. If the court:*

(a) *Orders the continuation of the emergency admission, the order must, except where the child consents to the continuation of the emergency admission pursuant to subsection 1, include specific findings concerning each factor prescribed by subsection 3.*

(b) *Does not order the continuation of the emergency admission, the court must order the discharge of the child from the facility.*



Sec. 56. NRS 432B.6078 is hereby amended to read as follows:

432B.6078 1. ~~[Not later than 5 days after a child who is in the custody of an agency which provides child welfare services has been admitted to a facility pursuant to NRS 432B.6076, the agency which provides child welfare services shall inform the child of his or her legal rights and the provisions of NRS 432B.607 to 432B.6085, inclusive, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, and, if the child or the child's attorney desires, assist the child in requesting]~~ *A child or other person who opposes a petition to continue an emergency admission pursuant to subsection 2 of NRS 432B.6075 may petition the court to authorize a second examination [by an evaluation team that includes a physician, psychiatrist or licensed psychologist who are not employed by, connected to or otherwise affiliated with the facility other than a physician, psychiatrist or licensed psychologist who performed an original examination which authorized the court to order the admission of the child to the facility.] of any child examined pursuant to subsection 1 of NRS 432B.6075. The court shall authorize a second examination upon receiving such a petition.* A second examination must be conducted not later than ~~[5]~~ *6* business days after the court authorizes the examination.

2. If the court authorizes a second examination of the child, the examination must:

(a) *Be conducted by a physician, psychologist, physician assistant under the supervision of a psychiatrist, clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 who is not:*

(1) The same physician, psychologist, clinical social worker or advanced practice registered nurse who completed the certificate pursuant to subsection 1 of NRS 432B.6075 or a physician, psychologist, clinical social worker or advanced practice registered nurse who participated in the examination conducted pursuant to that subsection; or

(2) Employed by, connected to or otherwise affiliated with the facility where the child is admitted;

(b) Include, without limitation, an evaluation ~~[concerning whether the child should remain in the facility and a recommendation concerning the appropriate placement of the child which must be provided to the facility;]~~ *of the diagnosis of the child, whether the child presents a substantial likelihood of serious*



harm to himself or herself or others and whether the emergency admission should be continued; and

~~[(b)]~~ (c) Be paid for by the governmental entity that is responsible for the agency which provides child welfare services, if such payment is not otherwise provided by the State Plan for Medicaid.

Sec. 57. NRS 432B.6079 is hereby amended to read as follows:

432B.6079 In determining pursuant to NRS 432B.6076 and 432B.608 whether to issue or renew an order ~~for~~ *to continue* the *emergency* admission of a child who is in the custody of an agency which provides child welfare services to a facility, the court shall consider:

1. The reports of any examinations or evaluations of a child by any ~~[psychologist, psychiatrist or other physician;]~~ *person professionally qualified in the field of psychiatric mental health;*

2. Any information concerning ~~[the child provided to the court by a licensed clinical social worker or other professional or any adult caretaker who is knowledgeable about the child or a guardian ad litem appointed for the child pursuant to NRS 432B.500;]~~ *whether the child presents a substantial likelihood of serious harm to himself or herself or others provided by:*

(a) *A person professionally qualified in the field of psychiatric mental health;*

(b) *A representative of the agency which provides child welfare services;*

(c) *An adult caretaker who is knowledgeable about the child; or*

(d) *A guardian ad litem appointed for the child pursuant to NRS 432B.500;*

3. The wishes of the child concerning care, treatment and training and ~~[placement in a]~~ *emergency admission to the* facility;

4. The best interests of the child, including, without limitation, whether the court believes the child might experience any psychological trauma from ~~[court-ordered]~~ *continued emergency* admission;

5. Any alternative care, treatment or training options; and

6. Any other information the court deems relevant concerning the child.

Sec. 58. NRS 432B.608 is hereby amended to read as follows:

432B.608 1. If the court issues an order ~~for~~ *to continue* the *emergency* admission to a facility of a child who is in the custody of an agency which provides child welfare services pursuant to NRS 432B.6076, the ~~[admission automatically expires at the end of 90~~



1 ~~days if not terminated previously by the facility as provided for in~~
2 ~~subsection 2 of NRS 432B.6084.~~

3 ~~—2. At the end of the court ordered period of treatment, the~~
4 ~~agency which provides child welfare services, the Division of Child~~
5 ~~and Family Services or any facility may petition to renew the~~
6 ~~admission of the child for additional periods not to exceed 60 days~~
7 ~~each.~~

