Assembly Bill No. 227–Assemblymember Miller

CHAPTER.....

AN ACT relating to adoption; repealing, reenacting, revising, reorganizing and establishing certain provisions relating to the adoption of children through agency adoptions, identified adoptions, close-family adoptions, confirmatory adoptions, readoptions and adoptions of children placed in the custody of agencies which provide child welfare services under certain circumstances; revising various provisions relating to the adoption of adults; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; directing the Legislative Counsel to make various organizational changes concerning the placement of certain compacts for adoption in the Nevada Revised Statutes; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various procedures relating to the adoption of children. (Chapter 127 of NRS) **Sections 48-153, 156-215 and 239** of this bill remove, repeal, reenact, revise, reorganize and establish provisions related to the adoption of children. Specifically, **sections 2-153 and 156-215** of this bill make various changes to provide: (1) general provisions applicable to the adoption of children, regardless of the type of adoption; (2) provisions governing the adoption of children in the custody of agencies which provide child welfare services; (3) provisions governing confirmatory adoptions and readoptions; (4) provisions governing close-family adoptions; and (5) provisions governing agency adoptions, identified adoptions and adult adoptions.

Sections 2-46 encompass the general provisions applicable to all types of adoptions. **Sections 3-29** establish various definitions applicable to adoption proceedings. **Section 239** repeals various provisions of general applicability, including certain provisions related to the State Register of Adoptions, provisions governing adoption procedures, provisions concerning the licensing of child-placing agencies and provisions related to certain prohibited conduct. **Sections 33-46** reenact similar or revised provisions for the purpose of placement in the general applicability provisions.

Sections 171-173, 175-177, 183, 185-188, 190, 192, 194, 196-199, 208-212 and 239 generally remove and repeal various provisions related to the adoption of children in the custody of agencies which provide child welfare services and close-family adoptions, thereby retaining the procedures related to agency adoptions and identified adoptions in chapter 127 of NRS.

Sections 48-105 reenact similar, revised or new provisions for the purpose of establishing provisions that independently govern adoptions facilitated by agencies which provide child welfare services.

Additionally, **sections 116-153** reenact similar, revised or new provisions for the purpose of establishing independent procedures governing close-family adoptions.

Sections 108-111 establish procedures for confirmatory adoptions for the purpose of authorizing a petitioner to confirm the parentage of a child under certain circumstances.

Sections 112 and 113 establish procedures for readoption which authorize certain persons who adopt a child through intercountry adoption to petition the court to readopt the child.

Existing law establishes the Interstate Compact on the Placement of Children and the Interstate Compact on Adoption and Medical Assistance. (NRS 127.330, 127.410) **Section 236** of this bill directs the Legislative Counsel, in the next reprint of the Nevada Revised Statutes, to cause the transfer of each Compact to a new chapter of NRS, respectively.

Finally, existing law authorizes an adult to adopt another adult under certain circumstances and establishes various procedural requirements related to such adoptions. (NRS 127.005, 127.190-127.210) **Sections 193-205** of this bill make various changes relating to the adoption of adults.

Sections 154, 154.5 and 216-235 of this bill make conforming changes related to the reorganization of the provisions governing adoption.

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

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

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 46, inclusive, of this act.

Sec. 2. ***As used in this chapter, chapter 127 of NRS, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act, unless the context otherwise requires, the words and terms defined in section 3 to 29, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Adoption" means a legally recognized procedure that creates a parent-child relationship.***

Sec. 4. ***"Adoption services" means services provided by an agency which provides child welfare services or a child-placing agency, including, without limitation:***

1. Identifying a child for adoption and arranging an adoption;

2. Securing a specific consent to adoption, relinquishment or termination of parental rights;

3. Performing a home study on a prospective adoptive parent and reporting on the home study;

4. Making a determination of the best interest of the child and the appropriateness of an adoptive placement for the child;

5. Conducting post-placement monitoring of a case until final adoption; or

6. Assuming custody and providing child care or any other social services pending an alternative placement, if made necessary by a disruption before final adoption.

Sec. 5. *"Adult" means a person who is at least 18 years of age.*

Sec. 6. *"Adult adoption" means a type of adoption where the person being adopted is an adult.*

Sec. 7. *"Agency adoption" means a type of adoption performed by an agency which provides child welfare services or a child-placing agency, where the agency which provides child welfare services or the child-placing agency:*

1. Accepts temporary custody of a child until final adoption; and

2. Assists in and arranges the placement of a child for adoption by matching birth parents with adoptive parents and providing adoption services.

Sec. 8. *"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*

Sec. 9. *"Arrange the placement of a child" means to make preparations for or bring about any agreement or understanding concerning the adoption of a child.*

Sec. 10. *"Best interest of the child" means the legal standard used to ensure every decision made in the adoption process prioritizes stability, safety and permanency of the child to be adopted.*

Sec. 11. *"Blind" has the meaning ascribed to it in NRS 426.082.*

Sec. 12. *"Child" has the meaning ascribed to it in NRS 128.0124.*

Sec. 13. *"Child-placing agency" means a nonprofit corporation organized pursuant to chapter 82 of NRS and licensed by the Division to place children for adoption.*

Sec. 14. *"Child with special needs" means a child for whom placement with an adoptive parent is, in the opinion of the Administrator of the Division or the designee of the Administrator, made more difficult because of the age, race or number of siblings of the child, or because the child suffers from a severe or chronic medical, physical, mental or emotional condition.*

Sec. 15. *"Close-family adoption" means a type of adoption where a petitioner or the spouse of a petitioner is related to the child to be adopted within the third degree of consanguinity.*

Sec. 16. *"Confirmatory adoption" means a type of adoption where the petitioner is already a parent of a child either through a court order or presumptively and is asking the court to confirm parentage through an adoption or readoption.*

Sec. 17. *"Division" means the Division of Child and Family Services of the Department of Health and Human Services.*

Sec. 18. *"Domestic partner" has the meaning ascribed to it in NRS 122A.030.*

Sec. 19. *"Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:*

1. Exempt from state prosecution for engaging in the medical use of cannabis; or

2. A designated primary caregiver as defined in NRS 678C.040.

Sec. 20. *"Identified adoption" means an adoption where:*

1. None of the prospective adoptive parents are related within the third degree of consanguinity to the child to be adopted; and

2. The prospective adoptive parents and at least one of the parents of the child to be adopted are known to each other and such knowledge was not caused by the actions of a child-placing agency.

Sec. 21. *"Indian child" has the meaning ascribed to it in NRS 125E.080.*

Sec. 22. *"Marital partner" means two persons, regardless of gender, who are at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a spouse living, who are joined in marriage.*

Sec. 23. *"Person" means a natural person.*

Sec. 24. *"Putative parent" means a person who is alleged or reputed to be a parent of a child but whose parentage has not been legally established.*

Sec. 25. *"Readoption" means a type of adoption where the petitioner has previously obtained an order of adoption on the child at issue from a court of another country.*

Sec. 26. (Deleted by amendment.)

Sec. 27. *"Sibling" means each of two or more children having one or both parents in common.*

Sec. 28. *"Spouse" means a marital partner, domestic partner, civil partner, registered partner, reciprocal beneficiary or other partner who has the same rights, protections and benefits, and is subject to the same responsibilities, obligations and duties under law, whether derived from statute, regulation, court rule,*

administrative policy, common law or any other provision or source of authority, as are granted to and imposed upon marital partners.

Sec. 29. ***"Third degree of consanguinity" means the familial relationship between two persons who share a common ancestor within three generations, including, without limitation, a parent, stepparent, sibling, grandparent, great-grandparent, aunt or uncle.***

Sec. 30. ***The requirements prescribed by sections 32 to 46, inclusive, of this act are applicable to:***

1. Agency adoptions, identified adoptions and, as applicable, adult adoptions governed by chapter 127 of NRS;

2. Adoptions of children who are placed with agencies which provide child welfare services governed by the chapter consisting of sections 48 to 105, inclusive, of this act;

3. Confirmatory adoptions and readoptions governed by the chapter consisting of sections 107 to 114, inclusive, of this act; and

4. Close-family adoptions governed by the chapter consisting of sections 116 to 153, inclusive, of this act.

Sec. 31. (Deleted by amendment.)

Sec. 32. ***An order of adoption and decree of adoption are both final judgments from judicial proceedings of a court granting a petition for adoption.***

Sec. 33. ***1. The Division shall maintain the State Register for Adoptions, which is hereby established, in its central office to provide information to identify adults who were adopted and persons related to them within the third degree of consanguinity.***

2. The State Register for Adoptions consists of:

(a) Names and other information, which the Administrator of the Division deems to be necessary for the operation of the Register, relating to persons who have relinquished a child for adoption or have consented to the adoption of a child, or whose parental rights have been terminated by a court of competent jurisdiction, and who have submitted the information voluntarily to the Division;

(b) Names and other necessary information of persons who are 18 years of age or older, who were adopted and who have submitted the information voluntarily to the Division; and

(c) Names and other necessary information of persons who are related within the third degree of consanguinity to adopted persons, and who have submitted the information voluntarily to the Division.

➥ Any person whose name appears in the Register may withdraw it by requesting in writing that it be withdrawn. The Division shall immediately withdraw a name upon receiving a request to do so, and may not thereafter release any information to identify that person, including the information that such a name was ever in the Register.

3. Except as otherwise provided in subsection 4, the Division may release information:

(a) About a person related within the third degree of consanguinity to an adopted person; or

(b) About an adopted person to a person related within the third degree of consanguinity,

➥ if the names and information about both persons are contained in the Register and written consent for the release of such information is given by the parent.

4. An adopted person may, by submitting a written request to the Division, restrict the release of any information concerning the adopted person to one or more categories of relatives within the third degree of consanguinity.

Sec. 34. *Except as otherwise provided in NRS 125E.270, the district courts of this State have original jurisdiction in adoption proceedings.*

Sec. 35. *The same petitioners may, in one petition, petition for the adoption of two or more children, if the children are siblings.*

Sec. 36. *All petitions, reports and orders in adoption proceedings shall be entitled only in the names of the adopting parties.*

Sec. 37. *1. Except as otherwise provided in NRS 239.0115, all hearings held in proceedings under this chapter, chapter 127 of NRS, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act are confidential and must be held in closed court, without admittance of any person other than the petitioners, their witnesses, the director of an agency which provides child welfare services or a child-placing agency, or their authorized representatives, attorneys and persons entitled to notice by this chapter, chapter 127 of NRS, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act, except by order of the court.*

2. The files and records of the court in adoption proceedings are not open to inspection by any person except:

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor;

(b) If a parent and the child are eligible to receive information from the State Register for Adoptions pursuant to section 33 of this act; or

(c) As provided pursuant to subsections 3 to 6, inclusive.

3. An adoptive parent who intends to file a petition pursuant to NRS 127.1885 or 127.1895 or section 94, 96, 150 or 152 of this act, as applicable, to enforce, modify or terminate an agreement that provides for postadoptive contact may inspect only the portions of the files and records of the court concerning the agreement for postadoptive contact.

4. A parent who intends to file a petition pursuant to NRS 127.1885 or section 94 or 150 of this act, as applicable, to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to NRS 41.509 may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.

5. Upon the request of a sibling or adoptive child who wishes to enforce, modify or terminate an order for visitation included in an order of adoption pursuant to NRS 127.2827 or section 105 of this act, as applicable, the court shall provide the case number of the adoption proceeding to the sibling and allow the sibling to inspect only the portions of the files or records of the court concerning the order for visitation.

6. The portions of the files and records which are made available for inspection by an adoptive parent, parent or sibling pursuant to subsection 3, 4 or 5 must not include any confidential information, including, without limitation, any information that identifies or would lead to the identification of a parent if the identity of the parent is not included in the agreement for postadoptive contact or order for visitation, as applicable.

Sec. 38. *1. Upon the entry of an order of adoption, the child shall become the legal child of the persons adopting the child, and they shall become the child's legal parents with all the rights and duties between them of parents and child.*

2. By virtue of an adoption, the child shall inherit from the adoptive parents or their relatives the same as though the child were the biological child of such parents and, in case of the death of the child intestate, the adoptive parents and their relatives shall

inherit the child's estate as if they had been the child's biological parents and relatives.

3. After a parent has executed a specific consent to adoption or relinquishment or the parental rights of the parent have been terminated, and the court has entered an order of adoption:

(a) The parent is relieved of all parental responsibilities for the adopted child and shall not exercise or have any rights over the adopted child or the property of the adopted child; and

(b) The child does not owe the parent any legal duty and may not inherit from that parent or a relative of that parent.

4. Notwithstanding any other provisions to the contrary in this section, the adoption of a child does not in any way change the status of the relationship between the child and any parent who is a petitioner and whose parental rights have not been terminated.

Sec. 39. ***Any person against whom any order or judgment is made or who is affected thereby may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution from any order or judgment of the district court made under the provisions of this chapter, chapter 127, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act, in the same manner as in other civil proceedings.***

Sec. 40. ***1. Except as otherwise provided in this section, a person or entity may not place, arrange the placement of, or assist in placing or in arranging the placement of, any child for adoption without securing and having in full force a license to operate a child-placing agency issued by the Division. This subsection applies to agents, servants, physicians and attorneys of parents or guardians, as well as to other persons and entities.***

2. This section does not prohibit a parent or guardian from placing, arranging the placement of, or assisting in placing or in arranging the placement of, any child for adoption if the placement is made pursuant to NRS 127.280, 127.2805 or 127.2815 or section 100 of this act.

3. This section does not prohibit an agency which provides child welfare services from placing, arranging the placement of, or assisting in placing or in arranging the placement of, any child for adoption.

4. This section does not prohibit a person or entity, including a person acting in the professional capacity of the person, from

sharing information regarding an adoption if money or other valuable consideration is not paid:

(a) For such information; or

(b) For any other service related to the adoption that is performed after sharing the information.

Sec. 41. *1. The application for a license to operate a child-placing agency must be in a form prescribed by the Division. The license must state to whom it is issued and the fact that it is effective for 1 year from the date of its issuance.*

2. The issuance by the Division of a license to operate a child-placing agency must be based upon reasonable and satisfactory assurance to the Division that the application for such license will conform to the standards established and the regulations adopted by the Division pursuant to NRS 127.230 and section 98 of this act.

3. When the Division is satisfied that a licensee is conforming to such standards and regulations, it shall renew the license, and the license so renewed continues in force for 1 year from the date of renewal.

Sec. 42. *1. After notice and a hearing, the Division may:*

(a) Refuse to issue a license if the Division finds that the applicant does not meet the standards established and the rules prescribed by the Division for child-placing agencies.

(b) Refuse to renew a license or may revoke a license if the Division finds that the child-placing agency has refused or failed to meet any of the established standards or has violated any of the rules prescribed by the Division for child-placing agencies.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of the Division is appealed to the district court, the trial may be de novo.

Sec. 43. *1. Any attorney licensed to practice in this State or in any other state:*

(a) May not receive compensation for:

(1) Taking part in finding children for adoption; or

(2) Finding parents to adopt children.

(b) May receive a reasonable compensation for legal services provided in relation to adoption proceedings.

2. A child-placing agency shall report any violation of subsection 1 to the State Bar of Nevada, if the alleged violator is licensed to practice in this State, or to the bar association of the state in which the alleged violator is licensed to practice.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 44. ***1. Except as otherwise provided in sections 43 and 99 of this act, a person or entity who does not have in full force a license to operate a child-placing agency may not request or accept, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption.***

2. A child-placing agency may accept fees for operational expenses.

Sec. 45. ***1. Except as otherwise provided in NRS 200.463 to 200.465, inclusive, and sections 43 and 99 of this act, a person or entity who, without holding a valid license to operate a child-placing agency issued by the Division, requests or receives, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

2. The parents and the adopting parents are not accomplices for the purpose of this section.

Sec. 46. ***1. Except as otherwise provided in this section and sections 40 and 43 of this act, it is unlawful for any person or entity other than an agency which provides child welfare services or a child-placing agency to place, arrange the placement of, or assist in placing or in arranging the placement of, any child for adoption.***

2. Except as otherwise provided in this section, it is unlawful for any person or entity to place an advertisement or offer to the public, by any medium, that a child is available for adoption or that a child is sought for adoption.

3. Subject to subsection 4, a child-placing agency may place an advertisement in this State that:

(a) A child is offered or wanted for adoption; or

(b) The child-placing agency is able to place, locate or receive a child for adoption.

4. A child-placing agency shall include in any advertisement concerning its services a statement which:

(a) Confirms that the child-placing agency holds a valid, unrevoked license issued by the Division;

(b) Indicates any license number issued to the child-placing agency by the Division; and

(c) Indicates that only child-placing agencies licensed in this State may legally provide adoption services under the laws of this State.

5. It is unlawful for any person or entity who purchases advertising space or purchases broadcast time for the purpose of advertising adoption services to fail to include in any publication or fail to include in the broadcast for such advertisement the license number in this State of the child-placing agency or agency which provides child welfare services placing the advertisement. This section applies to paid and unpaid advertisements.

6. An agency which provides child welfare services and a child-placing agency may publish on an Internet website or in any newspaper published in this State or broadcast by television a photograph of and relevant personal information concerning any child for whom an adoptive resource is needed.

7. A person or entity who violates the provisions of this section is guilty of a category E felony and shall be punished as provided in to NRS 193.130.

8. A periodical, newspaper, radio station, Internet website or other public medium is not subject to any criminal penalty or civil liability for disseminating an advertisement that violates the provisions of this section.

9. As used in this section:

(a) "Advertise" or "advertisement" means a communication that originates within this State by any public medium, including, without limitation, a newspaper, periodical, article, notice, magazine, telephone book listing, outdoor advertising, billboard, sign, radio, television or computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account, or any similar media.

(b) "Internet account" means an account created within a bounded system established by an Internet-based service that requires a user to input or store information in an electronic device in order to view, create, use or edit the account information, profile, display, communications or stored data of the user.

Sec. 47. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 48 to 105, inclusive, of this act.

Sec. 48. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 49 to 55, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 49. *"Foster home" has the meaning ascribed to it in NRS 424.014.*

Sec. 50. *"Home study" means the investigation of a prospective adoptive parent or parents to determine the suitability of the prospective adoptive home pursuant to section 100 of this act.*

Sec. 51. *"Parent" means a person:*

1. Who is a biological or legal parent of a child whose parental rights have not been terminated by a court order or execution of a specific consent to adoption or relinquishment;

2. Who is a putative parent or proven parent of a child;

3. Who is presumed to be the parent of a child;

4. Whose paternity or parentage has been established pursuant to chapter 126 of NRS; or

5. Whose parentage has been confirmed by a court order.

Sec. 52. (Deleted by amendment.)

Sec. 53. *"Prospective adoptive parent" means a person who has been identified by an agency which provides child welfare services as an adoptive resource but whose adoption petition has not been granted by the court.*

Sec. 54. *"Relinquishment" means a document executed by a person pursuant to this chapter which:*

1. Voluntarily terminates the parental rights of the person in the child to be adopted; and

2. Places the child with an agency which provides child welfare services for adoption.

Sec. 55. *"Specific consent to adoption" means a document executed pursuant to this chapter by a parent whose rights have not been relinquished or terminated, which authorizes the child to be adopted by a specifically named person or persons, and provides for the retention of the parental rights until the final adoption.*

Sec. 56. *In addition to the requirements prescribed in the chapter consisting of sections 2 to 46, inclusive, of this act, the provisions of this chapter govern the adoption of children who are in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS.*

Sec. 57. *The Division shall establish a Register of Children with Special Needs. The Register must include descriptive information on every child with special needs for whom a prospective adoptive parent is not identified within 3 months after the child becomes available for adoption, but must not include any personal information which reveals the identity of the child or the*

child's parents. A copy of the Register must be made available for review by prospective adoptive parents at each office of the Division.

