

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 1.3, 1.6)

(Reprinted with amendments adopted on April 19, 2021)

FIRST REPRINT

S.B. 274

SENATE BILL NO. 274—SENATORS RATTI; AND CANNIZZARO

MARCH 18, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to commercially sexually exploited children. (BDR 38-705)

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

CONTAINS UNFUNDED MANDATE (§ 29)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to child welfare; providing for the licensure of receiving centers for commercially sexually exploited children and the certification of certain other facilities and entities that provide services to such children; imposing certain requirements concerning the operation of a receiving center; revising the actions that an agency which provides child welfare services is required to take in response to a report of the commercial sexual exploitation of a child; delaying the effective date of provisions prohibiting the adjudication of a child as delinquent or the assignment of a child to a detention facility in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law defines the term “commercially sexually exploited child” to mean
2 any child who is sex trafficked, sexually abused or sexually exploited for the
3 financial benefit of any person or in exchange for anything of value. (NRS
4 432C.060) **Section 1.2** of this bill defines the term “receiving center” to mean a
5 secured facility that operates 24 hours each day, 7 days each week to provide
6 specialized inpatient and outpatient services to commercially sexually exploited
7 children. **Section 1.8** of this bill makes a conforming change to indicate the
8 placement of **sections 1.1, 1.15 and 1.2** of this bill in the Nevada Revised Statutes.
9 **Sections 1.9, 3 and 4** of this bill provide that a receiving center is not a group foster
10 home, child care facility or child care institution for the purposes of the



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11 requirements of existing law. **Section 1.3** of this bill requires a person or entity to
12 apply to the Division of Child and Family Services of the Department of Health and
13 Human Services in order to obtain a license to operate a receiving center. **Section**
14 **1.3** also requires the Division to adopt regulations governing receiving centers.
15 **Section 1.4** of this bill requires a receiving center to provide or make available
16 certain services for commercially sexually exploited children.

17 Existing law requires certain facilities or homes which occasionally or regularly
18 have physical custody of children pursuant to the order of a court and each agency
19 which provides child welfare services to treat each child in all respects in
20 accordance with the child's gender identity or expression. Existing law also
21 requires the Division to adopt regulations to ensure that each child in the custody of
22 such a facility, home or agency is placed in a manner that is appropriate for the
23 gender identity or expression of the child. (NRS 62B.212, 63.425, 432A.1759,
24 432B.172, 433B.325) **Section 1.5** of this bill extends these provisions to apply to
25 receiving centers. **Sections 1.5, 5, 6, 31, 32 and 34** of this bill require the Division
26 to consult with certain persons, including, without limitation, lesbian, gay, bisexual,
27 transgender and questioning children who currently reside in or have resided in
28 receiving centers when adopting regulations to ensure that each child is placed in a
29 manner that is appropriate for the gender identity or expression of the child.
30 **Section 1.6** of this bill authorizes the Division to require the certification of
31 facilities or organizations, other than receiving centers, that provide services to
32 commercially sexually exploited children. **Section 1.7** of this bill makes it a
33 misdemeanor to operate: (1) a receiving center without a license; or (2) a facility or
34 other entity for which a certificate is required without such a certificate. **Section 1.7**
35 also authorizes the Division to bring an action for an injunction to prevent any
36 person or entity from operating a receiving center without a license or a facility or
37 other entity for which a certificate is required without such a certificate.

38 Existing law requires the development of a plan to establish the infrastructure
39 to provide treatment, housing and services to commercially sexually exploited
40 children. (NRS 424.0195) **Section 2** of this bill requires the plan to include plans
41 for providing receiving centers and other appropriate placements to meet the
42 housing needs of such children. **Section 2** also removes a requirement that the plan
43 must ensure that any secured placement for a commercially sexually exploited child
44 is temporary, subject to judicial review and utilized only when necessary.