8 ~~—3. For each renewal, the petition must set forth the specific~~
9 ~~reasons why further treatment in the facility would be in the best~~
10 ~~interests of the child and the court shall apply the same standards~~
11 ~~when considering a petition to renew the admission of the child as~~
12 ~~were applied for the original petition for the court ordered~~
13 ~~admission of the child.] order must be interlocutory, and the child~~
14 ~~must be discharged from the facility if the order is not renewed~~
15 ~~within 14 days after the order is issued. An agency which provides~~
16 ~~child welfare services may commence proceedings to renew such~~
17 ~~an order by filing a petition pursuant to NRS 432B.6075.~~

18 *2. A facility may release a child who is admitted under an*
19 *emergency admission that has been continued pursuant to NRS*
20 *432B.6076 without an order of the court upon the*
21 *recommendation of the psychiatrist and other person*
22 *professionally qualified in the field of psychiatric mental health*
23 *who are responsible for treating the child. Upon receipt of such a*
24 *recommendation, the facility shall provide notice of the*
25 *recommendation to all parties and the court. Such notice must*
26 *include, without limitation, an explanation of the reasons that:*

27 *(a) The release is clinically appropriate; and*

28 *(b) The child is capable of being safely and effectively treated*
29 *in a less restrictive environment.*

30 **Sec. 59.** NRS 432B.6081 is hereby amended to read as
31 follows:

32 432B.6081 A facility which provides care, treatment or
33 training to a child who is in the custody of an agency which
34 provides child welfare services and who is admitted to the facility
35 *under an emergency admission continued* pursuant to NRS
36 432B.6076 shall develop a *written* plan, in consultation with the
37 child, for the continued care, treatment and training of the child
38 upon discharge from the facility. The plan must:

39 1. Be developed ~~[not later than 10 days]~~ *as soon as reasonably*
40 *practicable* after the ~~[child is admitted]~~ *court issues an order to*
41 *continue the emergency admission of a child* to the facility ~~[]~~ *and*
42 *revised on an ongoing basis for the duration of the emergency*
43 *admission based on the clinical status of the child;*



2. Be submitted to the court after each period of admission ordered by the court pursuant to NRS 432B.6076 in the manner set forth in NRS 432B.608; and

3. Include, without limitation:

(a) The anticipated date of discharge of the child from the facility;

(b) The name of any ~~psychiatrist or psychologist~~ *person professionally qualified in the field of psychiatric mental health* who will provide care, treatment or training to the child after the child is discharged from the facility, if ~~appropriate;~~ *known;*

(c) A plan for any appropriate care, treatment or training for the child for at least 30 days after the child is discharged from the facility; and

(d) The suggested *type of* placement ~~to~~ *for* the child after the child is discharged from the facility.

Sec. 60. NRS 432B.60845 is hereby amended to read as follows:

432B.60845 A facility which provides care, treatment or training to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to NRS 432B.6076 *or section 38 of this act* shall:

1. Ensure that each employee of the facility who comes into direct contact with children at the facility receives, within 90 days after employment and annually thereafter, training that has been approved by the Division of Child and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children;

2. Ensure that each child who is placed in the facility is treated in all respects in accordance with the child's gender identity or expression; and

3. Follow the protocols prescribed in the regulations adopted pursuant to NRS 432B.172 when placing the child within the facility.

Sec. 61. NRS 432B.60847 is hereby amended to read as follows:

432B.60847 1. A psychiatric hospital to which a child who is in the custody of an agency which provides child welfare services is admitted pursuant to NRS 432B.6076 *or section 38 of this act* shall, in consultation with the public or private school in which the child was enrolled when he or she was admitted to the psychiatric hospital, any school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the psychiatric hospital, the agency which provides child welfare services and any person responsible for the education of the child, develop a plan for the continued education of the child while



1 the child remains enrolled in the public or private school or the
2 school district yet is admitted to the psychiatric hospital. The plan
3 must be:

4 (a) Provided to the child, the agency which provides child
5 welfare services, the child's caseworker, if applicable, any person
6 responsible for the education of the child, the school and, if
7 applicable, the school district; and

8 (b) Submitted to the court after each period of admission
9 ordered by the court pursuant to NRS 432B.6076 in the manner set
10 forth in NRS 432B.608 ***or section 38 of this act in the manner***
11 ***set forth in section 41 of this act.***

