

(Reprinted with amendments adopted on June 3, 2023)

SECOND REPRINT

A.B. 148

ASSEMBLY BILL NO. 148—ASSEMBLYWOMAN MARZOLA

FEBRUARY 13, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to child welfare.
(BDR 4-671)

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

CONTAINS UNFUNDED MANDATE (§§ 32, 33)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

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

AN ACT relating to child welfare; providing for the 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; 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:

Upon the filing of a petition that a child is in need of protection, existing law requires the appointment of a guardian ad litem to represent and protect the best interests of the child during the child welfare proceedings. (NRS 432B.500) **Sections 32 and 33** of this bill prescribe a procedure for the appointment of a guardian ad litem to represent the best interests of a parent or other person responsible for the welfare of a child who is incapacitated during a child welfare proceeding. **Section 34** of this bill requires 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. **Section 34** additionally: (1) provides 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) prohibits a guardian ad litem from taking any action to relinquish parental rights, effectuate a termination of parental rights or consent to



* A B 1 4 8 R 2 *

a specific adoption on behalf of the person for whom the guardian ad litem is appointed.

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 legal guardian of a child appointed pursuant to **section 32** under certain circumstances.

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, 47 and 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 psychiatrist, a psychologist or an advanced practice registered nurse who possesses certain training to conduct certain examinations in the course of those procedures. **Section 70** of this bill makes conforming changes to indicate the applicability of the training requirements for an advanced practice registered nurse.

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 or treatment 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 35.3-42** 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. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

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

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



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

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

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

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

(b) Proceeding to commit or otherwise place a spouse, the 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. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

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~~ *or section 38 of this act*, the private school must 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.

2. 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* and the school district within whose geographic boundaries the private school is located has developed a services plan for the child, the school district must:

(a) 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) Provide the services plan to the psychiatric hospital.

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

Sec. 29. (Deleted by amendment.)

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

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

Sec. 32. *1. If a parent or other person responsible for the welfare of a child who is the subject of proceedings under this section, NRS 432B.410 to 432B.590, inclusive, and sections 33, 34 and 35 of this act is less than 18 years of age and is not emancipated, the court shall hold a hearing to determine whether the parent or other person is incapacitated. If the court determines, by clear and convincing evidence, that the parent or other person is incapacitated, the court shall appoint a guardian ad litem for the parent or other person.*

2. If the provisions of subsection 1 do not apply, a court may appoint a guardian ad litem for a parent or other person responsible for the welfare of a child who is the subject of proceedings under this section, NRS 432B.410 to 432B.590, inclusive, and sections 33, 34 and 35 of this act upon the motion of



1 *a party or its own motion if the court determines that the parent or*
2 *other person is incapacitated. A party shall not make a motion*
3 *pursuant to this subsection for the purpose of delay.*

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

7 (a) *The ability of the parent or other person 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 or*
16 *other person is incapacitated or incompetent;*

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

19 (d) *The results of any evaluation conducted pursuant to*
20 *section 33 of this act; and*

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

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

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

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

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

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

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

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

42 (c) *May call additional witnesses.*

43 6. *The court shall, upon the request of a parent or other*
44 *person responsible for the welfare of the child for whom a*
45 *guardian ad litem will be appointed pursuant to this section,*



1 *conduct the initial evaluation of a person who may be appointed*
2 *as the guardian ad litem outside the presence of the other parties.*

3 7. *An order appointing a guardian ad litem pursuant to this*
4 *section must be based upon clear and convincing evidence and set*
5 *forth:*

6 (a) *Findings of fact regarding the determination of the court*
7 *that the parent or other person responsible for the welfare of a*
8 *child is incapacitated; and*

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

10 8. *Except as otherwise provided in this subsection, the court*
11 *shall review an order appointing a guardian ad litem pursuant to*
12 *this section upon the request of any party to determine whether the*
13 *parent or other person responsible for the welfare of a child for*
14 *whom the guardian ad litem was appointed remains incapacitated.*
15 *The court must conduct such a review within 45 days after such a*
16 *request is made.*

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

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

35 2. *If an evaluation is conducted pursuant to subsection 1*
36 *upon:*

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

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

43 3. *The court shall pay the cost of an evaluation conducted*
44 *pursuant to subsection 1 if:*



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

(c) The parent or other person who is the subject of the 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 an 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 evaluation, the court may require the parent or other person to make such payment to the clerk of the court.