45 Existing law requires an agency which provides child welfare services that
46 receives a report of the commercial sexual exploitation of a child to conduct an
47 initial screening to determine whether there is reasonable cause to believe that
48 the child is a victim of commercial sexual exploitation. (NRS 432C.130) **Section 29** of
49 this bill replaces that requirement with a requirement that the agency which
50 provides child welfare services conduct an assessment using the resources of a
51 children's advocacy center to determine whether the child: (1) is a victim of
52 commercial sexual exploitation; (2) is a victim of the abuse or neglect of a child;
53 (3) is in immediate danger of serious bodily harm; or (4) suffers from any unmet
54 basic need. Upon the completion of the assessment of a child who lives within the
55 jurisdiction of the agency which provides child welfare services, **section 29**
56 requires the agency which provides child welfare services to take certain actions to
57 protect the safety of the child and meet the other needs of the child.

58 Existing law prohibits the adjudication of a child who is alleged to have
59 violated certain provisions of law relating to prostitution as delinquent or in need of
60 supervision or the detention of such a child in a state or local facility for the
61 detention of children if there is reasonable cause to believe that the child is a
62 commercially sexually exploited child, effective on July 1, 2022. Existing law also
63 requires a juvenile justice agency that has reasonable cause to believe that a child in
64 its custody is or has been a commercially sexually exploited child to report the
65 commercial sexual exploitation of the child to an agency which provides child



66 welfare services, effective on July 1, 2022. (Section 16 of chapter 513, Statutes of
67 Nevada 2019, at page 3076) **Section 35** of this bill postpones the effective date of
68 those provisions until July 1, 2023.

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

1 **Section 1.** Chapter 424 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 1.1 to 1.7, inclusive, of
3 this act.

4 **Sec. 1.1.** *“Child” has the meaning ascribed to it in*
5 *NRS 432C.030.*

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

8 **Sec. 1.2.** *“Receiving center” means a secured facility that*
9 *operates 24 hours each day, 7 days each week to provide*
10 *specialized inpatient and outpatient services to commercially*
11 *sexually exploited children.*

12 **Sec. 1.3.** *1. To obtain a license to operate a receiving*
13 *center, a person or entity must submit an application to the*
14 *Division in the form prescribed by the Division. The application*
15 *must include, without limitation, proof that the applicant is*
16 *capable of providing or making available the services required by*
17 *section 1.4 of this act.*

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

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

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

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

24 *(d) Requirements concerning the operation of a receiving*
25 *center and the facility in which a receiving center operates; and*

26 *(e) Grounds for the suspension or revocation of a license or*
27 *the imposition of other disciplinary action against a receiving*
28 *center, the disciplinary actions that may be imposed and the*
29 *procedure for imposing such disciplinary action.*

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

33 *(a) Establishing, promoting the establishment of and operating*
34 *receiving centers; and*

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

36 **Sec. 1.4.** *1. A receiving center must ensure that each child*
37 *placed in the care of the receiving center or referred to the*



1 *receiving center for outpatient care receives, as necessary, the*
2 *following services:*

- 3 (a) *Mental health triage;*
- 4 (b) *Assessment of basic needs;*
- 5 (c) *Assessment of medical needs;*
- 6 (d) *Psychiatric evaluation;*
- 7 (e) *Referral to detoxification;*
- 8 (f) *Short-term placement;*
- 9 (g) *Mobile crisis response;*
- 10 (h) *Academic support;*
- 11 (i) *Preventive services for children who are at risk of*
12 *commercial sexual exploitation, as defined in NRS 432C.050;*
- 13 (j) *Therapeutic treatment to assist the child in safely*
14 *transitioning to a home-based placement; and*
- 15 (k) *Any other services required by the regulations adopted*
16 *pursuant to section 1.3 of this act.*

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

22 3. *As used in this section, "provider of health care" has the*
23 *meaning ascribed to it in NRS 629.031.*

24 **Sec. 1.5.** 1. *A receiving center shall treat each child who is*
25 *placed in the receiving center in all respects in accordance with*
26 *the child's gender identity or expression.*

27 2. *The Division shall adopt regulations establishing factors*
28 *for a court to consider before placing a child in the custody of a*
29 *receiving center and protocols for a receiving center to follow*
30 *when placing a child in the receiving center that ensure that each*
31 *child who is so placed is placed in a manner that is appropriate for*
32 *the gender identity or expression of the child. Such regulations*
33 *must be adopted in consultation with:*

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

39 (b) *Representatives of each agency which provides child*
40 *welfare services in this State;*

41 (c) *Representatives of state and local facilities for the detention*
42 *of children;*

43 (d) *Representatives of lesbian, gay, bisexual, transgender and*
44 *questioning persons;*



1 (e) Attorneys, including, without limitation, attorneys who
2 regularly represent children in child welfare or criminal
3 proceedings;

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

5 (g) Advocates of children; and

6 (h) Any other person deemed appropriate by the Division.