12 2. A plan for the continued education of a child developed
13 pursuant to subsection 1 must include, without limitation:

14 (a) The number of hours of instruction each week that must be
15 provided to the child while the child is admitted to the psychiatric
16 hospital;

17 (b) Provisions for the transfer of instructional materials to the
18 psychiatric hospital from the school in which the child was enrolled
19 when he or she was admitted to the psychiatric hospital;

20 (c) Procedures for monitoring the implementation of the plan
21 and the appropriateness of the instruction being provided to the
22 child;

23 (d) If an individualized education program or services plan has
24 been developed for the child and provided to the psychiatric hospital
25 pursuant to NRS 392.857 or 394.1998, provisions to ensure that the
26 psychiatric hospital maintains compliance with the individualized
27 education program or services plan, as applicable; and

28 (e) A plan for continuing the education of the child after he or
29 she is discharged from the psychiatric hospital, including, without
30 limitation, a plan for transitioning the child into a school or any
31 other educational setting in which the child will receive instruction
32 after discharge.

33 3. Before admission of a child who is in the custody of an
34 agency which provides child welfare services to a facility which
35 provides residential treatment for mental illness, the public or
36 private school or any school district in which the child was enrolled
37 or which was providing services to the child when he or she was
38 admitted to the facility must:

39 (a) For a child who is a pupil with a disability, convene an
40 individualized education program meeting to consider the
41 appropriateness of a residential placement under federal law as it
42 relates to the child's education needs;

43 (b) Convene a meeting of representatives of the public or private
44 school in which the child was enrolled, the school district in which
45 the child was enrolled, the agency which provides child welfare



1 services, any person responsible for the education of the child and
2 any other organization that provides support to the child, as
3 appropriate, to consider, pursuant to the statewide framework for
4 integrated student supports established pursuant to NRS 388.885,
5 the appropriateness of a residential placement;

6 (c) Monitor the child's progress while the child is admitted to
7 the facility; and

8 (d) Participate in discharge planning for transitioning the child
9 into a school or any other educational setting in which the child will
10 receive instruction after discharge. The Department of Education
11 shall adopt regulations necessary to carry out the provisions of this
12 paragraph.

13 4. As used in this section:

14 (a) "Individualized education program" has the meaning
15 ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

16 (b) "Person responsible for the education of the child" includes,
17 without limitation, the parent or guardian of the child and any
18 educational decision maker appointed for the child pursuant to
19 NRS 432B.462.

20 (c) "Private school" has the meaning ascribed to it in
21 NRS 394.103.

22 (d) "Public school" includes, without limitation, a university
23 school for profoundly gifted pupils.

24 (e) "Services plan" has the meaning ascribed to it in 34 C.F.R.
25 § 300.37.

26 **Sec. 62.** NRS 432B.6085 is hereby amended to read as
27 follows:

28 432B.6085 1. Nothing in this chapter purports to deprive any
29 person of any legal rights without due process of law.

30 2. Unless the context clearly indicates otherwise, the provisions
31 of NRS 432B.607 to 432B.6085, inclusive, *and sections 36 to 42,*
32 *inclusive, of this act,* 433.456 to 433.543, inclusive, and 433.545 to
33 433.551, inclusive, and chapters 433A and 433B of NRS and NRS
34 435.530 to 435.635, inclusive, apply to all children who are in the
35 custody of an agency which provides child welfare services.

36 **Sec. 63.** NRS 433A.145 is hereby amended to read as follows:

37 433A.145 1. If a person in a mental health crisis is admitted
38 to a public or private mental health facility or hospital as a voluntary
39 consumer, the facility or hospital shall not change the status of the
40 person to an emergency admission unless:

41 (a) A person described in NRS 433A.160 places the person on a
42 mental health crisis hold; and

43 (b) The requirements prescribed by NRS 433A.162 have been
44 met.



2. Except as otherwise provided in subsection 3 **§ and NRS 432B.6075**, a person whose status is changed pursuant to subsection 1 must not be detained in excess of 72 hours, including weekends and holidays, after the person is placed on a mental health crisis hold pursuant to NRS 433A.160 unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210.

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

Sec. 64. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. A person alleged to be a person in a mental health crisis who is placed on a mental health crisis hold pursuant to NRS 433A.160 may, subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital for assessment, evaluation, intervention and treatment, regardless of whether any parent or legal guardian of the person has consented to the mental health crisis hold.