Sec. 58. ***1. The Division shall prepare a booklet on adoption in this State which includes the following information:***

(a) The legal basis of adoption;

(b) The purpose of adoption;

(c) The process of adoption;

(d) The number of children who are waiting to be adopted, including statistical information regarding:

(1) The gender and ethnic background of the children who are waiting to be adopted;

(2) The number of children placed in foster homes who are waiting to be adopted;

(3) The number of children with special needs who are waiting to be adopted; and

(4) The number of siblings who are waiting to be adopted;

(e) The name and location of agencies in this State that place children with adoptive parents;

(f) The number of prospective adoptive parents;

(g) A comparison of this State to the surrounding states regarding the placement of children with adoptive parents;

(h) A comparison of the Division to other agencies in this State regarding the placement of children with adoptive parents; and

(i) Any subsidies, assistance and other services that may be available to adoptive parents and prospective adoptive parents, including, without limitation, services for children with special needs.

2. The Division shall:

(a) Revise the information in the booklet annually; and

(b) Distribute the booklet to persons and organizations whose patients or clients are likely to become involved with the process of adoption in this State. The booklet must also be distributed to prospective adoptive parents and parents considering relinquishing for or consenting to adoption.

3. The Division may accept gifts or grants to assist in the production and distribution of the booklet.

Sec. 59. ***1. Except as otherwise provided in chapter 125E of NRS and sections 64, 74, 80 and 86 to 90, inclusive, of this act, a child of whom this State:***

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➥ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, such as a placement outside of the state through the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 60. *1. Except as otherwise provided in subsection 2:*

(a) A child in the custody of an agency which provides child welfare services may be adopted by one or more adults with whom the child is placed by the agency which provides child welfare services and subject to the rules prescribed by this chapter;

(b) A person adopting a child must be at least 10 years older than the person adopted; and

(c) If the child is over the age of 14 years, the child must agree to the adoption.

2. A court may approve the adoption of a child without regard to the age difference of the child and a prospective adoptive parent if:

(a) The prospective adoptive parent is related to the child within the third degree of consanguinity; and

(b) The court is satisfied that it is in the best interest of the child.

Sec. 61. *Compliance with the requirements of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, may be performed by an agency which provides child welfare services or an attorney licensed to practice law in this State.*

Sec. 62. *1. One or more adults may petition the district court of any county in this State for leave to adopt a child.*

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from a spouse may not adopt a child without the agreement of the spouse, if such spouse is capable of giving such agreement to the adoption.

3. If a spouse agrees to an adoption as described in subsection 2, such agreement does not establish any parental

rights or responsibilities on the part of the spouse unless the spouse:

(a) Has, in a writing filed with the court, specifically agreed to:

(1) Adopting the child; and

(2) Establishing parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order of adoption.

4. The court shall not name a spouse who agrees to an adoption as described in subsection 2 as an adoptive parent in an order of adoption unless:

(a) The spouse has filed a writing with the court as described in paragraph (a) of subsection 3; and

(b) The home of the spouse is suitable for the child as determined by a post-placement investigation pursuant to section 75 of this act and a home study investigation pursuant to section 100 of this act.

5. The court may dispense with the requirement for the agreement of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to agree. A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order of adoption.

6. The court may determine that a child has a legal relationship with more than two persons who petition for the adoption of the child pursuant to this section.

Sec. 63. ***Except as otherwise provided in section 72 of this act, a specific consent to adoption proposed by a petition for adoption of a child is required from:***

1. Each parent of the child who is alive and whose parental rights have not been terminated or relinquished; and

2. Any legal guardian of the person of the child appointed by a court of competent jurisdiction.

Sec. 64. ***1. If a petition for adoption of a child concerns the adoption of an Indian child, unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.***

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person or by remote appearance before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the order of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of an order of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing a written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in NRS 125E.130.

Sec. 65. *An agency which provides child welfare services may accept a specific consent for adoption or relinquishment.*

Sec. 66. *An agency which provides child welfare services to which a child has been ordered or relinquished for adoption shall be responsible for the care of the child in its custody, and shall be entitled to the custody and control of the child at all times until a petition for adoption has been granted.*

Sec. 67. *1. Each agency which provides child welfare services that, pursuant to section 65 of this act, accepts a relinquishment shall make all necessary inquiries to determine whether the child is an Indian child. If it is determined that the child is an Indian child and that the child is a ward of a tribal court, resides on a reservation or is domiciled on a reservation, the agency which provides child welfare services shall so notify the child's tribe in writing.*

2. The Division shall adopt regulations establishing reasonable and uniform standards for making the necessary inquiries to determine whether a child is an Indian child.

3. For the purposes of this section, the domicile of an Indian child must be determined in accordance with federal common law.

Sec. 68. *1. A specific consent to adoption or relinquishment executed in this State, or executed outside this State for use in this State, is not valid unless it:*

(a) Identifies the child to be adopted by name, if any, sex and date of birth;

(b) Is in writing; and

(c) Is acknowledged by the person signing the specific consent to adoption or relinquishment before a judge or a clerk of the court having a seal, a notary public or a justice of the peace.

(d) Contains, at the time of execution:

(1) For a specific consent to adoption, the name of the person or persons to whom specific consent to adopt the child is given; or

(2) For a relinquishment, the name of the agency which provides child welfare services.

(e) Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the order of adoption pursuant to section 79 of this act, the person receives information that provides reason to know that the child is an Indian child.

(f) Except as otherwise provided in subsection 2, is attested by at least two competent, disinterested witnesses who subscribe their names to the specific consent to adoption or relinquishment in the presence of or by remote appearance with the signing parent. One of the witnesses must be:

(1) If the signing is occurring in this State, an employee of the agency which provides child welfare services; or

(2) If the signing is occurring in another state, a person authorized in that state to witness or accept a specific consent to adoption or relinquishment.

2. A social worker employed by an agency which provides child welfare services may remotely witness the execution of a specific consent to adoption or relinquishment by a parent of the child to be adopted who resides in another state.

Sec. 69. ***1. Any or all of the attesting witnesses to any relinquishment may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would be required to testify to in court to prove the due execution of the relinquishment. The affidavit must be written on the relinquishment or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the relinquishment as if it had been taken before the court.***

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of..... }

(Date).....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within relinquishment by ..... (name of person or persons relinquishing); that they subscribed the relinquishment and declared the same to be a voluntary relinquishment in their presence; that at the time the relinquishment was executed it contained the name of the agency to which relinquishment was made; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons relinquishing) and in the presence of each other and at the request of ..... (name of person or persons relinquishing) that at the time of the execution of the relinquishment ..... (name of person or persons relinquishing) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

.....
.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

Sec. 70. *1. Any or all of the attesting witnesses to any specific consent to adoption may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would be required to testify to in court to prove*

the due execution of the specific consent to adoption. The affidavit must be written on the specific consent to adoption or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the specific consent to adoption as if it had been taken before the court.

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of..... }

(Date).....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within specific consent to adoption by ..... (name of person or persons giving consent); that they subscribed the specific consent to adoption and declared the same to be a voluntary specific consent to adoption in their presence; that at the time the specific consent to adoption was executed it contained the name of the person or persons to whom specific consent was thereby given to adopt the child; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons giving consent) and in the presence of each other and at the request of ..... (name of person or persons giving consent) that at the time of the execution of the consent to adoption ..... (name of person or persons giving consent) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

.....
.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

Sec. 71. *1. A minor parent may execute a specific consent to adoption or relinquishment without a requirement for notification to or consent by the parent or parents of the minor.*

2. A specific consent to adoption or relinquishment executed by a minor parent cannot be revoked or nullified based upon a minor parent becoming an adult.

3. A specific consent to adoption or relinquishment cannot be revoked or nullified by the executing parent unless the specific consent to adoption or relinquishment was obtained under fraud, duress or undue influence and the action to void the specific consent to adoption or relinquishment is brought within 30 days of execution.

Sec. 72. *The execution of a specific consent to adoption or relinquishment by a parent shall not be necessary:*

1. Where parental rights have been terminated by an order of a court of competent jurisdiction;

2. Upon the death of the parent; or

3. Upon the termination of the parental rights of the parent through operation of law by a birth father registry operated in another state.

Sec. 73. *1. A petition for adoption of a child may be filed at any time after a child is legally free for adoption and upon the agreement of the agency which provides child welfare services.*

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the date that the child was placed with the petitioners.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) If the petitioners desire to change the name of the child, the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That the petitioners are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to termination of parental rights, specific consent to adoption or relinquishment as to all parents.

(h) That there has been a full compliance with sections 97 to 105, inclusive, of this act.

(i) Whether the petitioners have reason to know that the child is an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

(k) Whether an agreement for postadoptive contact has been entered into by the parent or parents of the child and the prospective adoptive parent or parents of the child.

(l) Whether there is an order for visitation of a child by a sibling or other relative.

3. An order of adoption may not be entered unless there has been full compliance with sections 97 to 105, inclusive, of this act.

Sec. 74. *1. In addition to the requirements set forth in section 73 of this act, a petition for adoption of a child must contain:*

(a) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 89 of this act, of the petitioners' good faith efforts described in subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child;

(b) A statement as to whether the petitioner has reason to know that the child is an Indian child; and

(c) If the petitioner has reason to know that the child is an Indian child:

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 89 of this act, showing that the proposed adoptive placement complies with the requirements under NRS 127E.350; or

(2) A statement that the petitioner is moving the court under subsection 3 of NRS 125E.350 for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of NRS 125E.350.

2. A petition for adoption of a child must, if applicable, request the following:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210;

(b) A finding of whether there is reason to know that the child is an Indian child; and

(c) If the court finds that the child is an Indian child:

(1) The determinations required under NRS 125E.250 regarding the Indian child's residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125E.220; and

(3) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if not, that upon the petitioner's motion under subsection 3 of NRS 125E.350, good cause exists for placement contrary to the placement preferences in NRS 125E.350.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of NRS 125E.220, to:

(1) Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and

(3) The appropriate agency which provides child welfare services.

(b) File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.

Sec. 75. ***1. A petition for adoption of a child must be filed with the clerk of the court.***

2. Unless waived by the court, the agency which provides child welfare services shall make a post-placement investigation and report as provided in this section.

3. Except as otherwise provided in this section, an agency which provides child welfare services shall, not less than 7 days before the date of the hearing for adoption finalization, submit to the court a written report regarding the results of the condition of the child and suitability of the home of the prospective adoptive parent or parents, which must contain, without limitation, a

specific recommendation for or against approval of the petition and a statement of whether the child is a known Indian child, and shall furnish to the court any other information regarding the child or proposed home which is required by the court. The court, on good cause shown, may extend the time, designating a time certain, within which to submit the report. The agency which provides child welfare services may waive this report for a prospective adoptive parent who is related to the child within the third degree of consanguinity.

4. If the court is dissatisfied with the report submitted by the agency which provides child welfare services, the court may order an independent home study to be conducted and a report submitted by an agency selected by the court. The costs of the investigation and report may be assessed against the petitioner.

Sec. 76. ***Notice of the filing of a petition for adoption of a child must be provided to all legal custodians or guardians of the child who are not a parent of the child.***

Sec. 77. ***The report of the agency which provides child welfare services must not be made a matter of public record, but must be given in writing and in confidence to the district judge before whom the matter is pending. If the recommendation of the agency which provides child welfare services is adverse, the district judge, before denying the petition, shall give the petitioner an opportunity to rebut the findings and recommendation of the report of the agency which provides child welfare services.***

Sec. 78. ***1. Except as otherwise provided in subsection 2, the prospective adoptive parent or parents, child to be adopted, representative of the agency which provides child welfare services and counsel for the parties may attend by telephone or remote appearance, in lieu of attending in person, any hearings held by the court concerning a petition for adoption.***

2. The court may waive the attendance of a child to be adopted for good cause shown.

Sec. 79. ***1. If the court finds that the best interest of the child warrants the granting of the petition, an order of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best interest of the child warrants the granting of a petition, the court shall give strong consideration to the emotional bond between the child and the prospective adoptive parent. A copy of the order must be sent to the Division by the petitioners within 7 days after the order is issued. In the order, the court may change the name of the child, if desired.***

2. Except as otherwise provided in this subsection, an order of adoption may not be made until 6 months after the placement of child with the petitioners.

3. If the court is not satisfied that the proposed adoption is in the best interest of the child, the court shall deny the petition and custody of the child shall remain with the agency which provides child welfare services. The court shall not deny a petition solely because the petitioner:

(a) Is deaf, is blind or has another physical disability; or

(b) Is the holder of a valid registry identification card.

4. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the best interest of the child.

Sec. 80. ***1. An order entered pursuant to section 79 of this act must include:***

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

2. In an adoption of an Indian child, the order must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under NRS 125E.250;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125E.220;

(h) If the adoptive placement and the parents entered into a postadoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if the placement does not comply with the placement preferences under

NRS 125E.350, a finding upon the petitioner's motion under subsection 3 of NRS 125E.350 that good cause exists for placement contrary to the placement preferences.

3. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

4. Upon entry of the order of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the order entered pursuant to section 79 of this act, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 81. *1. Except as otherwise provided in subsection 3, the agency which provides child welfare services shall provide the prospective adoptive parents of a child with a report which includes:*

(a) A copy of any medical records of the child which are in the possession of the agency which provides child welfare services.

(b) Any information obtained by the agency which provides child welfare services during interviews of the parent regarding:

(1) The medical and sociological history of the child and the parents of the child; and

(2) Any behavioral, emotional or psychological problems that the child may have. Information regarding any behavioral, emotional or psychological problems that the child may have must be discussed in accordance with policies established by an agency which provides child welfare services pursuant to regulations adopted by the Division for the disclosure of such information.

(c) Written information regarding any subsidies, assistance and other services that may be available to the child if it is determined pursuant to section 85 of this act that the child has any special needs.

2. The agency which provides child welfare services shall obtain from the prospective adoptive parents written confirmation that the prospective adoptive parents have received the report required pursuant to subsection 1.

3. The report required pursuant to subsection 1 must exclude any information that would lead to the identification of the parent.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this

section, the prospective adoptive parents of the child may also obtain the information set forth in subsection 1.

Sec. 82. ***1. After an order of adoption has been entered, the court shall direct the petitioner or the attorney of the petitioner to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics or the equivalent office in the state that issued the birth certificate. The report must:***

(a) Identify the original certificate of birth of the person adopted;

(b) Provide sufficient information to prepare a new certificate of birth for the person adopted;

(c) Identify the order of adoption; and

(d) Be certified by the clerk of the court.

2. The agency which provides child welfare services shall provide the petitioner or the attorney of the petitioner with any factual information which will assist in the preparation of the report required in subsection 1.

3. If an order of adoption is amended or annulled, the petitioner or the attorney of the petitioner shall prepare a report to the State Registrar of Vital Statistics or the equivalent office in the state that issued the birth certificate, which includes sufficient information to identify the original order of adoption and the provisions of that order which were amended or annulled.

4. The petitioner or the attorney of the petitioner shall forward all reports required by the provisions of this section to the State Registrar of Vital Statistics or the equivalent office in the state in which the birth certificate was issued not later than the 30 days after the date in which the order was entered, or more frequently if requested by the State Registrar of Vital Statistics, together with any related material the State Registrar of Vital Statistics may require.

Sec. 83. ***1. A placing parent of a child may not bring an action to set aside an adoption after a petition for adoption has been granted, unless a court of competent jurisdiction has previously, in a separate action:***

(a) Set aside the specific consent to adoption;

(b) Set aside the relinquishment of the child for adoption; or

(c) Reversed an order terminating the parental rights of the placing parent.

2. After a petition for adoption has been granted, there is a presumption for the purposes of this chapter that remaining in the home of the adoptive parents is in the best interest of the child.

3. As used in this section, "placing parent" means a parent who executed a specific consent to adoption or relinquishment pursuant to this chapter.

Sec. 84. *1. Except as otherwise provided in sections 91 to 96, inclusive, of this act, in a proceeding for adoption of a child, the court may grant a reasonable right to visit to:*

(a) A sibling of the child if the child is in the custody of the agency which provides child welfare services and a similar right has been granted previously pursuant to NRS 432B.580; and

(b) Certain relatives of the child only if a similar right had been granted previously pursuant to NRS 125C.050.

2. The agency which provides child welfare services shall provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580.

3. The court may not grant a right to visit the child to any person other than as specified in subsection 1.

Sec. 85. *1. The agency which provides child welfare services may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of the agency which provides child welfare services by proposed adoptive parents when, in the judgment of the agency which provides child welfare services, it would be in the best interest of the child to be placed in that adoptive home.*

2. The agency which provides child welfare services shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the prospective adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the prospective adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. The agency which provides child welfare services may grant financial assistance for attorney's fees in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents of a child with special

needs out of money provided for that purpose if the head of the agency which provides child welfare services or the designee has reviewed and approved in writing the grant of financial assistance.

4. The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the agency which provides child welfare services and the prospective adoptive parents. Such an agreement must not become effective before the entry of the order of adoption.

5. Any grant of financial assistance must be reviewed and evaluated at least once annually by the agency which provides child welfare services. The evaluation must be presented for approval to the head of the agency which provides child welfare services or the designee. Financial assistance must be discontinued immediately upon written notification to the adoptive parents by the agency which provides child welfare services that continued assistance is denied.

6. All financial assistance provided under this section ceases immediately when the child:

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting;

(d) Is emancipated; or

(e) Dies.

7. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

8. A court shall waive all court costs of the prospective adoptive parents in an adoption proceeding for a child with special needs if the agency which provides child welfare services consents to the adoption of such a child pursuant to this section.

9. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

Sec. 86. ***1. A petition to vacate an order of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.***

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the order of adoption if:

(a) The petition is filed not later than 2 years following the date of the order; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates an order of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 87. *1. If an order of adoption of an Indian child under this chapter is vacated, the court vacating the order must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate agency which provides child welfare services.*

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of an order of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If an order of adoption of an Indian child under this chapter is vacated other than as provided in NRS 125E.360, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of NRS 125E.220 to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the best interest of the child, as described in NRS 125E.230. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the parent of an Indian child subject to an order of adoption under this chapter and whose parental rights have not been restored under section 86 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to an order of adoption of the child under this chapter.

Sec. 88. *1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.*

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceedings, the complete record of the placement finding and, if the placement departs from the placement preference under NRS 125E.350, detailed documentation of the efforts to comply with the placement preferences.

Sec. 89. *1. In a proceeding for the adoption of a child, within 90 days after service of a petition upon the appropriate agency which provides child welfare services as required pursuant to section 74 of this act, the agency shall file with the court an ICWA compliance report, which must reflect the agency's view of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for the court to make the findings required pursuant to subsection 2. Nothing in this section requires the agency to make a determination of law regarding the documentation provided by the petitioner.*

2. Upon receiving an ICWA compliance report, the court shall order the matter to proceed if the court finds that the petitioner satisfied the inquiry requirements under subsection 1 of NRS 125E.210 and, if applicable, the notice requirements under subsection 2 of NRS 125E.220. If the court finds that:

(a) Subject to the procedures under subsection 3 of NRS 125E.210, the child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under NRS 125E.350. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under

subsection 3 of NRS 125E.350 for authority to make the placement contrary to the placement preferences under NRS 125E.350.

(b) The petitioner failed to satisfy the inquiry requirements under subsection 1 of NRS 125E.210 or, if applicable, the notice requirements under subsection 2 of NRS 125E.220, or if the documentation supplied by the petitioner is insufficient for the court to make those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that the petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the inquiry requirements under subsection 1 of NRS 125E.210 and the notice requirements under subsection 2 of NRS 125E.220 and the placement preferences under NRS 125E.350, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in subsection 1 of NRS 125E.210 and subsection 3 of NRS 125E.220 and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in subsection 1 of NRS 125E.210 and subsection 3 of NRS 125E.220;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in section 74 of this act.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for agencies which provide child welfare services to carry out their duties under this chapter.