7 3. A court shall consider the factors established in the
8 regulations adopted pursuant to subsection 2 before placing a
9 child in a receiving center.

10 4. A receiving center which has physical custody of a child
11 pursuant to the order of a court shall follow the protocols
12 prescribed in the regulations adopted pursuant to subsection 2
13 when placing the child within the receiving center.

14 **Sec. 1.6.** 1. The Division may adopt regulations requiring
15 the certification of a facility or organization, other than a
16 receiving center, if the:

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

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

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

23 (a) The process for applying for the issuance or renewal of a
24 certificate;

25 (b) The fee for the issuance or renewal of a certificate;

26 (c) Authorized activities for the holder of a certificate; and

27 (d) Grounds and procedures for imposing disciplinary action
28 against the holder of a certificate.

29 **Sec. 1.7.** 1. A person is guilty of a misdemeanor if he or she
30 operates:

31 (a) A receiving center without holding a valid license; or

32 (b) A facility or other entity for which a certificate is required
33 by the regulations adopted pursuant to section 1.6 of this act
34 without such a certificate.

35 2. The Division may bring an action in the name of the State
36 of Nevada to enjoin any person or entity from operating a
37 receiving center or a facility or other entity for which a license or
38 certificate, as applicable, is required by the regulations adopted
39 pursuant to section 1.6 of this act without a valid license or
40 certificate, as applicable.

41 3. It is sufficient in an action brought pursuant to subsection
42 2 to allege that the defendant did, on a certain date, operate:

43 (a) A receiving center without a valid license; or



1 *(b) A facility or other entity for which a certificate is required*
2 *by the regulations adopted pursuant to section 1.6 of this act*
3 *without a valid certificate.*

4 **Sec. 1.8.** NRS 424.010 is hereby amended to read as follows:

5 424.010 As used in this chapter, unless the context otherwise
6 requires, the words and terms defined in NRS 424.011 to 424.018,
7 inclusive, *and sections 1.1, 1.15 and 1.2 of this act* have the
8 meanings ascribed to them in those sections.

9 **Sec. 1.9.** NRS 424.015 is hereby amended to read as follows:

10 424.015 1. "Group foster home" means a foster home which
11 provides full-time care and services for 7 to 15 children who are:

12 ~~1.1~~ (a) Under 18 years of age or who remain under the
13 jurisdiction of a court pursuant to NRS 432B.594;

14 ~~1.2~~ (b) Not related within the first degree of consanguinity or
15 affinity to any natural person maintaining or operating the home;
16 and

17 ~~1.3~~ (c) Received, cared for and maintained for compensation or
18 otherwise, including the provision of free care.

19 2. *The term "group foster home" does not include a receiving*
20 *center.*

21 **Sec. 2.** NRS 424.0195 is hereby amended to read as follows:

22 424.0195 1. The Administrator of the Division shall create
23 the position of coordinator of services for commercially sexually
24 exploited children. The Administrator may employ or enter into a
25 contract with a person to serve in that position.

26 2. The coordinator of services for commercially sexually
27 exploited children shall, in collaboration with other state and local
28 agencies, including, without limitation, agencies which provide
29 child welfare services and juvenile justice agencies, and other
30 interested persons, including, without limitation, nonprofit
31 organizations that provide legal services and persons who advocate
32 for victims:

33 (a) Assess existing gaps in services for commercially sexually
34 exploited children;

35 (b) Assess the needs for services and housing of commercially
36 sexually exploited children in this State and the anticipated needs
37 for services and housing of such children in the future, including,
38 without limitation, the range of services and housing that are
39 currently needed and will be required to meet anticipated needs;

40 (c) Evaluate any incentives necessary to recruit providers of
41 housing for commercially sexually exploited children that meet the
42 criteria prescribed in paragraph (a) of subsection 3; and

43 (d) Develop a plan to establish the infrastructure to provide
44 treatment, housing and services to commercially sexually exploited



1 children that meets the requirements of subsection 3 and update the
2 plan as necessary.