2. Except as otherwise provided in subsection 3 **§ and NRS 432B.6075**, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the person is placed on a mental health crisis hold pursuant to NRS 433A.160 unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

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

Sec. 65. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075 **§ and section 37 of this act**, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility with the clerk of the district court of the county where the person who is to be treated resides or the county where a mental health facility that is willing to admit the person is located. The petition may be filed by any



1 physician, physician assistant, psychologist, social worker or
2 registered nurse or by any officer authorized to make arrests in the
3 State of Nevada. The petition must be accompanied:

4 (a) By a certificate of a physician, a psychologist, a physician
5 assistant under the supervision of a psychiatrist, a clinical social
6 worker who has the psychiatric training and experience prescribed
7 by the Board of Examiners for Social Workers pursuant to NRS
8 641B.160 or an advanced practice registered nurse who has the
9 psychiatric training and experience prescribed by the State Board of
10 Nursing pursuant to NRS 632.120 stating that he or she has
11 examined the person alleged to be a person in a mental health crisis
12 and has concluded that the person is a person in a mental health
13 crisis; or

14 (b) By a sworn written statement by the petitioner that:

15 (1) The petitioner has, based upon the petitioner's personal
16 observation of the person alleged to be a person in a mental health
17 crisis, probable cause to believe that the person is a person in a
18 mental health crisis and the person alleged to be a person in a mental
19 health crisis has refused to submit to examination or treatment by a
20 physician, psychiatrist, psychologist or advanced practice registered
21 nurse who has the psychiatric training and experience prescribed by
22 the State Board of Nursing pursuant to NRS 632.120; or

23 (2) The person alleged to be a person in a mental health crisis
24 has been placed on a mental health crisis hold pursuant to NRS
25 433A.160 and the physician, physician assistant or advanced
26 practice registered nurse who examined the person alleged to be a
27 person with a mental health crisis pursuant to NRS 433A.165
28 determined that the person has a medical condition, other than a
29 psychiatric condition, which requires immediate treatment.

30 2. Except as otherwise provided in NRS 432B.6075 ~~and~~ *and*
31 *section 37 of this act*, if the person to be treated is an
32 unemancipated minor and the petitioner is a person other than a
33 parent or guardian of the minor, a petition submitted pursuant to
34 subsection 1 must, in addition to the certificate or statement required
35 by that subsection, include a statement signed by a parent or
36 guardian of the minor that the parent or guardian does not object to
37 the filing of the petition.

38 **Sec. 66.** NRS 433A.310 is hereby amended to read as follows:

39 433A.310 1. Except as otherwise provided in NRS
40 432B.6076 and ~~432B.6077,~~ *section 38 of this act*, if the district
41 court finds, after proceedings for the involuntary court-ordered
42 admission of a person:

43 (a) That there is not clear and convincing evidence that the
44 person with respect to whom the hearing was held is a person in a
45 mental health crisis, the court must enter its finding to that effect



1 and the person must not be involuntarily admitted to a public or
2 private mental health facility. If the person has been detained in a
3 public or private mental health facility or hospital under a mental
4 health crisis hold pursuant to NRS 433A.160, including, without
5 limitation, where the person has been admitted under an emergency
6 admission pursuant to NRS 433A.162, the court must issue a written
7 order requiring the facility or hospital to release the person not later
8 than 24 hours after the court issues the order, unless the person
9 applies for admission as a voluntary consumer pursuant to
10 NRS 433A.140.

11 (b) That there is clear and convincing evidence that the person
12 with respect to whom the hearing was held is a person in a mental
13 health crisis, the court may order the involuntary admission of the
14 person to a public or private mental health facility. The order of the
15 court must be interlocutory and must not become final if, within 30
16 days after the involuntary admission, the person is unconditionally
17 released pursuant to NRS 433A.390.

18 2. Except as otherwise provided in NRS 432B.608 **and**
19 **section 41 of this act**, an involuntary admission pursuant to
20 paragraph (b) of subsection 1 automatically expires at the end of 6
21 months if not terminated previously by the medical director of the
22 public or private mental health facility after a determination by the
23 physician primarily responsible for treating the patient, a
24 psychiatrist or an advanced practice registered nurse as provided for
25 in subsection 3 of NRS 433A.390. Except as otherwise provided in
26 NRS 432B.608 **and section 41 of this act**, at the end of the
27 involuntary court-ordered admission, the Division or any mental
28 health facility that is not operated by the Division may petition to
29 renew the involuntary admission of the person for additional periods
30 not to exceed 6 months each. For each renewal, the petition must
31 include evidence which meets the same standard set forth in
32 subsection 1 that was required for the initial period of admission of
33 the person to a public or private mental health facility.