5. The court administrator may prepare and make available to the public forms and information to assists petitioners to comply with the requirements under this section and NRS 125E.210, 125E.220, 125E.350 and section 74 of this act and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under section 74 of this act, motions to request a deviation from the placement preferences under subsection 3 of NRS 125E.350 and notices required under subsection 3 of NRS 125E.220; and

(b) Worksheets and checklists to assist petitioners with the inquiry required under subsection 1 of NRS 125E.210 and the notices required under subsection 1 of NRS 125E.220, and assessing whether proposed adoptive placements satisfy the preferences under NRS 125E.350.

6. The court administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding the application of chapter 125E of NRS, and sections 64, 74, 80 and 86 to 96, inclusive, of this act, to adoptions of children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of inquiry and notice of the appropriateness of adoptive placements.

7. As used in this section, "ICWA compliance report" means a written report prepared by an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.

Sec. 90. ***1. If the court determines that tribal customary adoption is in the best interest, as described in NRS 125E.230, of a ward who is an Indian child and the Indian child's tribe consents to the tribal customary adoption:***

(a) The appropriate agency which provides child welfare services shall provide the Indian child's tribe and the proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child's parents, and the Indian child's educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child's tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child's tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and

(4) Except where the proposed adoptive placement is in the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including, child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purpose of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:

(a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;

(b) The court finds that the tribal customary adoption is in the best interest of the child, as described in NRS 125E.230; and

(c) The order or judgment:

(1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;

(2) Includes a description of the Indian child's legal relationship with the tribe; and

(3) Does not include any child support obligations from the Indian child's parents or Indian custodian.

➥ The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.

3. A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.

4. After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in section 79 of this act and enter an order of adoption. In addition to the requirements under section 80 of this act, the order of adoption must include a statement that any parental rights or obligations not specified in the order are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and the Indian child and the Indian child's legal relationship with the child's tribe.

5. A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.

6. Upon the court's entry of an order of adoption under this section, the court's jurisdiction over the Indian child terminates.

7. Any parental rights or obligations not specifically retained by the Indian child's parents in the order of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.

8. This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.

9. The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoptions as a permanency option. The Supreme Court may adopt rules necessary for the court process to implement the provisions of this section, and the court administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal

custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.

Sec. 91. ***1. The parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:***

(a) The child and the parent or parents;

(b) The adoptive parent or parents and the parent or parents; or

(c) Any combination thereof.

2. An agreement that provides for postadoptive contact is enforceable if:

(a) The agreement is in writing and signed by the parties;

(b) The agreement is incorporated into an order of adoption;

(c) The agreement is signed by a parent or parents before:

(1) The termination or voluntary relinquishment of the parental rights of the parent or parents; or

(2) The execution of a specific consent to adoption or relinquishment; and

(d) In the case of an agreement that concerns a child who was in the custody of an agency which provides child welfare services before being adopted:

(1) The agency which provides child welfare services has determined that the agreement is in the best interest of the child; or

(2) The court has determined, after a hearing, that the agreement is in the best interest of the child.

3. The identity of a parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the parent must be provided in the agreement.

4. A parent or adoptive parent who enters into an agreement that provides for postadoptive contact shall include in the agreement an address at which the parent or adoptive parent may receive service of a petition filed pursuant to section 94 of this act unless the parent or adoptive parent elects to receive service by alternate means through electronic mail rather than certified or registered mail, in which case, the electronic mail address must be included in the agreement. If a parent or adoptive parent refuses or fails to include such an address in an agreement that provides for postadoptive contact, the court may, on the date on which the court enters an order of adoption which incorporates the agreement, order the agency which provides child welfare services

to provide the court with the contact information of the parent or adoptive parent who refused or failed to include the address. If a court so orders, the court shall:

(a) Append the address to the agreement for postadoptive contact; and

(b) Make the address available to any party to the agreement who wishes to file a petition pursuant to section 94 of this act.

5. If a parent or adoptive parent changes the address that was included in an agreement that provides for postadoptive contact pursuant to subsection 4, the parent shall file with the clerk of the court notice of the change of address within 15 days after the change of address.

6. A court that enters an order of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:

(a) The child reaches 18 years of age;

(b) The child becomes emancipated; or

(c) The agreement is terminated.

7. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in section 38 of this act.

Sec. 92. *1. Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to section 91 of this act shall notify the court responsible for entering the order of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order of adoption of the child.*

2. Each:

(a) Director or other authorized representative of the agency which provides child welfare services involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child and the agency which provides child welfare services in the adoption proceedings concerning the child,

➥ shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 91 of this act, notify the court responsible for entering the order of adoption of the child of the existence of the agreement.

Sec. 93. *1. Before a court may enter an order of adoption of a child, the court must address:*

(a) Except as otherwise provided in subsection 2, each prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of the agency which provides child welfare services involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child and the agency which provides child welfare services in the adoption proceedings concerning the child,

➥ and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 91 of this act.

2. If the court determines that the prospective adoptive parent or parents and the parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order of adoption.

Sec. 94. *1. A parent who has entered into an agreement that provides for postadoptive contact pursuant to section 91 of this act may, for good cause shown:*

(a) Petition the court that entered the order of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order of adoption; and

(b) During the period set forth in subsection 2 of section 95 of this act, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 91 of this act.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to section 91 of this act may:

(a) During the period set forth in subsection 2 of section 95 of this act, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 91 of this act; and

(b) Petition the court that entered the order of adoption of the child to modify or terminate the agreement that provides for

postadoptive contact in the manner set forth in section 96 of this act.

3. A petition filed pursuant to this section must be:

(a) Filed under the same case number as the proceeding for adoption;

(b) Served by the parent or adoptive parent who filed the petition using certified or registered mail with return receipt requested, or if elected by any of the parties to the postadoptive contact agreement to receive service by alternate means through electronic mail, upon each other parent or adoptive parent, as applicable, who has entered into the agreement that provides for postadoptive contact at the address provided pursuant to subsection 4 or 5 of section 91 of this act; and

(c) Heard by:

(1) If available, the judge who issued the order of adoption of the child;

(2) If the judge described in subparagraph (1) is unavailable and if a family court has been established in the judicial district, a judge of the family court; or

(3) If the judge described in subparagraph (1) is unavailable and if a family court has not been established in the judicial district, any district judge of the judicial district.

Sec. 95. ***1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to section 91 of this act may not be used as a ground to:***

(a) Set aside an order of adoption;

(b) Revoke, nullify or set aside a valid specific consent to adoption or relinquishment; or

(c) Except as otherwise provided in NRS 41.509, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

Sec. 96. ***1. An agreement that provides for postadoptive contact entered into pursuant to section 91 of this act may only be modified or terminated by an adoptive parent petitioning the court that entered the order which included the agreement. The court may grant a request to modify or terminate the agreement only if:***

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) The contact provided for in the agreement is no longer in the best interest of the child; or

(b) Each party to the agreement consents to the modification or termination.

2. If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:

(a) There is a presumption that the modification or termination is in the best interest of the child; and

(b) The court may consider the wishes of the child involved in the agreement.

3. Any order issued pursuant to this section to modify an agreement that provides for postadoptive contact:

(a) May limit, restrict, condition or decrease contact between the parties involved in the agreement; and

(b) May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.

Sec. 97. *As used in sections 97 to 105, inclusive, of this act, unless the context otherwise requires, "person" includes a hospital.*

Sec. 98. *1. The Division shall:*

(a) Establish reasonable minimum standards for child-placing agencies.

(b) In consultation with each agency which provides child welfare services, adopt:

(1) Regulations concerning the operation of an agency which provides child welfare services.

(2) Regulations establishing the procedure to be used by an agency which provides child welfare services in placing children for adoption, which must allow the parent or parents and the prospective adoptive parent or parents to determine, by mutual agreement, the amount of identifying information that will be communicated concerning each of them.

(3) Any other regulations necessary to carry out its powers and duties regarding the adoption of children or the placement of children for adoption, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

2. Each agency which provides child welfare services shall conform to the standards established and the regulations adopted pursuant to subsection 1.

Sec. 99. *1. Except as otherwise provided in this section:*

(a) In a county whose population is less than 100,000, the Division shall, in accordance with NRS 432.014; and

(b) In a county whose population is 100,000 or more, the board of the county commissioners of the county shall, by ordinance,

➥ charge reasonable fees for the services provided by an agency which provides child welfare services in placing, arranging the placement of or assisting in the placing or arranging the placement of any child for adoption and for conducting any investigation required by section 100 of this act.

2. The fees charged for those services must vary based on criteria developed by the Division and board of county commissioners but must not exceed the usual and customary fees that child-placing agencies in the area where the services provided, or in a similar geographic area, would charge for those services. The Division and board of county commissioners shall not discriminate between adoptions made through an agency and specific adoptions in setting their fees.

3. A fee must not be charged for services related to adoption of a child with special needs.

4. An agency which provides child welfare services may waive or reduce any fee charged pursuant to this section if the agency which provides child welfare services determines that the adoptive parents are not able to pay the fee or the needs of the child require a waiver or reduction of the fee.

5. Any money collected by an agency which provides child welfare services in a county whose population is less than 100,000 pursuant to this section must be accounted for in the appropriate account of the Division and may be used only to pay for the costs of any adoptive or postadoptive services provided by any agency which provides child welfare services in a county whose population is less than 100,000.

6. Any money collected by an agency which provides child welfare services in a county whose population is 100,000 or more pursuant to this section must be deposited in the county treasury for the credit of the agency which provides child welfare services and may be used only to pay for the costs of any adoption or postadoptive services provided by the agency which provides child welfare services.

Sec. 100. *1. The agency which provides child welfare services shall complete a home study that investigates the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for*

placement of the child for adoption. The investigation must also embrace any other relevant factor relating to the qualifications of the prospective adoptive parent or parents.

2. If the placement is to be made in a home outside of this State, the agency which provides child welfare services must receive a copy of a report, completed by the appropriate authority, of an investigation of the home and the medical, mental, financial and moral backgrounds of the prospective adoptive parent or parents to determine the suitability of the home for placement of the child for adoption.

Sec. 101. *1. A prospective adoptive parent who is subject to a home study by the agency which provides child welfare services must submit as part of the investigation a complete set of fingerprints and written permission authorizing the agency which provides child welfare services to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation.*

2. The agency which provides child welfare services may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

3. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the agency which provides child welfare services that submitted the fingerprints.

4. Any fees for fingerprinting and submission to the Central Repository and the Federal Bureau of Investigation must be paid by the prospective adoptive parent, except that:

(a) In a county whose population is less than 100,000, the Division may adopt regulations providing for the payment of those fees by the Division; or

(b) In a county whose population is 100,000 or more, the board of county commissioners may provide by ordinance for the payment of those fees by the agency which provides child welfare services.

Sec. 102. *1. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations setting forth the criteria to be used by an agency which provides child welfare services for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption.*

2. Upon the completion of a home study conducted by an agency which provides child welfare services pursuant to section

100 of this act, the agency which provides child welfare services shall inform the prospective adoptive parent or parents of the results of the home study. If, pursuant to the home study, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the agency which provides child welfare services shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the home study with the agency which provides child welfare services before the issuance of the results of the home study. Except as otherwise provided in NRS 239.0115, the identity of those persons who are interviewed or submit information concerning the home study must remain confidential.

3. An agency which provides child welfare services shall not determine that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents:

(a) Are deaf, are blind or have another physical disability; or

(b) Are the holders of a valid registry identification card.

Sec. 103. *1. Whenever the agency which provides child welfare services believes that anyone has violated or is about to violate any of the provisions of this chapter, in addition to any other penalty or remedy provided:*

(a) The agency which provides child welfare services may petition the appropriate district court for an order to restrain and enjoin the violation or threatened violation of any of the provisions of this chapter, or to compel compliance with the provisions of this chapter; and

(b) The court shall, if a child has been or was about to be placed in a prospective adoptive home in violation of the provisions of this chapter:

(1) Prohibit the placement if the child was about to be so placed; or

(2) Order the removal of the child if the child was so placed within 6 months before the filing of the petition by the agency which provides child welfare services and the court determines that it is in the best interest of the child for the child to be removed from the prospective adoptive home.

2. Whenever the agency which provides child welfare services believes that a person has received for the purpose of adoption a child not related by blood, and the required written notice has not been given, if the agency which provides child welfare services does not proceed pursuant to subsection 1, it shall make an investigation. Upon completion of the investigation, if the home is

found suitable for the child, the prospective adoptive parents must be allowed 6 months from the date of completion of the investigation to file a petition for adoption. If a petition for adoption is not filed within that time a license as a foster home must thereafter be issued pursuant to NRS 424.030 if the home meets the established standards. If, in the opinion of the agency which provides child welfare services, the placement is detrimental to the interest of the child, the agency which provides child welfare services shall file an application with the district court for an order for the removal of the child from the home.

Sec. 104. ***An agency which provides child welfare services shall, to the extent practicable, give preference to the placement of a child for adoption together with the siblings of the child.***

Sec. 105. ***1. If a child who is in the custody of an agency which provides child welfare services is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580.***

2. The court shall incorporate an order for visitation provided to the court pursuant to subsection 1 into the order of adoption unless, not later than 30 days after notice of the filing of the petition for adoption is provided to all legal custodians or guardians of the child who are required to be provided with such notice pursuant to section 76 of this act, any interested party in the adoption, including, without limitation, the prospective adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which provides child welfare services petitions the court to exclude the order of visitation with a sibling from the order of adoption or amend the order for visitation before including the order in the order of adoption.

3. The hearing on a petition submitted pursuant to subsection 2 must be held on the same date as the hearing on the petition for adoption. Any interested party is entitled to participate in the hearing. The clerk of the court shall give written notice of the time and place of the hearing to the prospective adoptive parent, the adoptive child, a sibling of the adoptive child, the attorney for the adoptive child or a sibling of the adoptive child and the agency which provides child welfare services. Upon the petition of a sibling requesting the inclusion of an order for visitation in the order of adoption, the court may require the agency which provides child welfare services to provide the clerk of the court with the contact information of the prospective adoptive parent, the adoptive child and the attorney for the adoptive child. If so

ordered, the agency which provides child welfare services must provide such contact information under seal.

4. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child. If a petition is submitted pursuant to subsection 2, the court must not enter an order of adoption until the court has made a determination concerning visitation with a sibling.

5. If an order for visitation with a sibling is included in an order of adoption, the court shall, upon the request of a party to the order, provide to the party the case number of the adoption proceeding and any documents or records necessary to enforce, modify or terminate the order.

6. A party to an order for visitation may petition for enforcement of the order at any time while the order is in effect. A person who fails to comply with the order is in contempt of court. If a party to an order for visitation withholds the contact information of any person in violation of the order, the court may order the agency which provides child welfare services to provide such contact information to the court under seal.

Sec. 106. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 107 to 114, inclusive, of this act.

Sec. 107. ***In addition to any requirement set forth in sections 2 to 46, inclusive, of this act, as applicable:***

1. The provisions of sections 108 to 111, inclusive, and 114 of this act govern confirmatory adoptions.

2. The provisions of sections 112, 113 and 114 of this act govern readoptions.

Sec. 108. ***A petition for a confirmatory adoption must include:***

1. Any information required by NRS 127.110; and

2. A statement of how parentage has already been established.

Sec. 109. ***1. A copy of one of the following must be placed in the record of the confirmatory adoption:***

(a) The birth certificate of the child listing the prospective adoptive parent as a parent of the child;

(b) A court order establishing parentage of the child; or

(c) Any other evidence that is deemed sufficient by the court to establish parentage of the child.

2. A document or other evidence described in subsection 1 is confidential.

Sec. 110. *An order of confirmatory adoption must confirm:*

1. Each legal parent of the child; and

2. The new name of the child, if requested in the petition pursuant to section 108 of this act.

Sec. 111. *A confirmatory adoption may be sought in this State if the birth certificate of the child was issued in this State.*

Sec. 112. *1. A petitioner and any spouse of the petitioner who adopts a child through an intercountry adoption may petition to readopt the child in this State.*

2. As used in this section, "intercountry adoption" means the process by which a person adopts a child in another country by permanent legal means and brings the child back to live permanently with the person.

Sec. 113. *A petition for readoption must:*

1. Include any information required by NRS 127.110; and

2. Be supported by:

(a) A copy of any order or certificate of adoption that evidences finalization of the adoption in the foreign country;

(b) The birth certificate of the child; and

(c) A certified translation of any document described in paragraphs (a) and (b) that is not in English.

Sec. 114. *1. After an order of confirmatory adoption or readoption has been entered, the court shall direct the petitioner or the attorney of the petitioner to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics or the equivalent office in the state that issued the birth certificate. The report may:*

(a) Identify the original certificate of birth of the person adopted;

(b) Provide sufficient information to prepare a new certificate of birth for the person adopted;

(c) Identify the order of adoption; and

(d) Be certified by the clerk of the court.

2. If an order of adoption is amended or annulled, the petitioner or the attorney of the petitioner shall prepare a report to the State Registrar of Vital Statistics, which includes sufficient information to identify the original order of adoption and the provisions of that order which were amended or annulled.

Sec. 115. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 116 to 153, inclusive, of this act.

Sec. 116. *As used in this chapter, unless the context otherwise requires, the words and terms defined in section 117 to*

121, inclusive, of this act, have the meanings ascribed to them in those sections.

Sec. 117. *"Parent" means a person:*

1. Who has legal rights, privileges, responsibilities and obligations to a child and is a biological or legal parent of a child whose parental rights have not been terminated by a court order or execution of a specific consent to adoption or relinquishment;

2. Who is a putative parent or proven parent of a child;

3. Who is presumed to be the parent of a child;

4. Whose paternity or parentage has been established pursuant to chapter 126 of NRS; or

5. Whose parentage has been confirmed by a court order.

Sec. 118. *"Placing parent" means a parent who executed a specific consent to adoption or relinquishment pursuant to this chapter.*

Sec. 119. *"Prospective adoptive parent" means a person with whom a child has been placed for adoption but whose petition for adoption has not been granted by the court.*

Sec. 120. *"Relinquishment" means a document that is executed in an adoption which:*

1. Terminates the parental rights of the person executing the document in the child to be adopted; and

2. Places the child for adoption with a named child-placing agency.

Sec. 121. *"Specific consent to adoption" means a document that is executed in an identified adoption which:*

1. Terminates or retains the parental right of the person executing the document; and

2. Authorizes the child to be adopted by a specifically named person or persons.

Sec. 122. *In addition to the requirements set forth in the chapter consisting of sections 2 to 46, inclusive, of this act, as applicable, this chapter governs close-family adoptions.*

Sec. 123. *1. Except as otherwise provided in chapter 125E of NRS and sections 127, 140, 144, 145 and 146 of this act, a child of whom this State:*

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➥ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, such as a placement outside of the state through the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 124. ***1. Except as otherwise provided in subsection 2:***

(a) A child may be adopted by one or more adults subject to the rules prescribed in this chapter;

(b) A person adopting a child must be at least 10 years older than the person adopted; and

(c) If the child is over the age of 14 years, the child must agree to the adoption.

2. A court may approve the adoption of a child without regard to the age difference of the child and the prospective adoptive parents if the court is satisfied that it is in the best interest of the child.

Sec. 124.5. ***Compliance with the requirements of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, may be performed by an agency which provides child welfare services, a child-placing agency or an attorney licensed to practice law in this State.***

Sec. 125. ***1. One or more adults may petition the district court of any county in this State for leave to adopt a child. Each prospective adoptive parent and each agreeing parent seeking to retain parental rights must be a joint petitioner and agree to the adoption.***

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from a spouse may not adopt a child without the agreement of the spouse, if such spouse is capable of giving such agreement to the adoption.

3. If a spouse agrees to an adoption as described in subsection 2, such agreement does not establish any parental rights or responsibilities on the part of the spouse unless the spouse:

(a) Has, in a writing filed with the court, agreed to:

(1) Adopting the child; and

(2) Establishing parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order of adoption.

4. The court shall not name a spouse who agrees to an adoption as described in subsection 2 as an adoptive parent in an order of adoption unless the spouse has filed a writing with the court as described in paragraph (a) of subsection 3.