5. Any other party to the proceeding may make an oral or written motion for the person to be evaluated by a person professionally qualified in the field of psychiatric mental health, a psychologist or other appropriate professional retained by the party. The party seeking the additional evaluation shall pay the costs related to the evaluation.

6. 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 judgment.

2. Communications between a parent or other person responsible for the welfare of a child 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 32 of this act may not take any action to relinquish parental rights, effectuate a termination of parental rights or consent to a specific



1 *adoption on behalf of the person for whom the guardian ad litem*
2 *is appointed.*

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

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

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

21 (a) *Review the assessment of the child; and*

22 (b) *Determine whether to approve or disapprove the*
23 *placement.*

24 4. *A court may approve placement of a child in a qualified*
25 *residential treatment program only if it finds by a preponderance*
26 *of the evidence that placement in the qualified residential*
27 *treatment program is:*

28 (a) *The least restrictive appropriate environment for the child,*
29 *including, without limitation, that:*

30 (1) *Placement in a lower level of care is not capable of*
31 *meeting the needs of the child; and*

32 (2) *The qualified residential treatment program provides*
33 *the most effective care and appropriate care and treatment for the*
34 *child; and*

35 (b) *Consistent with the short term and long term goals of the*
36 *child's treatment.*

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

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

44 (a) *Shall order the agency which provides child welfare service*
45 *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. 35.3. As used in sections 35.3 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 35.5 and 35.7 of this act have the meanings ascribed to them in those sections.

Sec. 35.5. “Facility” means a psychiatric hospital or facility which provides residential treatment for mental or behavioral health care to which a child with an emotional disturbance is or will be admitted to a locked unit that prevents the child from leaving the facility.

Sec. 35.7. “Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433A.018 and includes the same professionals licensed in the state in which the child is placed.

Sec. 36. For the purposes of NRS 432B.607 to 432B.6085, inclusive, and sections 35.3 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 unless the agency has petitioned the court for the placement and the court has ordered the placement, or except as provided in sections 35.3 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 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 psychiatrist, a psychologist 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, psychiatrist, psychologist 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) Cannot be 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) Cannot be 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) 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, or provide oral consent in the record of the court, to nonemergency mental health treatment. Upon receiving such consent, the court shall order the admission of the child to a facility for such treatment if it finds 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 shall conduct a hearing on the petition, unless otherwise ordered by the court.

3. 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) Cannot be 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. 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 a parent or guardian of the child 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 completed not later than 45 business days after the court authorizes the examination and before any evidentiary hearing is conducted.

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

(a) Be conducted by an independent physician, psychiatrist, psychologist 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, psychiatrist, psychologist 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

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

4 2. *Any information concerning the child provided by:*

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

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

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

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

13 3. *The wishes of the child concerning care and treatment and*
14 *placement in a facility;*

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

18 5. *Any alternative care or treatment options; and*

19 6. *Any other information the court deems relevant*
20 *concerning the child.*

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

26 (a) *At the end of 90 days if the facility does not release the*
27 *child pursuant to subsection 4 before the expiration of the order;*
28 *or*

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

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

39 3. *To grant a petition filed pursuant to subsection 2, the court*
40 *must find by clear and convincing evidence that the child cannot*
41 *be safely and effectively treated in a less restrictive appropriate*
42 *environment. If the court finds that the child can be safely and*
43 *effectively treated in a less restrictive appropriate environment, the*
44 *court must order the discharge of the child from the facility.*



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. At least 30 days before the anticipated discharge, the facility shall provide notice of the recommendation to all parties. Such notice must include, without limitation, an explanation of the reasons that:

(a) The release is clinically appropriate; and

(b) The child can be safely and effectively treated in a less restrictive appropriate environment.

Sec. 42. A facility which provides care or treatment 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 written plan, in consultation with the child, for the continued care or treatment 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 or treatment to the child after the child is discharged from the facility, if known;

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

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

Sec. 43. NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, *and section 31 of this act* have the meanings ascribed to them in those sections.

Sec. 44. (Deleted by amendment.)



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 ~~H~~, *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 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



* A B 1 4 8 R 2 *

1 is a reasonable question of fact as to whether the report was made in
2 bad faith or with malicious intent and that the disclosure of the
3 identity of the person who made the report would not be likely to
4 endanger the life or safety of the person who made the report, the
5 court shall provide a copy of the information to the petitioner and
6 the original information is subject to discovery in a subsequent civil
7 action regarding the making of the report.

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

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

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

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

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

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

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

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

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

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

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

44 432B.420 1. A parent or other person responsible for the
45 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. (Deleted by amendment.)