34 3. Before issuing an order for involuntary admission or a
35 renewal thereof, the court shall explore other alternative courses of
36 treatment within the least restrictive appropriate environment,
37 including assisted outpatient treatment, as suggested by the
38 evaluation team who evaluated the person, or other persons
39 professionally qualified in the field of psychiatric mental health,
40 which the court believes may be in the best interests of the person.

41 4. If the court issues an order involuntarily admitting a person
42 to a public or private mental health facility pursuant to this section,
43 the court must, notwithstanding the provisions of NRS 433A.715,
44 cause, within 5 business days after the order becomes final pursuant



1 to this section, on a form prescribed by the Department of Public
2 Safety, a record of the order to be transmitted to:

3 (a) The Central Repository for Nevada Records of Criminal
4 History, along with a statement indicating that the record is being
5 transmitted for inclusion in each appropriate database of the
6 National Instant Criminal Background Check System; and

7 (b) Each law enforcement agency of this State with which the
8 court has entered into an agreement for such transmission, along
9 with a statement indicating that the record is being transmitted for
10 inclusion in each of this State's appropriate databases of information
11 relating to crimes.

12 5. After issuing an order pursuant to this section, a court shall
13 not transfer the case to another court.

14 6. A public or private mental health facility to which a person
15 is involuntarily admitted pursuant to this section shall notify the
16 court and the counsel for the person if the person is transferred to
17 another facility.

18 7. As used in this section, "National Instant Criminal
19 Background Check System" has the meaning ascribed to it in
20 NRS 179A.062.

21 **Sec. 67.** NRS 433A.390 is hereby amended to read as follows:

22 433A.390 1. When a consumer, involuntarily admitted to a
23 mental health facility or required to receive assisted outpatient
24 treatment by court order, is released at the end of the period
25 specified pursuant to NRS 433A.310 or 433A.343, as applicable,
26 written notice must be given to the court that issued the order not
27 later than 3 judicial days after the release of the consumer. The
28 consumer may be released without requiring further orders of the
29 court. If the consumer has a legal guardian, the facility or the person
30 professionally qualified in the field of psychiatric mental health
31 responsible for providing the assisted outpatient treatment shall
32 notify the guardian in the manner prescribed by subsection 6 at least
33 3 days before discharging the consumer from the facility or
34 treatment or, if the consumer will be released in less than 3 days, as
35 soon as practicable.

36 2. The legal guardian of a consumer involuntarily admitted to a
37 mental health facility, if applicable, has discretion to determine
38 where the consumer will be released pursuant to subsection 1, taking
39 into consideration any discharge plan proposed by the facility
40 assessment team. If the legal guardian does not inform the facility as
41 to where the consumer will be released within 3 days after the date
42 of notification, the facility must discharge the consumer according
43 to its proposed discharge plan.

44 3. ~~[A]~~ *Except as otherwise provided in NRS 432B.608 and*
45 *section 41 of this act, a* consumer who is involuntarily admitted to a



1 mental health facility may be unconditionally released before the
2 period specified in NRS 433A.310 when the physician primarily
3 responsible for treating the patient, a psychiatrist or an advanced
4 practice registered nurse who has the psychiatric training and
5 experience prescribed by the State Board of Nursing pursuant to
6 NRS 632.120 determines that the consumer is no longer a person in
7 a mental health crisis. If the consumer has a legal guardian, the
8 facility shall notify the guardian in the manner prescribed by
9 subsection 6 at least 3 days before discharging the consumer from
10 the facility or, if the consumer will be released in less than 3 days,
11 as soon as practicable. The legal guardian, if applicable, has
12 discretion to determine where the consumer will be released, taking
13 into consideration any discharge plan proposed by the facility
14 assessment team. If the legal guardian does not inform the facility as
15 to where the consumer will be released within 3 days after the date
16 of notification, the facility shall discharge the consumer according
17 to its proposed discharge plan.