5. The court may dispense with the requirement for the agreement of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to agree. A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order of adoption.

6. The court may waive the hearing on the petition.

7. The court may determine that a child has a legal relationship with more than two persons who petition for the adoption of the child pursuant to this section.

Sec. 126. *Except as otherwise provided in section 135 of this act, a specific consent to adoption or a relinquishment is required from:*

1. Each parent of the child who is alive; and

2. Any legal guardian of the person of the child appointed by a court of competent jurisdiction.

Sec. 127. *1. If a petition for adoption of a child concerns the adoption of an Indian child, unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.*

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the order of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of an order of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the

written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in NRS 125E.130.

Sec. 128. ***1. The following agencies may accept relinquishments for adoption of children from parents and guardians in this State:***

(a) An agency which provides child welfare services in its own capacity or on behalf of a child-placing agency authorized under the laws of another state to accept relinquishments and make placements; or

(b) A child-placing agency licensed by the Division.

2. The following agencies may consent to the adoption of children in this State:

(a) An agency which provides child welfare services to which the child has been relinquished for adoption;

(b) A child-placing agency licensed by the Division, to whom the child has been relinquished for adoption; or

(c) Any child-placing agency authorized under the laws of another state to accept relinquishments and make placements, to whom the child has been relinquished or otherwise approved for adoption in this State.

3. If an agency which provides child welfare services accepts a relinquishment on behalf of a child-placing agency pursuant to subsection 1, the child-placing agency shall reimburse the agency which provides child welfare services for any costs associated with the acceptance.

Sec. 129. ***1. Except as otherwise provided in subsection 2, a specific consent to adoption or relinquishment executed in this State, or executed outside this State for use in this State, is not valid unless it:***

(a) Identifies the child to be adopted by name, if any, sex, date of birth and time of birth.

(b) Is in writing and signed by the person consenting to the adoption or relinquishing for the adoption not sooner than 72 hours after the birth of the child.

(c) Is acknowledged by the person consenting and signing the specific consent to adoption or relinquishment before a judge or a

clerk of the court having a seal, a notary public or a justice of the peace.

(d) Contains, at the time of execution:

(1) For a specific consent to adoption, the name of the person or persons to whom specific consent to adopt the child is given; or

(2) For a relinquishment, the name of the child-placing agency.

(e) Indicates whether the placing parent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the order of adoption pursuant to section 139 of this act, the person receives information that provides reason to know that the child is an Indian child.

(f) Is attested by at least two competent, disinterested witnesses who subscribe their names to the specific consent to adoption or relinquishment in the presence of or by remote appearance of the person consenting or relinquishing and a notary public.

2. A social worker employed by a child-placing agency may remotely witness the execution of a specific consent to adoption or relinquishment by a parent of the child to be adopted who resides in another state.

Sec. 130. ***1. Any or all of the attesting witnesses to any relinquishment may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would be required to testify to in court to prove the due execution of the relinquishment. The affidavit must be written on the relinquishment or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the relinquishment as if it had been taken before the court.***

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of..... }

(Date).....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within relinquishment by ..... (name of person or persons relinquishing); that they subscribed the relinquishment and declared the same to be a voluntary relinquishment in their presence; that at the time the relinquishment was executed it contained the name of the agency to which relinquishment was made; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons relinquishing) and in the presence of each other and at the request of ..... (name of person or persons relinquishing) that at the time of the execution of the relinquishment ..... (name of person or persons relinquishing) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

.....
.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

Sec. 131. *1. Any or all of the attesting witnesses to any specific consent to adoption may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would be required to testify to in court to prove the due execution of the specific consent to adoption. The affidavit must be written on the specific consent to adoption or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the specific consent to adoption as if it had been taken before the court.*

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of..... }

(Date).....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within specific consent to adoption by ..... (name of person or persons giving consent); that they subscribed the specific consent to adoption and declared the same to be a voluntary specific consent to adoption in their presence; that at the time the specific consent to adoption was executed it contained the name of the persons or persons to whom specific consent was thereby given to adopt the child; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons giving consent) and in the presence of each other and at the request of ..... (name of person or persons giving consent) that at the time of the execution of the consent to adoption ..... (name of person or persons giving consent) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

.....
.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

Sec. 132. *If a person to whom a specific consent to adopt a child is given for an adoption pursuant to section 129 of this act has, at the time the specific consent is executed, legal custody over the child, the person is legally responsible for the child and shall provide for the care, support and maintenance of the child until a*

court holds a hearing to enter an order of adoption or to deny the petition pursuant to the laws of this State or another state.

Sec. 133. ***1. If a prospective adoptive parent or parents determine that an adoption cannot or should not proceed, the adoptive parent or parents, as applicable, may:***

(a) Withdraw a petition for termination of parental rights or a petition for adoption; and

(b) Declare the specific consent to adoption void and surrender the adoptive placement.

2. The declaration surrendering the adoptive placement pursuant to subsection 1 must:

(a) Be in writing, notarized and acknowledged by the surrendering prospective adoptive parent or parents; and

(b) Give notice to:

(1) All parents of the child;

(2) The court of competent jurisdiction, if a petition for adoption has been filed; and

(3) The child-placing agency, if applicable.

3. If a prospective adoptive parent or parents makes a declaration surrendering an adoptive placement pursuant to subsection 1:

(a) The prospective adoptive parent or parents must return the child to the placing parent or parents, if the placing parent or parents wish to accept and regain custody of the child; or

(b) If the placing parent or parents decline to accept the child, the placing parent or parents may relinquish the child to a child-placing agency for placement.

4. A specific consent to adoption or relinquishment declared void is without legal effect and the parental rights are restored.

5. An adoptive placement may not be surrendered after an order finalizing the adoption has been entered by the court.

Sec. 134. ***1. All specific consents to adoption and relinquishments executed in this State by the parent who gave birth to a child before the birth of the child or within 72 hours after the birth of the child are invalid.***

2. A specific consent to adoption or relinquishment may be executed by a parent who does not give birth to the child before the birth of a child if the parent is not married to the parent who gave birth to the child.

3. A minor parent may execute a specific consent to adoption or relinquishment without notifying or obtaining the consent of the parent or parents of the minor.

4. A specific consent to adoption or relinquishment cannot be revoked or nullified by the executing parent.

5. A specific consent to adoption or relinquishment executed by a minor parent cannot be revoked or nullified based upon the minor parent becoming an adult.

6. A specific consent to adoption or relinquishment can become invalid if:

(a) Every parent of the child does not execute a specific consent to adoption of the child or relinquishment or have his or her parental rights terminated by a court of competent jurisdiction within 18 months after the execution of the specific consent to adoption or relinquishment;

(b) No petition for adoption of the child has been filed by the person or persons named in the specific consent to adoption within 18 months after the execution of the specific consent to adoption or relinquishment;

(c) The specific consent to adoption or relinquishment is declared void pursuant to section 133 of this act; or

(d) The specific consent to adoption or relinquishment was obtained under fraud, duress or undue influence and the action to void the specific consent to adoption or relinquishment is brought not later than 30 days after the execution.

Sec. 135. *The execution of a specific consent to adoption or relinquishment by a parent shall not be necessary:*

1. Where parental rights have been terminated by an order of a court of competent jurisdiction;

2. Upon the death of the parent, as evidenced by a certificate of death or other evidence deemed sufficient by the court; or

3. Upon the termination of the parental rights of the parent through operation of law by a birth father registry operated in another state.

Sec. 136. *1. A petition for adoption of a child may be filed at any time after placement with the petitioners.*

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the date that the child was placed with the petitioners.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) If the petitioners desire to change the name of the child, the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to the termination of parental rights, specific consent to adoption or relinquishment as to all parents.

(h) Whether the petitioners have reason to know that the child is an Indian child.

(i) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

(j) Whether an agreement for postadoptive contact has been entered into by the parent or parents of the child and the prospective adoptive parent or parents of the child.

(k) Whether there is an order for visitation of a child by a sibling or other relative.

Sec. 137. ***Notice of the filing of a petition for the adoption of a child must be provided to all legal custodians or guardians of the child who are not a parent of the child.***

Sec. 138. ***1. Except as otherwise provided in subsection 2, the prospective adoptive parent or parents, child to be adopted, representative of the child-placing agency and counsel for the parties may attend by telephone or remote appearance in lieu of attending in person, any hearings held by the court concerning the petition for adoption.***

2. The court may waive the attendance of a child to be adopted for good cause shown.

Sec. 139. ***If the court finds that the best interest of the child warrants the granting of the petition, an order of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best interest of the child warrants the granting of a petition that is filed by a prospective adoptive parent, the court shall give strong consideration to the emotional bond between the child and the prospective adoptive parent. In the order the court may change the name of the child, if desired.***

Sec. 140. ***1. An order entered pursuant to 139 of this act must include:***

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

2. In an adoption of an Indian child, the order must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under NRS 125E.250;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125E.220;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if the placement does not comply with the placement preferences under NRS 125E.350, a finding upon the petitioner's motion under subsection 3 of NRS 125E.350 that good cause exists for placement contrary to the placement preferences.

3. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

4. Upon entry of the order of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the order entered pursuant to section 139 of this act, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 141. *1. After an order of adoption has been entered, the court shall direct the petitioner or the attorney of the petitioner to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics or the equivalent office in the state that issued the birth certificate. The report may:*

(a) Identify the original certificate of birth of the person adopted;

(b) Provide sufficient information to prepare a new certificate of birth for the person adopted;

(c) Identify the order of adoption; and

(d) Be certified by the clerk of the court.

2. If an order of adoption is amended or annulled, the petitioner or the attorney of the petitioner shall prepare a report to the State Registrar of Vital Statistics, which includes sufficient information to identify the original order of adoption and the provisions of that order which were amended or annulled.

Sec. 142. *1. A placing parent of a child may not bring an action to set aside an adoption after a petition for adoption has been granted, unless a court of competent jurisdiction has previously, in a separate action:*

(a) Set aside the specific consent to adoption;

(b) Set aside the relinquishment of the child for adoption; or

(c) Reversed an order terminating the parental rights of the placing parent.

2. After a petition for adoption has been granted, there is a presumption for the purposes of this chapter that remaining in the home of the adoptive parents is in the best interest of the child.

Sec. 143. *1. The child-placing agency may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of the child-placing agency by prospective adoptive parents when, in the judgment of the child-placing agency, it would be in the best interest of the child to be placed in that adoptive home.*

2. The child-placing agency shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the prospective adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the prospective adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. All financial assistance provided under this section ceases immediately when the child:

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting;

(d) Is emancipated; or

(e) Dies.

4. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

5. A court shall waive all court costs of the prospective adoptive parents in an adoption proceeding for a child with special needs if the child-placing agency consents to the adoption of such a child pursuant to this section.

6. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

Sec. 144. *1. A petition to vacate an order of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.*

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the order of adoption if:

(a) The petition is filed not later than 2 years following the date of the order; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates an order of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 145. *1. If an order of adoption of an Indian child under this chapter is vacated, the court vacating the order must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate child-placing agency.*

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of an order of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If an order of adoption of an Indian child under this chapter is vacated other than as provided in NRS 125E.360, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of NRS 125E.220 to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the best interest of the child, as described in NRS 125E.230. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the parent of an Indian child subject to an order of adoption under this chapter and whose parental rights have not been restored under section 144 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to an order of adoption of the child under this chapter.

Sec. 146. *1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.*

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceedings, the complete record of the placement finding and, if the placement departs from the placement

preference under NRS 125E.350, detailed documentation of the efforts to comply with the placement preferences.

Sec. 147. ***1. The parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:***

(a) The child and the parent or parents;

(b) The adoptive parent or parents and the parent or parents; or

(c) Any combination thereof.

2. An agreement that provides for postadoptive contact is enforceable if:

(a) The agreement is in writing and signed by the parties;

(b) The agreement is incorporated into an order of adoption; and

(c) The agreement is signed by the parent or parents before:

(1) The termination or voluntary relinquishment of the parental rights of the parent or parents; or

(2) The execution of a specific consent to adoption or relinquishment.

3. The identity of a parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the parent must be provided in the agreement.

4. A parent or adoptive parent who enters into an agreement that provides for postadoptive contact shall include in the agreement an address at which the parent or adoptive parent may receive service of a petition filed pursuant to section 150 of this act unless the parent or adoptive parent elects to receive service by alternate means through electronic mail rather than certified or registered mail, in which case, the electronic mail address must be included in the agreement. If a parent or adoptive parent refuses or fails to include such an address in an agreement that provides for postadoptive contact, the court may, on the date on which the court enters an order of adoption which incorporates the agreement, order the child-placing agency to provide the court with the contact information of the parent or adoptive parent who refused or failed to include the address. If a court so orders, the court shall:

(a) Append the address to the agreement for postadoptive contact; and

(b) Make the address available to any party to the agreement who wishes to file a petition pursuant to section 150 of this act.

5. If a parent or adoptive parent changes the address that was included in an agreement that provides for postadoptive contact pursuant to subsection 4, the parent shall file with the clerk of the court notice of the change of address within 15 days after the change of address.

6. A court that enters an order of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:

(a) The child reaches 18 years of age;

(b) The child becomes emancipated; or

(c) The agreement is terminated.

7. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in section 38 of this act.

Sec. 148. *1. Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to section 147 of this act shall notify the court responsible for entering the order of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order of adoption of the child.*

2. Each:

(a) Director or other authorized representative of the child-placing agency involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child and the child-placing agency in the adoption proceedings concerning the child,

➥ shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 147 of this act, notify the court responsible for entering the order of adoption of the child of the existence of the agreement.

Sec. 149. *1. Before a court may enter an order of adoption of a child, the court must address:*

(a) Except as otherwise provided in subsection 2, each prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of the child-placing agency involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child and the child-placing agency in the adoption proceedings concerning the child,

➥ and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 147 of this act.

2. The court may for purposes of subsection 1 address a prospective adoptive parent described in section 138 of this act by telephone or remote appearance.

3. If the court determines that the prospective adoptive parent or parents and the parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order of adoption.

Sec. 150. *1. A parent who has entered into an agreement that provides for postadoptive contact pursuant to section 147 of this act may, for good cause shown:*

(a) Petition the court that entered the order of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order of adoption; and

(b) During the period set forth in subsection 2 of section 151 of this act, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 147 of this act.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to section 147 of this act may:

(a) During the period set forth in subsection 2 of section 151 of this act, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 147 of this act; and

(b) Petition the court that entered the order of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in section 152 of this act.

3. A petition filed pursuant to this section must be:

(a) Filed under the same case number as the proceeding for adoption;

(b) Served by the parent or adoptive parent who filed the petition using certified or registered mail with return receipt requested, or if elected by any of the parties to the postadoptive contact agreement to receive service by alternate means through electronic mail, upon each other parent or adoptive parent, as applicable, who has entered into the agreement that provides for postadoptive contact at the address provided pursuant to subsection 4 or 5 of section 147 of this act; and

(c) Heard by:

(1) If available, the judge who issued the order of adoption of the child;

(2) If the judge described in subparagraph (1) is unavailable and if a family court has been established in the judicial district, a judge of the family court; or

(3) If the judge described in subparagraph (1) is unavailable and if a family court has not been established in the judicial district, any district judge of the judicial district.

Sec. 151. *1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to section 147 of this act may not be used as a ground to:*

(a) Set aside an order of adoption;

(b) Revoke, nullify or set aside a valid specific consent to adoption or relinquishment; or

(c) Except as otherwise provided in NRS 41.509, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

Sec. 152. *1. An agreement that provides for postadoptive contact entered into pursuant to section 147 of this act may only be modified or terminated by an adoptive parent petitioning the court that entered the order which included the agreement. The court may grant a request to modify or terminate the agreement only if:*

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) The contact provided for in the agreement is no longer in the best interest of the child; or

(b) Each party to the agreement consents to the modification or termination.

2. If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:

(a) There is a presumption that the modification or termination is in the best interest of the child; and

(b) The court may consider the wishes of the child involved in the agreement.

3. Any order issued pursuant to this section to modify an agreement that provides for postadoptive contact:

(a) May limit, restrict, condition or decrease contact between the parties involved in the agreement; and

(b) May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.

Sec. 153. ***1. Except as otherwise provided in subsection 3, it is unlawful for any person to pay or offer to pay money or anything of value to the parent of a child in return for the parent's placement of the child for adoption, for the execution of a specific consent to adoption or relinquishment or for the cooperation in the adoption of the child.***

2. It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consenting to or completing the adoption of the child.

3. A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity so long as the payment is not contingent upon the parent's placement of the child for adoption, the execution of a specific consent to adoption or relinquishment or cooperation in the adoption of the child.

4. This section does not prohibit a parent from refusing to place a child for adoption after its birth.

5. The provisions of this section do not apply if a woman enters into a lawful contract to act as a gestational carrier, as defined in NRS 126.580.

6. A person who violates:

(a) The provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) The provisions of subsection 2 is guilty of a gross misdemeanor.

7. As used in this section, "person" includes a hospital.

Sec. 154. NRS 125E.210 is hereby amended to read as follows:

125E.210 1. Except if the person already knows that a child is an Indian child, whenever a person is required in a child custody proceeding to determine whether there is reason to know that the child is an Indian child, the person shall make a good faith effort to determine whether the child is an Indian child, including, without limitation, by consulting with:

(a) The child;

(b) The child's parent or parents;

(c) Any person having custody of the child or with whom the child resides;

(d) Extended family members of the child;

(e) Any other person who may reasonably be expected to have information regarding the child's membership or eligibility for membership in an Indian tribe; and

(f) Any Indian tribe of which the child may be a member or of which the child may be eligible for membership.

2. A court or person has reason to know that a child in a child custody proceeding is an Indian child if:

(a) The person knows that the child is an Indian child;

(b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child;

(c) Any person present in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court or the person that the child is an Indian child or that information has been discovered indicating that the child is an Indian child;

(d) The child indicates to the court or the person that the child is an Indian child;

(e) The court or the person is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;

(f) The court or the person is informed that the child is or has been a ward of a tribal court;

(g) The court or the person is informed that the child or the child's parent possesses an identification card or other record indicating membership in an Indian tribe;

(h) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or

(i) Any other indicia provided to the court or the person, or within the knowledge of the court or the person, indicates that the child is an Indian child.

3. Except as otherwise provided in ~~[~~NRS 127.1867,~~]~~ ***section 89 of this act,*** whenever a person is required to demonstrate to the court in a child custody proceeding that the person made efforts to determine whether a child is an Indian child, the court shall make written findings regarding whether the person satisfied the inquiry requirements under subsection 1 and whether the child is an Indian child or whether there is reason to know that the child is an Indian child. At the commencement of any hearing in an emergency proceeding or a child custody proceeding, unless the court previously found that the child is an Indian child, the court shall ask, on the record, each person present on the matter whether the person has reason to know that the child is an Indian child and shall make a finding regarding whether there is reason to know that the child is an Indian child.

4. If the court finds under subsection 3 that there is:

(a) Reason to know that the child is an Indian child but the court does not have sufficient evidence to find that the child is an Indian child, the court shall order that the inquiry as to whether the child is an Indian child continue until the court finds that the child is not an Indian child.

(b) Not reason to know that the child is an Indian child, the court shall order each party to immediately inform the court if the party receives information providing reason to know that the child is an Indian child.

5. If the court finds under subsection 3 that there is reason to know that the child is an Indian child but the court does not have sufficient evidence to make a finding that the child is or is not an Indian child, the court shall require the appropriate agency or other party to submit a report, declaration or testimony on the record that the agency or other party used due diligence to identify and work with all of the tribes of which the child may be a member or in which the child may be eligible for membership to verify whether the child is a member or is eligible for membership.

6. A person making an inquiry under this section shall request that any tribe receiving information under this section keep documents and information regarding the inquiry confidential.