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

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion



1 with the court to dispense with the hearing. If the motion is granted,
2 the court or panel may make its determination from any report,
3 statement or other information submitted to it.

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

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

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

11 (c) A sibling of the child, if known, who has been granted a
12 right to visitation of the child pursuant to this section or NRS
13 127.171 and his or her attorney, if any;

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

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

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

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

23 (b) Must not include any confidential information described in
24 NRS 127.140;

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

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

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

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

36 (a) The continuing necessity for and appropriateness of the
37 placement;

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

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

42 (d) The date the child may be returned to, and safely maintained
43 in, the home or placed for adoption or under a legal guardianship;
44 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 other relevant evidence and, if the goal of the plan is a permanent living arrangement other than reunification with his or her parents, placement for adoption, placement with a legal guardian or placement with a relative, ask the child about his or her desired permanent living arrangement. After doing so, the court must determine, based on a preponderance of the evidence:



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

(b) Whether, and if applicable when:

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

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

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

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

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

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

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

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

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

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

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



1 months of any 20 consecutive months, the best interests of the child
2 must be presumed to be served by the termination of parental rights.

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

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

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

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

16 432B.595 1. Upon the request of a young adult who satisfies
17 the requirements of subsection 1 of NRS 432B.594 to participate in
18 the Program, the agency which provides child welfare services shall
19 develop a written extended youth support services plan to assist the
20 young adult in transitioning to self-sufficiency. Such a plan must
21 include, without limitation:

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

27 (b) The goals set forth in subsection 3.

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

31 (a) A foster home.

32 (b) A qualified residential treatment program.

33 (c) A child care institution.

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

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

39 (f) A participant.

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

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

44 (a) That the young adult save enough money to pay for his or
45 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 35.3 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 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, not later than 5 days after the 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 *or guardian* of the child. The petition must be accompanied ~~[-~~:

~~—(a) By]~~ *by* a certificate of a physician, *a* psychiatrist ~~[or licensed]~~, *a* psychologist ~~[stating]~~ *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 *or advanced practice registered nurse* has examined the child ~~[alleged to be a child with an emotional disturbance]~~ *who is the subject of the petition* 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.] the child is a person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment and includes, if available, the date on which the child will be discharged from the emergency admission to the facility; or~~

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

~~(1) A person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to herself or himself or others, as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment; and~~

~~(2) Is alleged to be a child with an emotional disturbance and has refused to submit to examination or treatment by a physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120.~~

~~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) 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, or provide oral consent in the record of the court, to continue the emergency admission. Upon receiving such consent, the court may order the continuation of the emergency admission if it finds that continuing the emergency admission is in the best interests of the child.



2. 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 shall conduct a hearing on the petition, unless otherwise ordered by the court.

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) Is a person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate 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 include specific findings concerning each factor prescribed by subsection 3.



(b) Does not order the continuation of the emergency admission, the court must enter its findings to that effect and 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 a parent or legal guardian of the child 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] completed not later than [5-business] 6 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, psychiatrist, psychologist 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, psychiatrist, psychologist or advanced practice registered nurse who completed the certificate pursuant to subsection 1 of NRS 432B.6075 or a physician, psychologist 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



1 *child, whether the child presents a substantial likelihood of serious*
2 *harm to himself or herself or others, as determined pursuant to*
3 *NRS 433A.0195, and whether the emergency admission should be*
4 *continued;* and

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

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

11 432B.6079 In determining pursuant to NRS 432B.6076 and
12 432B.608 whether to issue or renew an order ~~for~~ *to continue* the
13 *emergency* admission of a child who is in the custody of an agency
14 which provides child welfare services to a facility, the court shall
15 consider:

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

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

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

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

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

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

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

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

39 5. Any alternative care ~~;~~ *or* treatment ~~for training]~~ options;
40 and

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

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

44 432B.608 1. If the court issues an order ~~for~~ *to continue* the
45 *emergency* admission to a facility of a child who is in the custody of



1 an agency which provides child welfare services pursuant to NRS
2 432B.6076, the ~~[admission automatically expires at the end of 90~~
3 ~~days if not terminated previously by the facility as provided for in~~
4 ~~subsection 2 of NRS 432B.6084.~~

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

10 ~~—3. For each renewal, the petition must set forth the specific~~
11 ~~reasons why further treatment in the facility would be in the best~~
12 ~~interests of the child and the court shall apply the same standards~~
13 ~~when considering a petition to renew the admission of the child as~~
14 ~~were applied for the original petition for the court ordered~~
15 ~~admission of the child.] order must be interlocutory, and the child~~
16 ~~must be discharged from the facility if the order is not renewed~~
17 ~~within 14 days after the order is issued.~~