18 4. A consumer who is required to receive assisted outpatient
19 treatment may be unconditionally released before the period
20 specified in NRS 433A.343 when the person professionally
21 qualified in the field of psychiatric mental health responsible for
22 providing the assisted outpatient treatment for the consumer
23 determines that:

24 (a) The consumer no longer requires assisted outpatient
25 treatment to prevent further disability or deterioration that would
26 result in the person becoming a person in a mental health crisis;

27 (b) The consumer is willing and likely to voluntarily participate
28 in outpatient treatment that enables the person to live safely in the
29 community without the supervision of the court; or

30 (c) After the order for assisted outpatient treatment has been
31 effective for at least 30 days, the assisted outpatient treatment is not
32 meeting the needs of the consumer.

33 5. If a consumer who will be released from assisted outpatient
34 treatment pursuant to subsection 4 has a legal guardian, the person
35 professionally qualified in the field of psychiatric mental health
36 responsible for providing the assisted outpatient treatment to the
37 consumer shall notify the guardian in the manner prescribed by
38 subsection 6 at least 3 days before discharging the consumer from
39 the treatment or, if the consumer will be released in less than 3 days,
40 as soon as practicable.

41 6. Notification of a guardian pursuant to subsection 1, 3 or 5
42 must be provided:

43 (a) In person or by telephone; or

44 (b) If the mental health facility or the person professionally
45 qualified in the field of psychiatric mental health, as applicable, is



1 not able to contact the guardian in person or by telephone, by
2 facsimile, electronic mail or certified mail.

3 7. A mental health facility or a person professionally qualified
4 in the field of psychiatric mental health responsible for providing
5 treatment to a consumer shall provide written notice to the court that
6 issued the order not later than 3 judicial days after unconditionally
7 releasing a consumer pursuant to subsection 3 or 4.

8 **Sec. 68.** NRS 481.091 is hereby amended to read as follows:

9 481.091 1. The following persons may request that the
10 Department display an alternate address on the person's driver's
11 license, commercial driver's license or identification card:

12 (a) Any justice or judge in this State.

13 (b) Any senior justice or senior judge in this State.

14 (c) Any court-appointed master *or magistrate* in this State.

15 (d) Any clerk of the court, court administrator or court executive
16 officer in this State.

17 (e) Any prosecutor who as part of his or her normal job
18 responsibilities prosecutes persons for:

19 (1) Crimes that are punishable as category A felonies; or

20 (2) Domestic violence.

21 (f) Any state or county public defender who as part of his or her
22 normal job responsibilities defends persons for:

23 (1) Crimes that are punishable as category A felonies; or

24 (2) Domestic violence.

25 (g) Any person employed by the Office of the Attorney General
26 who prosecutes or defends actions on behalf of the State of Nevada
27 or any agency in the Executive Department of the State
28 Government.

29 (h) Any person, including, without limitation, a social worker,
30 employed by this State or a political subdivision of this State who as
31 part of his or her normal job responsibilities:

32 (1) Interacts with the public; and

33 (2) Performs tasks related to child welfare services or child
34 protective services or tasks that expose the person to comparable
35 dangers.

36 (i) Any county manager in this State.

37 (j) Any inspector, officer or investigator employed by this State
38 or a political subdivision of this State designated by his or her
39 employer:

40 (1) Who possesses specialized training in code enforcement;

41 (2) Who, as part of his or her normal job responsibilities,
42 interacts with the public; and

43 (3) Whose primary duties are the performance of tasks
44 related to code enforcement.



(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.

(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.

(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.

(n) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and

(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 69. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or



(b) Is in arrears in the payment for the support of one or more children,

➔ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 or 484A.7047.

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from any of the following:

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section.

(2) A traffic commissioner, referee, hearing master, *magistrate appointed by the court*, municipal judge, justice of the peace or district judge, as applicable, that a delinquency for which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.

(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 70. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.



(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the diagnoses, evaluations and examinations described in NRS **432B.6078**, 433A.162, 433A.240, 433A.335, 433A.390, 433A.430, 484C.300, 484C.320, 484C.330, 484C.340 and 484C.350 **and section 39 of this act**, the certifications described in NRS **432B.6075**, 433A.170, 433A.195 and 433A.200 **and section 37 of this act** and the sworn statements or declarations described in NRS 433A.210 and 433A.335.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

(e) Develop and disseminate annually to each registered nurse who cares for children information concerning the signs and symptoms of pediatric cancer.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➤ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term “in the process of obtaining accreditation.”

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry



1 out the provisions of this chapter relating to nursing assistant
2 trainees, nursing assistants and medication aides - certified.