Sec. 154.5. NRS 125E.230 is hereby amended to read as follows:

125E.230 In a child custody proceeding involving an Indian child, when making a determination regarding the best ~~[~~interests~~]~~ ***interest*** of the child in accordance with ~~[~~NRS 125E.010 to 125E.370, inclusive,~~]~~ ***this chapter and*** chapter 432B of NRS, the Indian Child Welfare Act ~~[.]~~ ***of 1978,*** 25 U.S.C. §§ 1901 et seq., or

any applicable regulations or rules regarding ~~[NRS 125E.010 to 125E.370, inclusive,]~~ ***this chapter or*** chapter 432B of NRS or the Indian Child Welfare Act, the court shall, in consultation with the Indian child's tribe, consider the following:

1. The protection of the safety, well-being, development and stability of the Indian child;

2. The prevention of unnecessary out-of-home placement of the Indian child;

3. The prioritization of placement of the Indian child in accordance with the placement preferences under NRS 125E.350;

4. The value to the Indian child of establishing, developing or maintaining a political, cultural, social and spiritual relationship with the Indian child's tribe and tribal community; and

5. The importance to the Indian child of the Indian tribe's ability to maintain the tribe's existence and integrity in promotion of the stability and security of Indian children and families.

Sec. 155. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 156 to 168, inclusive, of this act.

Sec. 156. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 157 to 163, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 157. ***"Home study" means the investigation of a prospective adoptive parent or parents before an adoptive placement to determine the suitability of the prospective adoptive home pursuant to NRS 127.2805.***

Sec. 158. ***"Parent" means a person:***

1. Who has legal rights, privileges, responsibilities and obligations to a child and is a biological or legal parent of a child whose parental rights have not been terminated by a court order or execution of a specific consent to adoption or relinquishment;

2. Who is a putative parent or proven parent of a child;

3. Who is presumed to be the parent of a child;

4. Whose paternity or parentage has been established pursuant to chapter 126 of NRS; or

5. Whose parentage has been confirmed by a court order.

Sec. 159. ***"Placing parent" means a parent who executed a specific consent to adoption or relinquishment pursuant to this chapter.***

Sec. 160. ***"Post-placement investigation" means an investigation of the prospective adoptive home after an adoptive placement pursuant to NRS 127.120.***

Sec. 161. *"Prospective adoptive parent" means a person with whom a child has been placed for adoption but whose petition for adoption has not been granted by the court.*

Sec. 162. *"Relinquishment" means a document that is executed in an agency adoption which:*

1. Terminates the parental rights of the person executing the document in the child to be adopted; and

2. Places the child for adoption with a named child-placing agency.

Sec. 163. *"Specific consent to adoption" means a document that is executed in an identified adoption which:*

1. Terminates or retains the parental right of the person executing the document; and

2. Authorizes the child to be adopted by a specifically named person or persons.

Sec. 163.5. *An adoptive placement occurs when:*

1. A parent executes a specific consent to adoption or relinquishment; or

2. A child-placing agency grants physical custody of a child in its custody to a prospective adoptive parent or parents for adoption.

Sec. 164. *Compliance with the requirements of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, may be performed by an agency which provides child welfare services, a child-placing agency or an attorney licensed to practice law in this State.*

Sec. 165. *If a parent is considering consenting to an identified adoption, the child-placing agency shall:*

1. Provide information relating to the adoption process, information concerning the State Register for Adoptions pursuant to section 33 of this act and information relating to counseling services, which must be provided before the parent signs the specific consent to adoption, for the purpose of ensuring that the decision to consent to the adoption of the child is made without coercion and not under duress or undue influence, and to make the placing parent aware of counseling services which can be made available after the execution of the specific consent to adoption to ensure that the placing parent is provided with emotional support;

2. Provide information to the placing parent regarding alternatives to adoption;

3. Obtain information regarding the background of the placing parent for two or three generations, including, without limitation:

(a) The occurrence of any childhood diseases;

(b) Psychiatric and psychological histories;

(c) Demographic information and social history;

(d) Any use of drugs or alcohol;

(e) Abuse of alcohol;

(f) Blood types;

(g) Any congenital deformities;

(h) Prenatal history, including, without limitation, information concerning the use of alcohol, drugs, tobacco and prescription medications during pregnancy; and

(i) Any other pertinent information;

4. Obtain, if the child to be placed for adoption has already been born, information regarding:

(a) The developmental and medical history of the child;

(b) The educational and social development of the child;

(c) The personal relationship between the child and the parent, including their attitudes towards one another; and

(d) Any religious affiliation of the child;

5. Advise the placing parent that the placing parent may read the home study of the prospective adoptive parent or parents identified in the specific consent to adoption before the execution of the specific consent to adoption;

6. Facilitate a request pursuant to the Interstate Compact on the Placement of Children, if required by NRS 127.330; and

7. Maintain a case file with a record of the information obtained and services provided by the child-placing agency.

Sec. 166. ***1. Any or all of the attesting witnesses to any relinquishment may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would be required to testify to in court to prove the due execution of the relinquishment. The affidavit must be written on the relinquishment or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the relinquishment as if it had been taken before the court.***

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of..... }

(Date).....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within relinquishment by ..... (name of person or persons relinquishing); that they subscribed the relinquishment and declared the same to be a voluntary relinquishment in their presence; that at the time the relinquishment was executed it contained the name of the agency to which relinquishment was made; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons relinquishing) and in the presence of each other and at the request of ..... (name of person or persons relinquishing) that at the time of the execution of the relinquishment ..... (name of person or persons relinquishing) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

.....
.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

Sec. 167. *1. If a prospective adoptive parent or parents determine that an identified adoption cannot or should not proceed, the adoptive parent or parents, as applicable, may:*

(a) Withdraw a petition for termination of parental rights or a petition for adoption; and

(b) Declare the specific consent to adoption void and surrender the adoptive placement.

2. The declaration surrendering the adoptive placement pursuant to subsection 1 must:

(a) Be in writing, notarized and acknowledged by the surrendering prospective adoptive parent or parents; and

(b) Give notice to all parents of the child, the court of competent jurisdiction and the child-placing agency, if applicable.

3. If a prospective adoptive parent or parents make a declaration surrendering an adoptive placement pursuant to subsection 1, the prospective adoptive parent or parents must:

(a) Return the child to the placing parent or parents, if the placing parent or parents wish to accept and regain custody of the child; or

(b) If the placing parent or parents decline to accept the child, the placing parent or parents may relinquish the child to a child-placing agency for other placement pursuant to NRS 127.051 and 127.2815.

4. A specific consent to adoption declared void is without legal effect and the parental rights are restored.

5. An adoptive placement may not be surrendered after an order finalizing the adoption has been entered by the court.

Sec. 168. ***1. If a court of competent jurisdiction determines that a parent has legal rights to a child making the child ineligible for an agency adoption, the child-placing agency shall:***

(a) Immediately declare the relinquishment executed by the placing parent null and void and without legal effect;

(b) Immediately withdraw the petition for termination of parental rights; and

(c) Provide the court with a declaration that is notarized and acknowledged by the child-placing agency that the relinquishment has been voided.

2. If a relinquishment is voided pursuant to subsection 1, all legal rights, privileges, responsibilities and obligations to a child are restored to the placing parent by operation of law.

Sec. 169. NRS 127.005 is hereby amended to read as follows:

127.005 The provisions of NRS ~~[127.010]~~ ***127.018*** to 127.1895, inclusive, govern ~~[the adoption of minor children,]~~ ***agency adoptions and identified adoptions,*** and the provisions of NRS 127.190, 127.200 and 127.210 and the provisions of NRS ~~[127.010]~~ ***127.018*** to 127.1895, inclusive, where not inconsistent with the provisions of NRS 127.190, 127.200 and 127.210, govern ~~[the adoption of adults.]~~ ***adult adoptions.***

Sec. 170. NRS 127.018 is hereby amended to read as follows:

127.018 1. Except as otherwise provided in ~~[NRS 125E.010 to 125E.370, inclusive,]~~ ***chapter 125E of NRS and NRS*** 127.041, ~~[127.115,]~~ 127.151 ***,*** ~~[and]~~ 127.1861 ~~[to 127.1869, inclusive,]~~ ***, 127.1863 and 127.1865,*** a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➥ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, ***such as a placement outside of the state through the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive,*** immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 171. NRS 127.020 is hereby amended to read as follows:

127.020 1. Except as otherwise provided in subsection 2:

(a) A ~~[minor]~~ child may be adopted by one or more adults subject to the rules prescribed in this chapter.

(b) A person adopting a child must be at least 10 years older than the person adopted ***.*** ~~[, and the consent of]~~

(c) If the child ~~[, if]~~ ***is*** over the age of 14 years, ~~[is necessary]~~ ***the child must agree*** to ~~[its]~~ ***the*** adoption.

2. A court may approve the adoption of a child without regard to the age of the child and the ages of the prospective adoptive parents if:

(a) The child is being adopted by a ~~[stepparent, sister, brother, aunt, uncle or first cousin and, if the prospective adoptive parent is married, also by the spouse of the prospective adoptive parent;]~~ ***relative within the third degree of consanguinity;*** and

(b) The court is satisfied that it is in the best interest of the child. ~~[and in the interest of the public.]~~

Sec. 172. NRS 127.030 is hereby amended to read as follows:

127.030 1. One or more adults may petition the district court of any county in this ~~[state]~~ ***State*** for leave to adopt a child. Each prospective ~~[adopting adult]~~ ***adoptive parent*** and each ~~[consenting~~

~~legal~~] ***agreeing*** parent seeking to retain ~~[his or her]~~ parental rights must be a joint petitioner ~~[.]~~ ***and agree to the adoption.***

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from ~~[his or her]~~ ***a*** spouse may not adopt a child without the ~~[consent]~~ ***agreement*** of ~~[his or her]~~ ***the*** spouse, if such spouse is capable of giving such ~~[consent.]~~ ***agreement to the adoption.***

3. If a spouse ~~[consents]~~ ***agrees*** to an adoption as described in subsection 2, such ~~[consent]~~ ***agreement*** does not establish any parental rights or responsibilities on the part of the spouse unless ~~[he or she:]~~ ***the spouse:***

(a) Has, in a writing filed with the court, specifically ~~[consented]~~ ***agreed*** to:

(1) Adopting the child; and

(2) Establishing parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order ~~[or decree]~~ of adoption.

4. The court shall not name a spouse who ~~[consents]~~ ***agrees*** to an adoption as described in subsection 2 as an adoptive parent in an order ~~[or decree]~~ of adoption unless:

(a) The spouse has filed a writing with the court as described in paragraph (a) of subsection 3; and

(b) The home of the spouse is suitable for the child as determined by ~~[an]~~ ***a post-placement*** investigation ~~[conducted]~~ pursuant to NRS 127.120 ~~[or]~~ ***and a home study investigation pursuant to*** 127.2805.

5. The court may dispense with the requirement for the ~~[consent]~~ ***agreement*** of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to ~~[consent.]~~ ***agree.*** A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order ~~[or decree]~~ of adoption.

~~6. [If a person who petitions for the adoption of a child pursuant to this section is related to the child within the third degree of consanguinity, the court may, in its discretion, waive the hearing on the petition.~~

~~7.]~~ The court may determine that a child has a legal relationship with more than two persons who petition for the adoption of the child pursuant to this section.

Sec. 173. NRS 127.040 is hereby amended to read as follows:

127.040 ~~[1.]~~ Except as provided in NRS 127.090, ~~[written]~~ ***a specific*** consent to ~~[the specific]~~ adoption ~~[proposed by the petition]~~ or ~~[for]~~ ***a*** relinquishment ~~[to an agency authorized to accept~~

~~relinquishments acknowledged by the person or persons consenting,]~~ is required from:

~~[(a)]~~ ***1.*** Each ~~[legal]~~ parent ***of the child*** who is alive; and

~~[(b)]~~ ***2.*** Any legal guardian of the person of the child appointed by a court of competent jurisdiction.

~~[2. Consent is not required of a parent who has been adjudged insane for 2 years if the court is satisfied by proof that such insanity is incurable.]~~

Sec. 174. NRS 127.041 is hereby amended to read as follows:

127.041 1. If a petition for adoption of a child concerns the adoption of an Indian child, unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the order ~~[or decree]~~ of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of an order ~~[or decree]~~ of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws ~~[his or her]~~ consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in NRS 125E.130.

Sec. 175. NRS 127.043 is hereby amended to read as follows:

127.043 ~~[1. Except as otherwise provided in subsection 2, a]~~ ***A*** child must not be placed in an adoptive home ***or in the care of prospective adoptive parents*** until ~~[a]~~ ***:***

1. An approved home study investigation pursuant to NRS 127.2805 is obtained; and

2. A valid ~~[release for or]~~ ***specific*** consent to adoption ***or relinquishment*** is executed by ~~[the]~~ ***a*** parent ~~[who gave birth to]~~ ***of*** the child ~~[as provided by NRS 127.070.~~

~~2. The provisions of this section do not apply if one or more of the existing legal parents is a petitioner or the petitioner is related to the child within the third degree of consanguinity.]~~ ***or a court order is obtained terminating the parental rights of the parents.***

Sec. 176. NRS 127.045 is hereby amended to read as follows:

127.045 1. ~~[Except as otherwise provided in subsection 2, until]~~ ***Until*** a ~~[valid release for or]~~ ***specific*** consent to adoption ***or a relinquishment*** is executed by ~~[the]~~ ***a*** parent ~~[who gave birth to]~~ ***of*** the child ~~[as provided by NRS 127.070]~~ and ~~[the]~~ ***an approved home study*** investigation ~~[required by]~~ ***pursuant to*** NRS 127.2805 is ~~[completed,]~~ ***obtained,*** no person may:

(a) Petition any court for the appointment of a guardian; or

(b) Be appointed the temporary guardian,

➥ of the person of the child to be adopted.

2. ~~[The provisions of subsection 1 do not apply if one or more of the existing legal parents is a petitioner or if any petitioner or his or her spouse is related to the child within the third degree of consanguinity.]~~ ***A parent may sign a specific consent to adoption or relinquishment if the parent is in the custody of a law enforcement agency or the child is in the custody of an agency which provides child welfare services.***

Sec. 177. NRS 127.053 is hereby amended to read as follows:

127.053 ~~[No]~~

1. Except as otherwise provided in subsection 2, a specific consent to ~~[a specific]~~ adoption ***or relinquishment*** executed in this State, or executed outside this State for use in this State, is ***not*** valid unless it:

~~[1.]~~ ***(a)*** Identifies the child to be adopted by name, if any, sex ***,*** ~~[and]~~ date of birth ~~[.~~

~~2.]~~ ***and time of birth.***

(b) Is in writing and signed by the person consenting to the adoption ~~[as required in this chapter.~~

~~3.]~~ ***or relinquishing for the adoption not sooner than 72 hours after the birth of the child.***

(c) Is acknowledged by the person consenting and signing the ***specific*** consent to adoption ~~[in the manner and form required for conveyances of real property.~~

~~4.]~~ ***or relinquishment before a judge or a clerk of the court having a seal, a notary public or a justice of the peace.***

(d) Contains, at the time of execution ~~[,]~~ ***:***

(1) For a specific consent to adoption, the name of the person or persons to whom ***specific*** consent to adopt the child is given ~~[.~~

~~5.]~~ ***; or***

(2) For a relinquishment, the name of the child-placing agency.

(e) Indicates whether the ~~[person giving the consent]~~ ***placing parent*** has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the order ~~[or decree]~~ of adoption pursuant to NRS 127.150, the person receives information that provides reason to know that the child is an Indian child.

~~[6.]~~ ***(f)*** Is attested by at least two competent, disinterested witnesses who subscribe their names to the ***specific*** consent ***to adoption or relinquishment*** in the presence of ***or by remote appearance of*** the person consenting ~~[. If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one]~~ ***or relinquishing and a notary public. One*** of the witnesses must be a social worker employed by:

~~[(a)]~~ ***(1)*** An agency which provides child welfare services;

~~[(b) An]~~

(2) A child-placing agency ***;*** ~~[licensed in this state to place children for adoption;~~

~~(c)]~~ ***(3)*** A comparable state or county agency of another state; or

~~[(d)]~~ ***(4)*** An agency authorized under the laws of another state to place children for adoption, if the ~~[natural]~~ parent resides in that state.

2. A social worker employed by a child-placing agency may remotely witness the execution of a specific consent to adoption or relinquishment by a parent of the child to be adopted who resides in another state.

Sec. 178. NRS 127.055 is hereby amended to read as follows:

127.055 1. Any or all of the attesting witnesses to any ***specific*** consent to adoption may ~~[, at the request of the person or persons who executed the consent,]~~ make and sign an affidavit

before any person authorized to administer oaths in this ~~[state,]~~ ***State,*** stating such facts as they would be required to testify to in court to prove the due execution of the ***specific*** consent to adoption. The affidavit must be written on the ***specific*** consent to adoption ~~[,]~~ or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the ***specific*** consent to adoption as if it had been taken before the court.

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of..... }

(Date).....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within ***specific*** consent to adoption by ..... (name of person or persons ~~[consenting);]~~ ***giving consent);*** that ~~[she, he or]~~ they subscribed the ***specific*** consent to adoption and declared the same to be a voluntary ***specific*** consent to adoption in their presence; that at the time the ***specific*** consent to adoption was executed it contained the names of the person or persons to whom ***specific*** consent was thereby given to adopt the child; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons ~~[consenting)]~~ ***giving specific consent)*** and in the presence of each other and at the request of ..... (name of person or persons ~~[consenting);]~~ ***giving consent)*** that at the time of the execution of the ***specific*** consent to adoption ..... (name of person or persons ~~[consenting)]~~ ***giving consent)*** acknowledged to them that ~~[she, he or]~~ they ~~[was or]~~ were, and ~~[she, he or]~~ they appeared to them to be, in full possession of ~~[her, his or]~~ their faculties and not under the influence of any drug or sedative ***that could impact their reasoning or judgment*** or subject to any duress, fear,

menace, compulsion or undue influence whatever; and that they make this affidavit at ~~[her, his or]~~ their request.

.....
.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

Sec. 179. NRS 127.058 is hereby amended to read as follows:

127.058 ~~[A]~~ ***In an identified adoption, if a*** person to whom ***a specific*** consent to adopt a child is given for ~~[a specific]~~ ***an*** adoption pursuant to NRS 127.053 has, at the time the ***specific*** consent is executed, legal custody over the child ~~[and]~~ ***, the person*** is legally responsible for the child ***and shall provide for the care, support and maintenance of the child*** until a court holds a hearing to enter an order ~~[or decree]~~ of adoption or to deny the petition pursuant to the laws of this State or another state.

Sec. 180. NRS 127.070 is hereby amended to read as follows:

127.070 1. All ~~[releases for and]~~ ***specific*** consents to adoption ***and relinquishments*** executed in this ~~[state]~~ ***State*** by the parent who gave birth to a child before the birth of the child or within 72 hours after the birth of the child are invalid.

2. A ~~[release for or]~~ ***specific*** consent to adoption ***or relinquishment*** may be executed by a parent ***who did not give birth to the child*** before the birth of a child if the parent is not married to the parent who gave birth to the child.

3. A minor parent may execute a specific consent to adoption or relinquishment without notifying or obtaining the consent of the parent or parents of the minor.

4. A specific consent to adoption or relinquishment cannot be revoked or nullified by the executing parent.

5. A specific consent to adoption or relinquishment executed by a minor parent cannot be revoked or nullified based upon the minor parent becoming an adult.