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

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

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

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

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

41 1. Be developed ~~[not later than 10 days after the child is~~
42 ~~admitted]~~ *at the time of the emergency admission of a child* to the
43 facility ~~[.]~~ *and revised on an ongoing basis for the duration of the*
44 *emergency 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 ~~or~~ *or* treatment ~~for training~~ to the child after the child is discharged from the facility, if ~~appropriate;~~ *known;*

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

(d) The ~~suggested~~ *recommended type of* placement ~~of~~ *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 ~~or~~ *or* treatment ~~for 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 35.3 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.** (Deleted by amendment.)

9 **Sec. 69.** (Deleted by amendment.)

10 **Sec. 70.** NRS 632.120 is hereby amended to read as follows:

11 632.120 1. The Board shall:

12 (a) Adopt regulations establishing reasonable standards:

13 (1) For the denial, renewal, suspension and revocation of,
14 and the placement of conditions, limitations and restrictions upon, a
15 license to practice professional or practical nursing or a certificate to
16 practice as a nursing assistant or medication aide - certified.

17 (2) Of professional conduct for the practice of nursing.

18 (3) For prescribing and dispensing controlled substances and
19 dangerous drugs in accordance with applicable statutes.

20 (4) For the psychiatric training and experience necessary for
21 an advanced practice registered nurse to be authorized to make the
22 diagnoses, evaluations and examinations described in NRS
23 **432B.6078**, 433A.162, 433A.240, 433A.335, 433A.390, 433A.430,
24 484C.300, 484C.320, 484C.330, 484C.340 and 484C.350 **and**
25 **section 39 of this act**, the certifications described in NRS
26 **432B.6075**, 433A.170, 433A.195 and 433A.200 **and section 37 of**
27 **this act** and the sworn statements or declarations described in NRS
28 433A.210 and 433A.335.

29 (b) Prepare and administer examinations for the issuance of a
30 license or certificate under this chapter.

31 (c) Investigate and determine the eligibility of an applicant for a
32 license or certificate under this chapter.

33 (d) Carry out and enforce the provisions of this chapter and the
34 regulations adopted pursuant thereto.

35 (e) Develop and disseminate annually to each registered nurse
36 who cares for children information concerning the signs and
37 symptoms of pediatric cancer.

38 2. The Board may adopt regulations establishing reasonable:

39 (a) Qualifications for the issuance of a license or certificate
40 under this chapter.

41 (b) Standards for the continuing professional competence of
42 licensees or holders of a certificate. The Board may evaluate
43 licensees or holders of a certificate periodically for compliance with
44 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 out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 71. (Deleted by amendment.)

Sec. 71.5. (Deleted by amendment.)

Sec. 72. 1. The provisions of sections 32, 33 and 34 of this act apply to any proceedings to which those provisions would otherwise apply which are instituted before, on or after October 1, 2023.

2. The provisions of section 35 of this act apply to any child in the custody of an agency which provides child welfare services who is placed in a qualified residential treatment program before, on or after October 1, 2023.

3. The provisions of section 36 and 75 of this act apply to any child in the custody of an agency which provides child welfare services who has been admitted to a facility where the admission is effective on or after October 1, 2023.

4. The provisions of sections 37 to 42, inclusive, of this act apply to any child in the custody of an agency which provides child welfare services:

(a) Who has been admitted to a facility; and

(b) Whose status is not that of an emergency consumer on or after October 1, 2023, regardless of the date on which he or she was admitted.



* A B 1 4 8 R 2 *

5. The amendatory provisions of sections 54 to 59, inclusive, of this act apply to any child in the custody of an agency which provides child welfare services:

(a) Who has been admitted to a facility; and

(b) Whose status is that of an emergency consumer on or after October 1, 2023, regardless of the date on which he or she was admitted.

6. As used in this section:

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

(b) “Facility” has the meaning ascribed to it in NRS 432B.6072.

(c) “Qualified residential treatment program” has the meaning ascribed to it in section 31 of this act.

Sec. 73. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 74. (Deleted by amendment.)

Sec. 75. NRS 432B.6077, 432B.6083 and 432B.6084 are hereby repealed.

Sec. 76. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 51, inclusive, and 53 to 75, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

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.



* A B 1 4 8 R 2 *

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.