3 6. The Board may adopt such other regulations, not
4 inconsistent with state or federal law, as are necessary to enable it to
5 administer the provisions of this chapter.

6 **Sec. 71.** NRS 641B.160 is hereby amended to read as follows:

7 641B.160 1. The Board shall adopt:

8 (a) Such regulations as are necessary or desirable to enable it to
9 carry out the provisions of this chapter;

10 (b) Regulations establishing reasonable standards for the
11 psychiatric training and experience necessary for a clinical social
12 worker to be authorized to make the certifications described in NRS
13 **432B.6075**, 433A.162, 433A.170, 433A.195 and 433A.200 **[§] and**
14 **section 37 of this act**, make a sworn statement or declaration
15 described in NRS 433A.210 and 433A.335 and perform an
16 evaluation described in NRS **432B.6078 or** 433A.335 **[§] or section**
17 **39 of this act**;

18 (c) Regulations prescribing uniform standards concerning the
19 locations at which interns provide services;

20 (d) Regulations authorizing the remote supervision, including,
21 without limitation, electronic supervision, of interns working at
22 remote sites and prescribing standards concerning such remote
23 supervision; and

24 (e) Regulations prescribing the manner by which the
25 qualifications for the issuance or renewal of a license under the
26 provisions of this chapter will be made available to the public such
27 that those qualifications are clearly defined and easily understood.

28 2. On the date that the Board gives notice pursuant to NRS
29 233B.060 of its intent to adopt, amend or repeal a regulation, the
30 Board shall submit the regulation to the Commission on Behavioral
31 Health for review. The Commission shall review the regulation and
32 make recommendations to the Board concerning the advisability of
33 adopting, amending or repealing the regulation and any changes that
34 the Commission deems advisable.

35 **Sec. 72.** 1. The provisions of sections 9, 10, 11, 32, 33 and
36 34 of this act apply to any proceedings to which those provisions
37 would otherwise apply which are instituted before, on or after
38 October 1, 2023.

39 2. The provisions of section 35 of this act apply to any child in
40 the custody of an agency which provides child welfare services who
41 is placed in a qualified residential treatment program before, on or
42 after October 1, 2023.

43 3. The provisions of section 36 and 75 of this act apply to any
44 child in the custody of an agency which provides child welfare



1 services who has been admitted to a facility where the admission is
2 effective on or after October 1, 2023.

3 4. The provisions of sections 37 to 42, inclusive, of this act
4 apply to any child in the custody of an agency which provides child
5 welfare services:

6 (a) Who has been admitted to a facility; and

7 (b) Whose status is not that of an emergency consumer on or
8 after October 1, 2023, regardless of the date on which he or she was
9 admitted.

10 5. The amendatory provisions of sections 54 to 59, inclusive,
11 of this act apply to any child in the custody of an agency which
12 provides child welfare services:

13 (a) Who has been admitted to a facility; and

14 (b) Whose status is that of an emergency consumer on or after
15 October 1, 2023, regardless of the date on which he or she was
16 admitted.

17 6. As used in this section:

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

20 (b) “Facility” has the meaning ascribed to it in NRS 432B.6072.

21 (c) “Qualified residential treatment program” has the meaning
22 ascribed to it in section 31 of this act.

23 **Sec. 73.** The provisions of NRS 354.599 do not apply to any
24 additional expenses of a local government that are related to the
25 provisions of this act.

26 **Sec. 74.** The Legislative Counsel shall, in preparing the
27 Nevada Revised Statutes, use the authority set forth in subsection 10
28 of NRS 220.120 to substitute appropriately:

29 1. The term “juvenile magistrate” for the term “master” or
30 “master of the juvenile court” as previously used in title 5 and
31 chapter 432B of NRS; and

32 2. The term “child support magistrate” for the term “master” as
33 previously used in chapter 425 of NRS.

34 **Sec. 75.** NRS 432B.6077, 432B.6083 and 432B.6084 are
35 hereby repealed.

36 **Sec. 76.** 1. This section becomes effective upon passage and
37 approval.

38 2. Sections 1 to 51, inclusive, and 53 to 75, inclusive, of this
39 act become effective:

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

43 (b) On October 1, 2023, for all other purposes.

44 3. Section 52 of this act becomes effective on January 1, 2024.



TEXT OF REPEALED SECTIONS

432B.6077 Petition required before child may be placed in facility other than under emergency admission; psychological examination of child required under certain circumstances; placement in less restrictive environment; any person may oppose petition.