6. A ~~[release executed under this subsection becomes]~~ ***specific consent to adoption or relinquishment may become*** invalid if:

(a) ~~[The parents of the child marry each other before the child is born;~~

~~(b) The parent who gave birth to the child does not execute a release for or]~~ ***Every parent of the child does not execute a specific***

consent to adoption of the child ~~[within 6 months after the birth of the child;]~~ or ~~[~~

~~(c)]~~ ***relinquishment or have his or her parental rights terminated by a court of competent jurisdiction within 18 months after the execution of the specific consent to adoption or relinquishment;***

(b) No petition for adoption of the child has been filed ***by the person or persons named in the specific consent to adoption*** within ~~[2 years]~~ ***18 months*** after the ~~[birth of the child.]~~ ***execution of the specific consent to adoption or relinquishment;***

(c) The specific consent to adoption or relinquishment is declared void pursuant to section 167 or 168 of this act; or

(d) The specific consent to adoption or relinquishment was obtained under fraud, duress or undue influence and the action to void the specific consent to adoption or relinquishment is brought not later than 30 days after the execution.

Sec. 181. NRS 127.090 is hereby amended to read as follows:

127.090 ~~[Consent of a parent]~~ ***The execution of a specific consent*** to ~~[an]~~ adoption ***or relinquishment by a parent*** shall not be necessary ~~[where]~~ ***:***

1. Where parental rights have been terminated by an order of a court of competent jurisdiction ~~[.]~~ ***;***

2. Upon the death of the parent, as evidenced by a certificate of death or other evidence deemed sufficient by the court; or

3. Upon the termination of the parental rights of the parent through operation of law by a birth father registry operated in another state.

Sec. 182. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child ~~[who currently resides in the home of the petitioners]~~ may be filed at any time after ~~[the child has lived in the home for 30 days.]~~ ***placement with the petitioners.***

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the ~~[period]~~ ***date*** that the child ~~[has lived in the home of]~~ ***was placed with the*** petitioners ***.*** ~~[before the filing of the petition.]~~

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) ~~[Their]~~ ***If the petitioners*** desire ~~[that]~~ ***to change*** the name of the child ***,*** ~~[be changed, together with]~~ the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to ***termination of parental rights, specific*** consent to adoption ~~[.]~~ ***or relinquishment as to all parents.***

(h) ~~[That there has been a full compliance with NRS 127.220 to 127.310, inclusive.~~

~~(i)]~~ Whether the petitioners have reason to know that the child is an Indian child.

~~[(j)]~~ ***(i)*** That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

~~[3. No order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive, and the provisions of NRS 125E.010 to 125E.370, inclusive, 127.041, 127.115, 127.151 and 127.1861 to 127.1869, inclusive.]~~

(j) Whether an agreement for postadoptive contact has been entered into by the parent or parents of the child and the prospective adoptive parent or parents of the child.

(k) Whether there is an order for visitation of a child by a sibling or other relative.

Sec. 183. NRS 127.120 is hereby amended to read as follows:

127.120 1. A petition for adoption of a child must be filed ~~[in duplicate]~~ with the ~~[county]~~ clerk ~~[. The county clerk shall send one copy of the petition to the agency which provides child welfare services.]~~ ***of the court.***

2. ~~[The]~~ ***Unless waived by the court, the child-placing*** agency ~~[which provides child welfare services]~~ ***designated by the court*** shall make ~~[an]~~ ***a post-placement*** investigation and report as provided in this section. ~~[If one petitioner or the spouse of a petitioner is related to the child within the third degree of consanguinity, the court may, in its discretion, waive the investigation by the agency which provides child welfare services. A copy of the order waiving the investigation must be sent to the nearest office of the agency which provides child welfare services by the petitioners within 7 days after the order is issued.]~~

3. ~~[The agency which provides child welfare services or a licensed]~~ ***Unless waived by the court, the designated*** child-placing agency ~~[designated to do so by the court]~~ shall:

(a) Verify the allegations of the petition;

(b) Investigate the condition of the child, including, without limitation, whether the child is an Indian child; and

(c) Make proper inquiry to determine whether the proposed ~~[adopting]~~ ***adoptive*** parents are suitable for the child.

4. The ~~[agency which provides child welfare services or the]~~ designated child-placing agency shall, before the date on which the child has lived for a period of 6 months in the home of the petitioners or within 30 days after receiving the copy of the petition for adoption, whichever is later, submit to the court a full written report of its findings pursuant to subsection 3, which must contain, without limitation, a specific recommendation for or against approval of the petition and a statement of whether the child is known to be an Indian child, and shall furnish to the court any other information regarding the child or proposed home which the court requires. The court, on good cause shown, may extend the time, designating a time certain, within which to submit the report.

5. If the court is dissatisfied with the report submitted by ~~[the agency which provides child welfare services or]~~ the designated child-placing agency, the court may order an independent investigation to be conducted and a report submitted by an agency or person selected by the court. The costs of the investigation and report may be assessed against the petitioner ***.*** ~~[or charged against the county in which the adoption proceeding is pending.]~~

Sec. 184. NRS 127.123 is hereby amended to read as follows:

127.123 Notice of the filing of a petition for the adoption of a child must be provided to all legal custodians or guardians of the child who are not a ~~[legal]~~ parent of the child.

Sec. 185. NRS 127.127 is hereby amended to read as follows:

127.127 The petitioners shall file with the court, within 15 days after the petition is filed or 5 months after the child ~~[begins to live]~~ ***is placed*** in their home, whichever is later, an affidavit executed by them and their attorney setting forth all fees, donations and expenses paid by them in furtherance of the adoption. A copy of the affidavit must be sent to the ***designated child-placing*** agency ***.*** ~~[which provides child welfare services. If one petitioner or the spouse of a petitioner is related to the child within the third degree of consanguinity, the court may waive the filing of the affidavit.]~~

Sec. 186. NRS 127.130 is hereby amended to read as follows:

127.130 The ***post-placement investigation*** report of ~~[either the agency which provides child welfare services or]~~ the ~~[licensed]~~ child-placing agency designated by the court must not be made a matter of public record, but must be given in writing and in confidence to the district judge before whom the matter is pending.

If the recommendation of ~~[the agency which provides child welfare services or]~~ the designated ***child-placing*** agency is adverse, the district judge, before denying the petition, shall give the petitioner an opportunity to rebut the findings and recommendation of the report of ~~[the agency which provides child welfare services or]~~ the designated ***child-placing*** agency.

Sec. 187. NRS 127.145 is hereby amended to read as follows:

127.145 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** prospective adoptive ***parent or*** parents ***, child to be adopted, representative of the child-placing agency and counsel for the parties*** may attend by telephone ~~[,]~~ ***or remote appearance*** in lieu of attending in person, any hearings held by the court concerning the petition for adoption ***.*** ~~[if:~~

~~(a) The prospective adoptive parents reside in another state or jurisdiction;~~

~~(b) The petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services or a child-placing agency licensed by the Division pursuant to this chapter; and~~

~~(c) A representative of the agency responsible for supervising the child in the state where the child will be placed appears at the hearing by telephone.~~

~~2. The appearance of the prospective adoptive parents and the representative of the agency described in paragraph (c) of subsection 1 must occur at the office of the agency or at the home of the prospective adoptive parents, as determined by the agency.~~

~~3. If the prospective adoptive parents are attending a hearing by telephone pursuant to subsection 1, the court shall place the telephone call to a telephone number known to be a telephone number of the agency described in paragraph (c) of subsection 1 or of the prospective adoptive parents.~~]

2. The court may waive the attendance of a child to be adopted for good cause shown.

Sec. 188. NRS 127.150 is hereby amended to read as follows:

127.150 1. If the court finds that the best ~~[interests]~~ ***interest*** of the child warrant the granting of the petition, an order ~~[or decree]~~ of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best ~~[interests]~~ ***interest*** of the child warrant the granting of a petition that is filed by a ~~[foster]~~ ***prospective adoptive*** parent, the court shall give strong consideration to the emotional bond between the child and the ~~[foster]~~ ***prospective adoptive*** parent. ~~[A copy of the order or decree must be sent to the nearest office of the agency which~~

~~provides child welfare services by the petitioners within 7 days after the order or decree is issued.]~~ In the ~~[decree]~~ ***order*** the court may change the name of the child, if desired.

2. Except as otherwise provided in this subsection, an order ~~[or decree]~~ of adoption may not be made until ~~[after the child has lived for]~~ 6 months ~~[in the home of]~~ ***after the placement of child with*** the petitioners. ~~[This subsection does not apply if one of the petitioners is the stepparent of the child or is related to the child within the third degree of consanguinity.~~

~~3. If the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition and may order the child returned to the custody of the person or agency legally vested with custody. The court shall not deny a petition solely because the petitioner:~~

~~(a) Is deaf, is blind or has another physical disability; or~~

~~(b) Is the holder of a valid registry identification card.~~

~~4. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the child's best interest.~~

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

~~(a) "Blind" has the meaning ascribed to it in NRS 426.082.~~

~~(b) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:~~

~~(1) Exempt from state prosecution for engaging in the medical use of cannabis; or~~

~~(2) A designated primary caregiver as defined in NRS 678C.040.]~~

Sec. 189. NRS 127.151 is hereby amended to read as follows:

127.151 1. An order ~~[or decree]~~ entered pursuant to NRS 127.150 must include:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

2. In an adoption of an Indian child, the order ~~[or decree]~~ must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the ~~[biological]~~ parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under NRS 125E.250;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125E.220;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if the placement does not comply with the placement preferences under NRS 125E.350, a finding upon the petitioner's motion under subsection 3 of NRS 125E.350 that good cause exists for placement contrary to the placement preferences.

3. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

4. Upon entry of the order ~~[or decree]~~ of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the order ~~[or decree]~~ entered pursuant to NRS 127.150, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 190. NRS 127.152 is hereby amended to read as follows:

127.152 1. Except as otherwise provided in subsection 3, the ~~[agency which provides child welfare services or a licensed]~~ child-placing agency shall provide the ~~[adopting]~~ ***prospective adoptive*** parents of a child with a report which includes:

(a) A copy of any medical records of the child which are in the possession of the ~~[agency which provides child welfare services or licensed]~~ child-placing agency.

(b) Any information obtained by the ~~[agency which provides child welfare services or licensed]~~ child-placing agency during interviews of the ~~[natural]~~ parent regarding:

(1) The medical and sociological history of the child and the ~~[natural]~~ parents of the child; and

(2) Any behavioral, emotional or psychological problems that the child may have. Information regarding any behavioral, emotional or psychological problems that the child may have must be discussed in accordance with policies established by ~~[an agency which provides child welfare services and]~~ a child-placing agency pursuant to regulations adopted by the Division for the disclosure of such information.

(c) Written information regarding any subsidies, assistance and other services that may be available to the child if it is determined pursuant to NRS 127.186 that the child has any special needs.

2. The ~~[agency which provides child welfare services or]~~ child-placing agency shall obtain from the ~~[adopting]~~ ***prospective adoptive*** parents written confirmation that the ~~[adopting]~~ ***prospective adoptive*** parents have received the report required pursuant to subsection 1.

3. The report required pursuant to subsection 1 must exclude any information that would lead to the identification of the ~~[natural]~~ parent.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the ~~[adopting]~~ ***prospective adoptive*** parents of the child may also obtain the information set forth in subsection 1.

5. This section does not apply to identified adoptions.

Sec. 191. NRS 127.155 is hereby amended to read as follows:

127.155 Any order or decree of adoption entered after July 1, 1963, and before July 1, 1965, by a court of competent jurisdiction where there has not been a complete compliance with NRS 127.220 to ~~[127.310,]~~ ***127.287,*** inclusive, is hereby declared valid.

Sec. 192. NRS 127.157 is hereby amended to read as follows:

127.157 1. After an order ~~[or decree]~~ of adoption has been entered, the court shall direct the petitioner or ~~[his or her]~~ ***the*** attorney ***of the petitioner*** to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics ~~[.]~~ ***or the equivalent office in the state that issued the birth certificate.*** The report ~~[must:]~~ ***may:***

(a) Identify the original certificate of birth of the person adopted;

(b) Provide sufficient information to prepare a new certificate of birth for the person adopted;

(c) Identify the order ~~[or decree]~~ of adoption; and

(d) Be certified by the clerk of the court.

2. ~~[The agency which provides child welfare services shall provide the petitioner or his or her attorney with any factual information which will assist in the preparation of the report required in subsection 1.~~

~~3.]~~ If an order ~~[or decree]~~ of adoption is amended or annulled, the petitioner or ~~[his or her]~~ ***the*** attorney ***of the petitioner*** shall prepare a report to the State Registrar of Vital Statistics, which includes sufficient information to identify the original order ~~[or decree]~~ of adoption and the provisions of that ~~[decree]~~ ***order*** which were amended or annulled.

~~[4. The petitioner or his or her attorney shall forward all reports required by the provisions of this section to the State Registrar of Vital Statistics not later than the 10th day of the month next following the month in which the order or decree was entered, or more frequently if requested by the State Registrar, together with any related material the State Registrar may require.]~~

Sec. 193. NRS 127.165 is hereby amended to read as follows:

127.165 1. A ~~[prior]~~ ***placing*** parent of a child may not bring an action to set aside an adoption after a petition for adoption has been granted, unless a court of competent jurisdiction has previously, in a separate action:

(a) Set aside the ***specific*** consent to ~~[the]~~ adoption;

(b) Set aside the relinquishment of the child for adoption; or

(c) Reversed an order terminating the parental rights of the ***placing*** parent.

2. After a petition for adoption has been granted, there is a presumption for the purposes of this chapter that remaining in the home of the ~~[adopting]~~ ***adoptive*** parents is in the ~~[child's]~~ best interest ~~[.]~~ ***of the child.***

Sec. 194. NRS 127.186 is hereby amended to read as follows:

127.186 1. The ~~[agency which provides child welfare services or a]~~ child-placing agency ~~[licensed by the Division pursuant to this chapter]~~ may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of ~~[the agency which provides child welfare services or]~~ the ~~[licensed]~~ ***child-placing*** agency by ~~[proposed]~~ ***prospective*** adoptive parents when, in the judgment of the ~~[agency which provides child welfare services or]~~ the child-placing agency, it would be in the best ~~[interests]~~ ***interest*** of the child to be placed in that adoptive home.

2. The ~~[agency which provides child welfare services or]~~ child-placing agency ~~[, whichever has custody of the child,]~~ shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the ~~[proposed]~~ ***prospective*** adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the ~~[proposed]~~ ***prospective*** adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

~~3. [The agency which provides child welfare services may grant financial assistance for attorney's fees in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents of a child with special needs out of money provided for that purpose if the head of the agency which provides child welfare services or his or her designee has reviewed and approved in writing the grant of financial assistance.~~

~~4. The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the agency which provides child welfare services and the adoptive parents. Such an agreement must not become effective before the entry of the order of adoption.~~

~~5. Any grant of financial assistance must be reviewed and evaluated at least once annually by the agency which provides child welfare services. The evaluation must be presented for approval to the head of the agency which provides child welfare services or his or her designee. Financial assistance must be discontinued immediately upon written notification to the adoptive parents by the agency which provides child welfare services that continued assistance is denied.~~

~~6.]~~ All financial assistance provided under this section ceases immediately when the child:

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting;

(d) Is emancipated; or

(e) Dies.

~~[7.]~~ ***4.*** Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

~~[8.]~~ ***5.*** A court shall waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if the ~~[agency which provides child welfare services or]~~ child-placing agency consents to the adoption of such a child pursuant to this section.

~~[9.]~~ ***6.*** The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

Sec. 195. NRS 127.1861 is hereby amended to read as follows:

127.1861 1. A petition to vacate an order ~~[or decree]~~ of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the order ~~[or decree]~~ of adoption if:

(a) The petition is filed not later than 2 years following the date of the order ~~[or decree;]~~ ***;*** and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates an order ~~[or decree]~~ of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 196. NRS 127.1863 is hereby amended to read as follows:

127.1863 1. If an order ~~[or decree]~~ of adoption of an Indian child under this chapter is vacated, the court vacating the order ~~[or decree]~~ must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate ***child-placing*** agency ***.*** ~~[which provides child welfare services.]~~

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of an order ~~[or decree]~~ of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If an order ~~[or decree]~~ of adoption of an Indian child under this chapter is vacated other than as provided in NRS 125E.360, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of NRS 125E.220 to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the ~~[child's]~~ best ~~[interests,]~~ ***interest of the child,*** as described in NRS 125E.230. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the ~~[legal]~~ parent of an Indian child subject to an order ~~[or decree]~~ of adoption under this chapter and whose parental rights have not been restored under NRS 127.1861.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to an order ~~[or decree]~~ of adoption of the child under this chapter.

Sec. 197. NRS 127.187 is hereby amended to read as follows:

127.187 1. The ~~[natural]~~ parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:

(a) The child and ~~[his or her natural]~~ ***the*** parent or parents;

(b) The adoptive parent or parents and the ~~[natural]~~ parent or parents; or

(c) Any combination thereof.

2. An agreement that provides for postadoptive contact is enforceable if:

(a) The agreement is in writing and signed by the parties;

(b) The agreement is incorporated into an order ~~[or decree]~~ of adoption; and

(c) ~~[In the case of an agreement that concerns a child who was in the custody of an agency which provides child welfare services before being adopted:~~

~~(1) The agency which provides child welfare services has determined that the agreement is in the best interest of the child; or~~

~~(2) The court has determined, after a hearing, that the agreement is in the best interest of the child.]~~ ***The agreement is signed by the parent or parents before:***

(1) The termination or voluntary relinquishment of the parental rights of the parent or parents; or

(2) The execution of a specific consent to adoption or relinquishment.

3. The identity of a ~~[natural]~~ parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the ~~[natural]~~ parent must be provided in the agreement.

4. A ~~[natural]~~ parent or adoptive parent who enters into an agreement that provides for postadoptive contact shall include in the agreement an address at which the ~~[natural]~~ parent or adoptive parent may receive service of a petition filed pursuant to NRS 127.1885 ~~[.]~~ ***, unless the parent or adoptive parent elects to receive service by alternate means through electronic mail rather than certified or registered mail, in which case, the electronic mail address must be included in the agreement.*** If a ~~[natural]~~ parent or adoptive parent refuses or fails to include such an address in an agreement that provides for postadoptive contact, the court may, on the date on which the court enters an order ~~[or decree]~~ of adoption which incorporates the agreement, order the ***child-placing*** agency ~~[which provides child welfare services]~~ to provide the court with the contact information of the ~~[natural]~~ parent or adoptive parent who refused or failed to include ~~[his or her]~~ ***the*** address. If a court so orders, the court shall:

(a) Append the address to the agreement for postadoptive contact; and

(b) Make the address available to any party to the agreement who wishes to file a petition pursuant to NRS 127.1885.

5. If a ~~[natural]~~ parent or adoptive parent changes ~~[his or her]~~ ***the*** address that was included in an agreement that provides for postadoptive contact pursuant to subsection 4, the parent shall file with the clerk of the court notice of the change of address within 15 days after the change of address.

6. A court that enters an order ~~[or decree]~~ of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:

(a) The child reaches 18 years of age;

(b) The child becomes emancipated; or

(c) The agreement is terminated.

7. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in ~~[NRS 127.160.]~~ ***section 38 of this act.***

Sec. 198. NRS 127.1875 is hereby amended to read as follows:

127.1875 1. Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to NRS 127.187 shall notify the court responsible for entering the order ~~[or decree]~~ of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order ~~[or decree]~~ of adoption of the child.

2. Each:

(a) Director or other authorized representative of the ~~[agency which provides child welfare services or the licensed]~~ child-placing agency involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child ~~[,]~~ ***or*** the ~~[agency which provides child welfare services or the licensed]~~ child-placing agency in the adoption proceedings concerning the child,

➥ shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the ~~[natural]~~ parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187, notify the court responsible for entering the order ~~[or decree]~~ of adoption of the child of the existence of the agreement.

Sec. 199. NRS 127.188 is hereby amended to read as follows:

127.188 1. Before a court may enter an order ~~[or decree]~~ of adoption of a child, the court must address ***:*** ~~[in person:]~~

(a) Except as otherwise provided in subsection 2, each prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of the ~~[agency which provides child welfare services or the licensed]~~ child-

placing agency involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child ~~[,]~~ ***or*** the ~~[agency which provides child welfare services or the licensed]~~ child-placing agency in the adoption proceedings concerning the child,

➥ and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and ~~[natural]~~ parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187.

2. The court may for purposes of subsection 1 address a prospective adoptive parent described in NRS 127.145 by telephone ~~[.]~~ ***or remote appearance.***

3. If the court determines that the prospective adoptive parent or parents and the ~~[natural]~~ parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order ~~[or decree]~~ of adoption.

Sec. 200. NRS 127.1885 is hereby amended to read as follows:

127.1885 1. A ~~[natural]~~ parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 may, for good cause shown:

(a) Petition the court that entered the order ~~[or decree]~~ of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order ~~[or decree]~~ of adoption; and

(b) During the period set forth in subsection 2 of NRS 127.189, petition the court that entered the order ~~[or decree]~~ of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 may:

(a) During the period set forth in subsection 2 of NRS 127.189, petition the court that entered the order ~~[or decree]~~ of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187; and

(b) Petition the court that entered the order ~~[or decree]~~ of adoption of the child to modify or terminate the agreement that

provides for postadoptive contact in the manner set forth in NRS 127.1895.

3. A petition filed pursuant to this section must be:

(a) Filed under the same case number as the proceeding for adoption;

(b) Served by the ~~[natural]~~ parent or adoptive parent who filed the petition using ***certified or*** registered mail ***with return receipt requested, or if elected by any of the parties to the postadoptive contact agreement to receive service by alternate means through electronic mail,*** upon each other ~~[natural]~~ parent or adoptive parent, as applicable, who has entered into the agreement that provides for postadoptive contact at the address provided pursuant to subsection 4 or 5 of NRS 127.187; and

(c) Heard by:

(1) If ~~[he or she is]~~ available, the judge who issued the order ~~[or decree]~~ of adoption of the child;

(2) If the judge described in subparagraph (1) is unavailable and if a family court has been established in the judicial district, a judge of the family court; or

(3) If the judge described in subparagraph (1) is unavailable and if a family court has not been established in the judicial district, any district judge of the judicial district.

Sec. 201. NRS 127.189 is hereby amended to read as follows:

127.189 1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to NRS 127.187 may not be used as a ground to:

(a) Set aside an order ~~[or decree]~~ of adoption;

(b) Revoke, nullify or set aside a valid ~~[release for or]~~ ***specific*** consent to ~~[an]~~ adoption or ~~[a]~~ relinquishment ***;*** ~~[for adoption;]~~ or

(c) Except as otherwise provided in NRS 41.509, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

Sec. 202. NRS 127.1895 is hereby amended to read as follows:

127.1895 1. An agreement that provides for postadoptive contact entered into pursuant to NRS 127.187 may only be modified or terminated by an adoptive parent petitioning the court that entered the order ~~[or decree]~~ which included the agreement. The court may grant a request to modify or terminate the agreement only if:

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) The contact provided for in the agreement is no longer in the best ~~[interests]~~ ***interest*** of the child; or

(b) Each party to the agreement consents to the modification or termination.

2. If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:

(a) There is a presumption that the modification or termination is in the best ~~[interests]~~ ***interest*** of the child; and

(b) The court may consider the wishes of the child involved in the agreement.

3. Any order issued pursuant to this section to modify an agreement that provides for postadoptive contact:

(a) May limit, restrict, condition or decrease contact between the parties involved in the agreement; and

(b) May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.

Sec. 203. NRS 127.190 is hereby amended to read as follows:

127.190 1. Notwithstanding any other provision of law, any adult person may adopt any other adult person ***who is at least 10 years*** younger than ~~[himself or herself,]~~ ***the potential adopting person,*** except the spouse of the adopting person, by an agreement of adoption approved by ~~[a decree]~~ ***an order*** of adoption of the district court in the county in which either the person adopting or the person adopted resides.

2. The agreement of adoption shall be in writing and shall be executed by the person adopting and the person to be adopted, and shall set forth that the parties agree to assume toward each other the legal relation of parent and child, and to have all of the rights and be subject to all of the duties and responsibilities of that relation.

3. Notwithstanding any other provision of law, the petitioner being adopted may change his or her name as part of the adoption petition, if so desired.

Sec. 204. NRS 127.200 is hereby amended to read as follows:

127.200 1. A married person not lawfully separated from ~~[his or her]~~ ***a*** spouse may not adopt an adult person without the ~~[consent]~~ ***agreement*** of the spouse of the adopting person, if such spouse is capable of giving such ~~[consent.]~~ ***agreement.***

2. A married person not lawfully separated from ~~[his or her]~~ ***a*** spouse may not be adopted without the ~~[consent]~~ ***agreement*** of the spouse of the person to be adopted, if such spouse is capable of giving such ~~[consent.]~~ ***agreement.***

3. Neither the ~~[consent]~~ ***agreement*** of the ~~[natural]~~ parent or parents of the person to be adopted, nor of the Division, nor of any other person is required.

Sec. 205. NRS 127.210 is hereby amended to read as follows:

127.210 1. The adopting person ~~[and]~~ ***or*** the person to be adopted may file in the district court in the county in which either resides a petition praying for approval of the agreement of adoption by the issuance of ~~[a decree]~~ ***an order*** of adoption.

2. ***The petition for adoption must state:***

(a) The full names of the petitioners and the ages of the petitioners;

(b) That it is the desire of the petitioners that the relationship of parent and child be established between the petitioners;

(c) Whether the petitioner being adopted desires a name change, together with the new name desired, and if the petitioner being adopted desires an amended birth certificate;

(d) If the petitioner being adopted desires to add the adopting person as an additional parent or replace a specific parent on the birth certificate of the person being adopted; and

(e) That there has been full compliance with the law.

3. The court shall fix a time and place for ***a*** hearing on the petition, ~~[and]~~ ***unless the hearing is waived by the court upon the request of the petitioners.***

4. Except as otherwise provided in subsection 3, both the person adopting and the person to be adopted shall appear at the hearing ***,*** ~~[in person,]~~ but if such appearance is impossible or impractical, appearance may be made for either or both of such persons by counsel empowered in writing to make such appearance.

~~[3.]~~ ***5.*** The court may require notice of the time and place of the hearing to be served on other interested persons, and any such interested person may appear and object to the proposed adoption.

~~[4. No investigation or report to the court by any public officer is required, but the court may require the Division to investigate the circumstances and report thereon, with recommendations, to the court before the hearing.~~

~~5.]~~ ***6.*** At the hearing the court shall examine the parties, or the counsel of any party not present ***, as applicable,*** in person ~~[.]~~ ***or by remote appearance.*** If the court is satisfied that the adoption will be for the best ~~[interests]~~ ***interest*** of the parties ***,*** ~~[and in the public~~

~~interest,~~] and that there is no reason why the petition should not be granted, the court shall approve the agreement of adoption, and enter ~~[a decree]~~ ***an order*** of adoption declaring that the person adopted is the child of the person adopting him or her ~~[.]~~ ***and if requested, order a name change.*** Otherwise, the court shall withhold approval of the agreement and deny the prayer of the petition.

Sec. 206. NRS 127.220 is hereby amended to read as follows:

127.220 As used in NRS 127.220 to ~~[127.310,]~~ ***127.287,*** inclusive, unless the context otherwise requires:

~~1. [“Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.~~

~~2. “Arrange the placement of a child” means to make preparations for or bring about any agreement or understanding concerning the adoption of a child.~~

~~3. “Child-placing agency” means a nonprofit corporation organized pursuant to chapter 82 of NRS, and licensed by the Division to place children for adoption or permanent free care.~~

~~4.]~~ “Person” includes a hospital.

~~[5.]~~ ***2.*** “Recommend the placement of a child” means to suggest to a child-placing agency that a prospective adoptive parent be allowed to adopt a specific child, born or in utero.

Sec. 207. NRS 127.230 is hereby amended to read as follows:

127.230 1. The Division shall:

(a) Establish reasonable minimum standards for child-placing agencies.

(b) In consultation with each agency which provides child welfare services, adopt:

(1) Regulations concerning the operation of an agency which provides child welfare services and child-placing agencies.

(2) Regulations establishing the procedure to be used by an agency which provides child welfare services and a child-placing agency in placing children for adoption, which must allow the ~~[natural]~~ parent or parents and the prospective adoptive parent or parents to determine, by mutual ~~[consent,]~~ ***agreement,*** the amount of identifying information that will be communicated concerning each of them.

(3) Any other regulations necessary to carry out its powers and duties regarding the adoption of children or the placement of children for adoption or permanent free care, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

2. Each agency which provides child welfare services and child-placing agency shall conform to the standards established and the regulations adopted pursuant to subsection 1.

Sec. 208. NRS 127.280 is hereby amended to read as follows:

127.280 1. A child may not be placed in the home of prospective adoptive parents ~~[for the 30-day residence in that home which is required before the filing of a petition for adoption, except where a child and one of the prospective adoptive parents are related within the third degree of consanguinity,]~~ unless:

(a) The ~~[agency which provides child welfare services or a]~~ child-placing agency first receives written notice of the proposed placement from:

(1) The prospective adoptive parents of the child;

(2) The person recommending the placement; or

(3) A ~~[natural]~~ parent;

(b) The ~~[investigation]~~ ***home study investigation*** required by the provisions of NRS 127.2805 has been completed; and

(c) In the case of ~~[a specific]~~ ***an identified*** adoption, the ~~[natural]~~ parent placing the child for adoption has had an opportunity to review ~~[the report on the investigation of the home,]~~ ***a redacted home study investigation of the prospective adoptive parent or parents,*** if possible.

2. Upon receipt of written notice from any person other than the ~~[natural]~~ parent, the ~~[agency which provides child welfare services or]~~ child-placing agency shall communicate with the ~~[natural]~~ parent to confirm the ~~[natural]~~ parent's intention to place the child for adoption with the prospective adoptive parents identified in the written notice.

Sec. 209. NRS 127.2805 is hereby amended to read as follows:

127.2805 1. The ~~[agency which provides child welfare services or a]~~ child-placing agency shall, within 60 days after receipt of confirmation of the ~~[natural]~~ parents' intent to place the child for adoption and a completed application for adoption from the prospective adoptive ***parent or*** parents, complete ~~[an investigation of]~~ ***a home study that investigates*** the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption. The investigation must also embrace any other relevant factor relating to the qualifications of the prospective adoptive parents and may be a substitute for the investigation required to be conducted by the ***child-placing*** agency ~~[which provides child welfare services]~~ on behalf of the court when a petition for adoption

is pending, if the petition for adoption is filed within 6 months after the completion of the investigation required by this subsection. ~~[If a child-placing agency undertakes the investigation, it shall provide progress reports to the agency which provides child welfare services in such a format and at such times as the agency which provides child welfare services requires to ensure that the investigation will be completed within the 60-day period. If, at any time, the agency which provides child welfare services determines that it is unlikely that the investigation will be completed in a timely manner, the agency which provides child welfare services shall take over the investigation and complete it within the 60-day period or as soon thereafter as practicable.]~~

2. If the placement is to be made in a home outside of this ~~[state,]~~ ***State,*** the ~~[which provides child welfare services or]~~ child-placing agency must receive a copy of a report, completed by the appropriate authority, of an investigation of the home and the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption **.** ~~[, unless the child and one of the prospective adoptive parents are related within the third degree of consanguinity.]~~

Sec. 210. NRS 127.281 is hereby amended to read as follows:

127.281 1. A prospective adoptive parent who is subject to an investigation by the ~~[agency which provides child welfare services or a]~~ child-placing agency must submit as part of the investigation a complete set of ~~[his or her]~~ fingerprints and written permission authorizing the ~~[agency which provides child welfare services or]~~ child-placing agency to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation.

2. The ~~[agency which provides child welfare services or]~~ child-placing agency may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

3. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the ~~[agency which provides child welfare services or]~~ child-placing agency that submitted the fingerprints.

4. Any fees for fingerprinting and submission to the Central Repository and the Federal Bureau of Investigation must be paid by the prospective adoptive parent **.** ~~[, except that:~~

~~(a) In a county whose population is less than 100,000, the Division may adopt regulations providing for the payment of those fees by the Division; or~~

~~(b) In a county whose population is 100,000 or more, the board of county commissioners may provide by ordinance for the payment of those fees by the agency which provides child welfare services.~~**]**

Sec. 211. NRS 127.2815 is hereby amended to read as follows:

127.2815 1. Pending completion of the required investigation, the child must be:

(a) Retained by the **[**~~natural~~**]** parent; or

(b) Placed by the **[**~~natural~~**]** parent with the **[**~~agency which provides child welfare services or~~**]** child-placing agency and placed by the **[**~~agency which provides child welfare services or~~**]** child-placing agency in a foster home licensed pursuant to NRS 424.030,

➥ until a determination is made concerning the suitability of the prospective adoptive parents.

2. Upon completion of the investigation, the **[**~~agency which provides child welfare services or~~**]** child-placing agency shall forthwith inform the **[**~~natural~~**]** parent, the person recommending the placement and the prospective adoptive parents of the decision to approve or deny the placement. If the prospective adoptive home is found:

(a) Suitable, the **[**~~natural~~**]** parent may execute a ***specific*** consent to **[**~~a specific~~**]** adoption pursuant to NRS 127.053, if not previously executed, and then the child may be placed in the home of the prospective adoptive parents for the purposes of adoption.

(b) Unsuitable or detrimental to the interest of the child, the **[**~~agency which provides child welfare services or~~**]** child-placing agency shall file an application in the district court for an order prohibiting the placement. If the court determines that the placement should be prohibited, the court may nullify the written consent to the specific adoption and order the return of the child to the care and control of the parent who executed the ***specific*** consent **[**~~,~~**]** ***to adoption,*** but if the parental rights of the parent have been terminated by a relinquishment or a final order of a court of competent jurisdiction or if the parent does not wish to accept the child, then the court may order the placement of the child with the **[**~~agency which provides child welfare services or a~~**]** child-placing agency for adoption.

Sec. 212. NRS 127.2817 is hereby amended to read as follows:

127.2817 1. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations setting forth the criteria to be used by ~~[an agency which provides child welfare services or]~~ a child-placing agency for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption.

2. Upon the completion of ~~[an]~~ ***a post-placement*** investigation ~~[conducted by an agency which provides child welfare services or a child placing agency]~~ pursuant to NRS 127.120 or ***a home study investigation pursuant to*** 127.2805, the ~~[agency which provides child welfare services or]~~ child-placing agency shall inform the prospective adoptive parent or parents of the results of the investigation. If, pursuant to the investigation, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the ~~[agency which provides child welfare services or]~~ child-placing agency shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the investigation with the ~~[agency which provides child welfare services or]~~ child-placing agency before the issuance of the results of the investigation. Except as otherwise provided in NRS 239.0115, the identity of those persons who are interviewed or submit information concerning the investigation must remain confidential.

3. ~~[An agency which provides child welfare services or a]~~ ***A*** child-placing agency shall not determine that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents:

(a) Are deaf, are blind or have another physical disability; or

(b) Are the holders of a valid registry identification card.

~~[4. As used in this section:~~

~~(a) "Blind" has the meaning ascribed to it in NRS 426.082.~~

~~(b) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:~~

~~(1) Exempt from state prosecution for engaging in the medical use of cannabis; or~~

~~(2) A designated primary caregiver as defined in NRS 678C.040.]~~

Sec. 213. NRS 127.2825 is hereby amended to read as follows:

127.2825 A child-placing agency shall, to the extent practicable, give preference to the placement of a child for adoption ~~[or permanent free care]~~ together with ~~[his or her]~~ ***the*** siblings ~~[.]~~ ***of the child.***

Sec. 214. NRS 127.2827 is hereby amended to read as follows:

127.2827 1. If a child who is in the custody of an agency which provides child welfare services is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580 ***.*** ~~[and the court must conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption.]~~

2. The court shall incorporate an order for visitation provided to the court pursuant to subsection 1 into the ~~[decree]~~ ***order*** of adoption unless, not later than 30 days after notice of the filing of the petition for adoption is provided to all legal custodians or guardians of the child who are required to be provided with such notice pursuant to NRS 127.123, any interested party in the adoption, including, without limitation, the ***prospective*** adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which provides child welfare services or a ~~[licensed]~~ child-placing agency petitions the court to exclude the order of visitation with a sibling from the ~~[decree]~~ ***order*** of adoption or amend the order for visitation before including the order in the ~~[decree]~~ ***order*** of adoption.

3. The hearing on a petition submitted pursuant to subsection 2 must be held on ~~[a different]~~ ***the same*** date ~~[than]~~ ***as*** the hearing on the petition for adoption. Any interested party is entitled to participate in the hearing. The clerk of the court shall give written notice of the time and place of the hearing to the ***prospective*** adoptive parent, the adoptive child, a sibling of the adoptive child, the attorney for the adoptive child or a sibling of the adoptive child, the agency which provides child welfare services and a ~~[licensed]~~ child-placing agency. Upon the petition of a sibling requesting the inclusion of an order for visitation in the ~~[decree]~~ ***order*** of adoption, the court may require the agency which provides child welfare services or the child-placing agency to provide the clerk of the court with the contact information of the ***prospective*** adoptive parent, the adoptive child and the attorney for the adoptive child. If so ordered,

the agency which provides child welfare services or the child-placing agency must provide such contact information under seal.

4. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child. If a petition is submitted pursuant to subsection 2, the court must not enter ~~[a decree]~~ ***an order*** of adoption until the court has made a determination concerning visitation with a sibling.

5. If an order for visitation with a sibling is included in ~~[a decree]~~ ***an order*** of adoption, the court shall, upon the request of a party to the order, provide to the party the case number of the adoption proceeding and any documents or records necessary to enforce ***, modify or terminate*** the order.

6. A party to an order for visitation may petition for enforcement of the order at any time while the order is in effect. A person who fails to comply with the order is in contempt of court. If a party to an order for visitation withholds the contact information of any person in violation of the order, the court may order the agency which provides child welfare services or a licensed child-placing agency to provide such contact information to the court under seal.

Sec. 215. NRS 127.287 is hereby amended to read as follows:

127.287 1. Except as otherwise provided in subsection 3, it is unlawful for any person to pay or offer to pay money or anything of value to the ~~[natural]~~ parent of a child in return for the ~~[natural]~~ parent's placement of the child for adoption ~~[or]~~ ***, for the execution of a specific*** consent to ***adoption or relinquishment*** or ***for the*** cooperation in the adoption of the child.

2. It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consenting to or completing the adoption of the child.

3. A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity so long as the payment is not contingent upon the ~~[natural]~~ parent's placement of the child for adoption ~~[or]~~ ***, for the execution of a specific*** consent to ***adoption or relinquishment*** or cooperation in the adoption of the child.

4. This section does not prohibit a ~~[natural]~~ parent from refusing to place a child for adoption after its birth.

5. The provisions of this section do not apply if a woman enters into a lawful contract to act as a gestational carrier, as defined in NRS 126.580.

6. A person who violates:

(a) The provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) The provisions of subsection 2 is guilty of a gross misdemeanor.

Sec. 216. NRS 128.110 is hereby amended to read as follows:

128.110 1. Whenever the procedure described in this chapter has been followed, and upon finding grounds for the termination of parental rights pursuant to NRS 128.105 at a hearing upon the petition, the court shall make a written order, signed by the judge presiding in the court, judicially depriving the parent or parents of the custody and control of, and terminating the parental rights of the parent or parents with respect to the child, and declaring the child to be free from such custody or control, and placing the custody and control of the child in some person or agency qualified by the laws of this State to provide services and care to children, or to receive any children for placement. The termination of parental rights pursuant to this section does not terminate the right of the child to inherit from his or her parent or parents, except that the right to inherit terminates if the child is adopted as provided in ~~[~~NRS 127.160.~~]~~ ***section 38 of this act.***

2. If the child is placed in the custody and control of a person or agency qualified by the laws of this State to receive children for placement, the person or agency, in seeking to place the child:

(a) May give preference to the placement of the child with any person related within the fifth degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(b) Shall, if practicable, give preference to the placement of the child together with his or her siblings.