1. An agency which provides child welfare services shall not place a child who is in the custody of the agency in a facility, other than under an emergency admission, unless the agency has petitioned the court for the court-ordered admission of the child to a facility pursuant to NRS 432B.6075.

2. If a petition for the court-ordered admission of a child filed pursuant to NRS 432B.6075 is accompanied by the information described in paragraph (b) of subsection 1 of NRS 432B.6075, the court shall order a psychological evaluation of the child.

3. If a court which receives a petition filed pursuant to NRS 432B.6075 for the court-ordered admission to a facility of a child who is in the custody of an agency which provides child welfare services determines pursuant to subsection 2 of NRS 432B.6076 that the child could be treated effectively in a less restrictive appropriate environment than a facility, the court must order the placement of the child in a less restrictive appropriate environment. In making such a determination, the court may consider any information provided to the court, including, without limitation:

(a) Any information provided pursuant to subsection 4;

(b) Any suggestions of psychologists, psychiatrists or other physicians who have evaluated the child concerning the appropriate environment for the child; and

(c) Any suggestions of licensed clinical social workers or other professionals or any adult caretakers who have interacted with the child and have information concerning the appropriate environment for the child.

4. If a petition for the court-ordered admission of a child who is in the custody of an agency which provides child welfare services is filed pursuant to NRS 432B.6075:

(a) Any person, including, without limitation, the child, may oppose the petition for the court-ordered admission of the child by filing a written opposition with the court or stating the opposition in court; and



(b) The agency which provides child welfare services must present information to the court concerning whether:

(1) A facility is the appropriate environment to provide treatment to the child; or

(2) A less restrictive appropriate environment would serve the needs of the child.

432B.6083 Conditional release: Authorized circumstances; duration; no liability of State; notice to court and attorney of agency; order to return to facility; judicial review of order to return to facility.

1. Except as otherwise provided in subsection 3, any child who is admitted to a facility by a court pursuant to NRS 432B.6076 may be conditionally released from the facility when, in the judgment of the medical director of the facility, the conditional release is in the best interest of the child and will not be detrimental to the public welfare. The medical director of the facility or the designee of the medical director shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of treatment specified pursuant to NRS 432B.608.

2. When a child is conditionally released pursuant to subsection 1, the State or a county, or any of its agents or employees, is not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the child.

3. A child who was admitted by a court because the child was likely to harm others if allowed to remain at liberty may be conditionally released only if, at the time of the release, written notice is given to the court which admitted the child and to the attorney of the agency which provides child welfare services that initiated the proceedings for admission.

4. Except as otherwise provided in subsection 6, the administrative officer of a facility or the designee of the administrative officer shall order a child who is conditionally released from that facility pursuant to this section to return to the facility if a psychiatrist and a member of that child's treatment team who is professionally qualified in the field of psychiatric mental health determine that the conditional release is no longer appropriate because that child presents a clear and present danger of harm to himself or herself or others. Except as otherwise provided in this subsection, the administrative officer or the designee of the administrative officer shall, at least 3 days before the issuance of the order to return, give written notice of the order to the court that admitted the child to the facility. If an emergency exists in which the child presents an imminent threat of danger of harm to himself or



herself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the child who was ordered to return to the facility at its next regularly scheduled hearing for the review of petitions for court-ordered admissions, but in no event later than 5 judicial days after the child is returned to the facility. The administrative officer or the designee of the administrative officer shall give written notice to the agency which provides child welfare services, to the child who was ordered to return to the facility and to the child's attorney of the time, date and place of the hearing and of the facts necessitating that child's return to the facility.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.

432B.6084 Release without further order of court; early release.

1. When a child who is admitted to a facility by a court pursuant to NRS 432B.6076 is released at the end of the court-ordered period of treatment specified pursuant to NRS 432B.608, written notice must be given to the admitting court at least 10 days before the release of the child. The child may then be released without requiring further orders of the court.

2. A child who is admitted to a facility by a court pursuant to NRS 432B.6076 may be unconditionally released before the court-ordered period of treatment specified in NRS 432B.608 when:

(a) An evaluation team, including, without limitation, an evaluation team that conducts an examination pursuant to NRS 432B.6078, or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the child has recovered from any emotional disturbance or has improved to such an extent that the child is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the facility authorizes the release and gives written notice to the admitting court at least 10 days before the release of the child.