➥ Any search for a relative with whom to place a child pursuant to this subsection must be completed within 1 year after the initial placement of the child outside of his or her home.

Sec. 217. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except as otherwise provided in NRS 125E.270, in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, ***and the chapter consisting of sections 2 to 46, inclusive, of this act, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive,***

of this act and the chapter consisting of sections 116 to 153, inclusive, of this act, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

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

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

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

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

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

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

(j) Brought pursuant to NRS 433A.335 to 433A.345, inclusive, to require a person to receive assisted outpatient treatment.

(k) Brought pursuant to NRS 441A.505 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

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

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

Sec. 218. NRS 19.034 is hereby amended to read as follows:

19.034 1. If the agency which provides child welfare services, or a child-placing agency licensed by the Division of Child and Family Services of the Department of Health and Human Services pursuant to ~~[~~chapter 127 of NRS,~~]~~ ***the chapter consisting of sections 2 to 46, inclusive, of this act*** consents to the adoption of a child with special needs pursuant to NRS 127.186 ~~[,]~~ ***or section 85 or 143 of this act,*** the clerk of the court shall reduce the total filing fee to not more than $1 for filing the petition to adopt such a child.

2. If a ~~[~~natural~~]~~ parent or adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 ***or section 91 or 147 of this act*** files a petition pursuant to subsection 1 or 2 of NRS 127.1885 ~~[,]~~ ***or subsection 1***

or 2 of section 94 or subsection 1 or 2 of section 150 of this act, the clerk of the court shall reduce the total filing fee to not more than $1 for filing the petition.

Sec. 219. NRS 19.050 is hereby amended to read as follows:

19.050 Except as otherwise provided in subsection ~~[8]~~ ***5*** of NRS 127.186 ~~[,]~~ ***and subsection 8 of section 85 of this act or subsection 5 of section 143 of this act,*** when by law any publication is required to be made by a clerk of the court of any suit, process, notice, order or other paper, the cost of such publication shall, if demanded, be tendered by the party to whom such order, process, notice or other paper was granted before the clerk of the court shall be compelled to make publication thereof.

Sec. 220. NRS 41.509 is hereby amended to read as follows:

41.509 1. A ~~[natural]~~ parent of an adopted child who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 ***or section 91 or 147 of this act*** may bring a civil action against a person if:

(a) The person knowingly provided false information in response to a question asked by a court pursuant to NRS 127.188 ~~[;]~~ ***or section 93 or 149 of this act;*** and

(b) The provision of false information caused the court not to incorporate the agreement that provides for postadoptive contact in the order or decree of adoption pursuant to NRS 127.188 ~~[.]~~ ***or section 93 or 149 of this act.***

2. If a person is liable to a ~~[natural]~~ parent of an adopted child pursuant to subsection 1, the ~~[natural]~~ parent may recover ~~[his or her]~~ actual damages, costs, reasonable attorney's fees and any punitive damages that the facts may warrant.

3. The liability imposed by this section is in addition to any other liability imposed by law.

Sec. 221. NRS 134.190 is hereby amended to read as follows:

134.190 An adopted child and ~~[his or her]~~ ***the*** adoptive parents or their relatives shall inherit as provided in ~~[NRS 127.160.]~~ ***section 38 of this act.***

Sec. 222. NRS 200.465 is hereby amended to read as follows:

200.465 A person who:

1. Assumes or attempts to assume rights of ownership over another person;

2. Sells or attempts to sell a person to another;

3. Receives money or anything of value in consideration of placing a person in the custody or under the control of another;

4. Buys or attempts to buy a person;

5. Except as otherwise provided in chapter 127 of NRS, ***and the chapter consisting of sections 2 to 46, inclusive, of this act, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act,*** pays money or delivers anything of value to another in consideration of having a person placed in his or her custody or under his or her power or control; or

6. Knowingly aids or assists in any manner a person who violates any provision of this section,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $50,000.

Sec. 223. NRS 200.4685 is hereby amended to read as follows:

200.4685 1. Except as otherwise provided in this section, a person shall not:

(a) Recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of the child or a person with custody of the child places the child in the physical custody of another person who is not a relative of the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child.

(b) Sell, transfer or arrange for the sale or transfer of a child to another person for money or anything of value or receive a child in exchange for money or anything of value.

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

(a) A placement of a child with a relative, stepparent, child-placing agency or an agency which provides child welfare services;

(b) A placement of a child by a child-placing agency or an agency which provides child welfare services;

(c) A temporary placement of a child with another person by a parent of the child or a person with legal or physical custody of the child, with an intent to return for the child, including, without limitation, a temporary placement of a child while the parent of the child or the person with legal or physical custody of the child is on vacation, incarcerated, serving in the military, receiving medical treatment or incapacitated;

(d) A placement of a child in accordance with NRS 127.330, 159A.205 or 159A.215;

(e) A placement of a child that is approved by a court of competent jurisdiction; or

(f) Delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

3. A person who violates the provisions of subsection 1 is guilty of trafficking in children and shall be punished for a category C felony as provided in NRS 193.130.

4. As used in this section:

(a) "Advertise" has the meaning ascribed to it in ~~[NRS 127.310.]~~ ***section 46 of this act.***

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

(c) "Child" means a person who is less than 18 years of age.

(d) "Child-placing agency" has the meaning ascribed to it in ~~[NRS 127.220.]~~ ***section 13 of this act.***

Sec. 224. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to ~~[127.310,]~~ ***127.287,*** inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, ***and sections 40 to 46, inclusive, 97 to 105, inclusive, and 153 of this act,*** and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 225. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,

87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, ~~[127.007, 127.057,]~~ 127.130, ~~[127.140,]~~ 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,

439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 33, 37, 77, 102 and 109 of this act,***

sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

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

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

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

(1) Give access to proprietary software; or

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

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

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has

already prepared or would prefer to provide the copy in a different medium.

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

Sec. 226. NRS 424.047 is hereby amended to read as follows:

424.047 1. A licensing authority shall, upon request, provide to a provider of foster care access to all information, except references, in the records maintained by the licensing authority concerning that provider.

2. After reasonable notice and by appointment, a provider of foster care may inspect the information kept in those records.

3. A licensing authority may, upon request of the provider of foster care, release to an agency which provides child welfare services or a child-placing agency, as defined in ~~[~~NRS 127.220,~~]~~ ***section 13 of this act,*** all information, except references, in the records maintained by the licensing authority concerning that provider, including, without limitation, a study conducted to determine whether to grant a license to the provider or a study of the home of the provider.

Sec. 227. NRS 424.070 is hereby amended to read as follows:

424.070 No person other than the parents or guardian of a child and no agency or institution in this State or from outside this State may place any child in the control or care of any person without sending notice of the pending placement and receiving approval of the placement from the Division or its designee. No such person, parent, guardian, agency or institution may place a child for adoption except as otherwise provided in chapter 127 of NRS ~~[.]~~ ***and the chapter consisting of sections 2 to 46, inclusive, of this act, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act.***

Sec. 228. NRS 432.0125 is hereby amended to read as follows:

432.0125 1. The Administrator shall appoint, with the approval of the Director, a chief of each of the bureaus in the Division. The chiefs are designated respectively as:

(a) The Superintendent of the Nevada Youth Training Center;

(b) The Superintendent of the Caliente Youth Center; and

(c) The Chief of the Youth Parole Bureau.

2. The Administrator is responsible for the administration, through the Division, of the provisions of chapters 63, 424 and 433B of NRS, NRS 127.220 to ~~[127.310,]~~ ***127.287,*** inclusive, and 432.010 to 432.085, inclusive, ***and sections 40 to 46, inclusive, 97 to 105, inclusive, and 153 of this act,*** and all other provisions of law relating to the functions of the Division, but is not responsible for the professional activities of the components of the Division except as specifically provided by law.

Sec. 229. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of

substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for:

(a) The administration of NRS 432B.010 to 432B.606, inclusive.

(b) The implementation of ~~[NRS 125E.010 to 125E.370, inclusive,]~~ ***chapter 127E of NRS*** and NRS 127.041, ~~[127.115,]~~ 127.151 ***,*** ~~[and]~~ 127.1861 ~~[to 127.1869, inclusive.]~~ ***, 127.1863 and 127.1865, and sections 64, 74, 80, 86 to 90, inclusive, 127, 140, 144, 145 and 146 of this act.***

Sec. 230. NRS 432B.393 is hereby amended to read as follows:

432B.393 1. Except as otherwise provided in this section, an agency which provides child welfare services shall make reasonable efforts to preserve and reunify the family of a child:

(a) Before the placement of the child in foster care, to prevent or eliminate the need to remove the child from the home; and

(b) To make it possible for the safe return of the child to the home.

2. In determining the reasonable efforts required by subsection 1, the health and safety of the child must be the paramount concern. The agency which provides child welfare services may make reasonable efforts to place the child for adoption or with a legal guardian concurrently with making the reasonable efforts required pursuant to subsection 1. If the court determines that continuation of the reasonable efforts required by subsection 1 is inconsistent with the plan for the permanent placement of the child, the agency which provides child welfare services shall make reasonable efforts to place the child in a timely manner in accordance with that plan and

to complete whatever actions are necessary to finalize the permanent placement of the child.

3. An agency which provides child welfare services is not required to make the reasonable efforts required by subsection 1 if the court finds that:

(a) A parent or other person responsible for the child's welfare has:

(1) Committed, aided or abetted in the commission of, or attempted, conspired or solicited to commit murder or voluntary manslaughter;

(2) Caused the abuse or neglect of the child, or of another child of the parent or other person responsible for the child's welfare, which resulted in substantial bodily harm to the abused or neglected child;

(3) Caused the abuse or neglect of the child, a sibling of the child or another child in the household, and the abuse or neglect was so extreme or repetitious as to indicate that any plan to return the child to the home would result in an unacceptable risk to the health or welfare of the child; or

(4) Abandoned the child for 60 or more days, and the identity of the parent of the child is unknown and cannot be ascertained through reasonable efforts;

(b) A parent of the child has, for the previous 6 months, had the ability to contact or communicate with the child and made no more than token efforts to do so;

(c) The parental rights of a parent to a sibling of the child have been terminated by a court order upon any basis other than the execution of a voluntary relinquishment of those rights by a natural parent, and the court order is not currently being appealed;

(d) The child or a sibling of the child was previously removed from the home, adjudicated to have been abused or neglected, returned to the home and subsequently removed from the home as a result of additional abuse or neglect;

(e) The child is less than 1 year of age, the father of the child is not married to the mother of the child and the father of the child:

(1) Has failed within 60 days after learning of the birth of the child, to visit the child, to commence proceedings to establish his paternity of the child or to provide financial support for the child; or

(2) Is entitled to seek custody of the child but fails to do so within 60 days after learning that the child was placed in foster care;

(f) The child was delivered to a provider of emergency services pursuant to NRS 432B.630;

(g) The child, a sibling of the child or another child in the household has been sexually abused or has been subjected to neglect by pervasive instances of failure to protect the child from sexual abuse; or

(h) A parent of the child is required to register as a sex offender pursuant to the provisions of chapter 179D of NRS or the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006, 34 U.S.C. §§ 20901 et seq.

4. Except as otherwise provided in subsection 6, for the purposes of this section, unless the context otherwise requires, "reasonable efforts" have been made if an agency which provides child welfare services to children with legal custody of a child has exercised diligence and care in arranging appropriate, accessible and available services that are designed to improve the ability of a family to provide a safe and stable home for each child in the family, with the health and safety of the child as its paramount concerns. The exercise of such diligence and care includes, without limitation, obtaining necessary and appropriate information concerning the child for the purposes of NRS 127.152, 127.410 and 424.038 ***, and section 81 of this act,*** and, if necessary, creating an in-home safety plan for the protection of the child.

5. In determining whether reasonable efforts have been made pursuant to subsection 4, the court shall:

(a) Evaluate the evidence and make findings based on whether a reasonable person would conclude that reasonable efforts were made;

(b) Consider any input from the child;

(c) Consider the efforts made and the evidence presented since the previous finding of the court concerning reasonable efforts;

(d) Consider the diligence and care that the agency is legally authorized and able to exercise, including, without limitation, the efforts to create an in-home safety plan;

(e) Recognize and take into consideration the legal obligations of the agency to comply with any applicable laws and regulations;

(f) Base its determination on the circumstances and facts concerning the particular family or plan for the permanent placement of the child at issue;

(g) Consider whether any of the efforts made were contrary to the health and safety of the child;

(h) Consider the efforts made, if any, to prevent the need to remove the child from the home and to finalize the plan for the permanent placement of the child;

(i) Consider whether the provisions of subsection 6 are applicable; and

(j) Consider any other matters the court deems relevant.

6. An agency which provides child welfare services may satisfy the requirement of making reasonable efforts pursuant to this section by taking no action concerning a child or making no effort to provide services to a child if it is reasonable, under the circumstances, to do so.

7. In determining whether reasonable efforts are not required pursuant to subsection 3 or whether reasonable efforts have been made pursuant to subsection 4, the court shall ensure that each determination is:

(a) Made by the court on a case-by-case basis;

(b) Based upon specific evidence; and

(c) Expressly stated by the court in its order.

8. As used in this section, "in-home safety plan" means a plan created by an agency which provides child welfare services to ensure the protection of a child in ~~[his or her]~~ ***the*** home, including, without limitation, determining any vulnerabilities of the child, managing any potential threats to the safety of the child and determining the capacity of the person responsible for the welfare of the child to care for the child.

Sec. 231. NRS 432B.397 is hereby amended to read as follows:

432B.397 1. The agency which provides child welfare services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries in accordance with subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child. The agency shall report that determination to the court.

2. An agency which provides child welfare services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act, chapter 125E of NRS and NRS 127.041, ~~[127.115,]~~ 127.151 ***,*** ~~[and]~~ 127.1861 ~~[to 127.1869, inclusive.]~~ ***, 127.1863 and 127.1865, and sections 64, 74, 80, 86 to 90, inclusive, 127, 140, 144, 145 and 146 of this act.***

Sec. 232. 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 with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in subsection 7 and subsection 5 of NRS 432B.520, notice of the 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:

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

(b) Any persons planning to adopt the child;

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to this section or ~~[NRS 127.171]~~ ***section 84 of this act*** and his or her attorney, if any;

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

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

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

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of ~~[NRS 127.171;]~~ ***section 84 of this act.***

(b) Must not include any confidential information described in ~~[NRS 127.140;]~~ ***section 37 of this act.***

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040 ~~[;]~~ ***and sections 63 and 126 of this act;*** and

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

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

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

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

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

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

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

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

10. If the child is placed in a qualified residential treatment program, the determination pursuant to paragraph (a) of subsection 9 must include, without limitation, a finding on each factor prescribed by subsection 4 of NRS 432B.575.

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.

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. 233. NRS 440.310 is hereby amended to read as follows:

440.310 1. Whenever the State Registrar receives a certified report of adoption or amendment of adoption filed in accordance with the provisions of NRS 127.157 ***or section 82, 114 or 141 of this act*** or the laws of another state or foreign country, or a certified copy of the adoption decree, concerning a person born in Nevada, the State Registrar shall prepare and file a supplementary certificate of birth in the new name of the adopted person which shows the adoptive parents as the parents and seal and file the report or decree and the original certificate of birth.

2. Whenever the State Registrar receives a certified report of adoption, amendment or annulment of an order or decree of adoption from a court concerning a person born in another state, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, or Canada, the report must be forwarded to the office responsible for vital statistics in the person's place of birth.

3. Whenever the State Registrar receives a certified report of adoption or amendment of adoption filed in accordance with the provisions of NRS 127.157 ***or section 82, 114 or 141 of this act*** concerning a person born in a foreign country other than Canada, the State Registrar shall, if the State Registrar receives evidence that:

(a) The person being adopted is a citizen of the United States; and

(b) The adoptive parents are residents of Nevada,

➥ prepare and file a supplementary certificate of birth as described in subsection 1 and seal and file the report.

4. Sealed documents may be opened only upon an order of the court issuing the adoption decree, expressly so permitting, pursuant to a petition setting forth the reasons therefor.

5. Except as otherwise provided in subsection 2, upon the receipt of a certified copy of a court order of annulment of adoption, the State Registrar shall seal and file the order and supplementary certificate of birth and, if the person was born in Nevada, restore the original certificate to its original place in the files.

Sec. 234. NRS 442.400 is hereby amended to read as follows:

442.400 The agency which provides child welfare services or a licensed child-placing agency shall inquire, during its initial contact with a natural parent of a child who is to be placed for adoption, about consumption of alcohol by or any substance use disorder of the person who gave birth to the child during pregnancy. The information obtained from the inquiry must be:

1. Included in the report provided to the adopting parents of the child pursuant to NRS 127.152 ~~[.]~~ ***and section 81 of this act;*** and

2. Reported to the Division on a form prescribed by the Division. The report must not contain any identifying information and may be used only for statistical purposes.

Sec. 235. NRS 449.245 is hereby amended to read as follows:

449.245 1. No hospital licensed under the provisions of NRS 449.029 to 449.2428, inclusive, may release from the hospital or otherwise surrender physical custody of any child under 6 months of age, whose living parent or guardian is known to the hospital, to any person other than a parent, guardian or relative by blood or marriage of that child, without a written authorization signed by a living parent, who must be the person who gave birth to the child if unwed, or guardian specifying the particular person or agency to whom the child may be released and the permanent address of that person or agency.

2. Upon the release or other surrender of physical custody of the child, the hospital shall require from the person to whom the child is released such reasonable proof of identity as the hospital may deem necessary for compliance with the provisions of this section. The hospital shall furnish a true copy of the written authorization to the Division of Child and Family Services of the Department of Health and Human Services before the release or other surrender by it of physical custody of the child. The copy must be furnished to the Division immediately upon receipt by the hospital.

3. Any person to whom any such child is released who thereafter surrenders physical custody of that child to any other person or agency shall, upon demand by the Division of Child and Family Services, disclose to the Division the name and permanent

address of the person or agency to whom physical custody of the child was delivered.

4. Except as otherwise provided in NRS 239.0115, all information received by the Division of Child and Family Services pursuant to the provisions of this section is confidential and must be protected from disclosure in the same manner that information is protected under NRS 432.035.

5. Compliance with the provisions of this section is not a substitute for compliance with NRS 127.220 to ~~[127.310,]~~ ***127.287,*** inclusive, ***or sections 40 to 46, inclusive, 97 to 105, inclusive, and 153 of this act,*** governing placements for adoption **.** ~~[and permanent free care.]~~

6. A violation of any provision of this section is a misdemeanor.

Sec. 236. 1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall cause:

(a) The provisions of NRS 127.230 to 127.350, inclusive, to be transferred to a new chapter established in Title 11 of NRS; and

(b) The provisions of NRS 127.400, 127.410 and 127.420 to be transferred to a new chapter established in Title 11 of NRS.

2. To avoid any excessive cost, references to the previously assigned numbers of NRS 127.230 to 127.350, inclusive, and 127.400, 127.410 and 127.420 in any legal document, publication, signage or in any other place must not be replaced to revise those references unless and until they would otherwise be replaced for some other reason.

Sec. 237. The amendatory provisions of this act apply to offenses committed on or after October 1, 2025.

Sec. 238. The amendatory provisions of this act apply to petitions for adoption filed on or after October 1, 2025.

Sec. 239. NRS 127.003, 127.007, 127.008, 127.009, 127.010, 127.057, 127.060, 127.080, 127.100, 127.115, 127.140, 127.160, 127.171, 127.180, 127.1867, 127.1869, 127.240, 127.250, 127.270 127.275, 127.282, 127.283, 127.285, 127.288, 127.290, 127.300 and 127.310 are hereby repealed.

Sec. 240. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 239, inclusive, of this act become effective:

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

(b) On October 1, 2025, for all other purposes.

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