3 3. The plan developed pursuant to paragraph (d) of subsection
4 2 must include, without limitation, plans to:

5 (a) Provide specialized, evidence-based forms of housing,
6 including, without limitation and where feasible and appropriate,
7 home-based housing, *receiving centers and other appropriate*
8 *placements*, to meet the needs of each commercially sexually
9 exploited child in this State. All housing provided pursuant to this
10 paragraph must:

11 (1) To the extent appropriate, allow residents freedom of
12 movement inside and outside the house;

13 (2) Be secured from intrusion;

14 (3) To the extent appropriate, allow residents privacy and
15 autonomy;

16 (4) Provide a therapeutic environment to address the needs of
17 commercially sexually exploited children;

18 (5) Coordinate with persons and entities that provide services
19 to residents; and

20 (6) Be operated by persons who have training concerning the
21 specific needs of commercially sexually exploited children and
22 practices for interacting with victims of trauma.

23 (b) Recruit providers of housing that meet the requirements of
24 paragraph (a).

25 (c) Provide services to providers of housing for commercially
26 sexually exploited children designed to increase the success of
27 placements of such children.

28 (d) Provide legal representation to commercially sexually
29 exploited children.

30 (e) Ensure that any *receiving center or* secured ~~[placement for]~~
31 *child care facility into which* commercially sexually exploited
32 children ~~is~~

33 ~~— (1) Provides] are placed provides~~ therapeutic treatment to
34 assist the child in safely transitioning to a home-based placement. ~~is~~
35 ~~and~~

36 ~~— (2) Is temporary, subject to judicial review not later than 72~~
37 ~~hours after the initiation of the placement and utilized only when~~
38 ~~necessary to:~~

39 ~~— (I) Return the child to a parent or legal guardian or to~~
40 ~~another jurisdiction; or~~

41 ~~— (II) Protect the child from further victimization or threats~~
42 ~~by a perpetrator of commercial sexual exploitation or a person~~
43 ~~acting on behalf of such a perpetrator.]~~

44 4. As used in this section:



1 (a) ~~“Commercially sexually exploited child” means any child~~
2 ~~who is sex trafficked in violation of NRS 201.300, a victim of~~
3 ~~sexual abuse or sexually exploited for the financial benefit of any~~
4 ~~person or in exchange for anything of value, including, without~~
5 ~~limitation, monetary or nonmonetary benefits given or received by~~
6 ~~any person.~~

7 ~~—(b)~~ “Juvenile justice agency” means the Youth Parole Bureau or
8 a director of juvenile services.

9 ~~{(e)}~~ (b) *“Secured child care facility” means a residential*
10 *child care facility that is locked and has implemented security*
11 *measures to prevent unauthorized entry or escape. The term does*
12 *not include any type of correctional facility.*

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

15 (d) “Sexually exploited” has the meaning ascribed to it in
16 NRS 432B.110.

17 **Sec. 3.** NRS 432A.024 is hereby amended to read as follows:

18 432A.024 1. “Child care facility” means:

19 (a) An establishment operated and maintained for the purpose of
20 furnishing care on a temporary or permanent basis, during the day or
21 overnight, to five or more children under 18 years of age, if
22 compensation is received for the care of any of those children;

23 (b) An on-site child care facility;

24 (c) A child care institution; or

25 (d) An outdoor youth program.

26 2. “Child care facility” does not include:

27 (a) The home of a natural parent or guardian, foster home as
28 defined in NRS 424.014 or maternity home;

29 (b) A home in which the only children received, cared for and
30 maintained are related within the third degree of consanguinity or
31 affinity by blood, adoption or marriage to the person operating the
32 facility;

33 (c) A home in which a person provides care for the children of a
34 friend or neighbor for not more than 4 weeks if the person who
35 provides the care does not regularly engage in that activity;

36 (d) A location at which an out-of-school-time program is
37 operated;

38 (e) A seasonal or temporary recreation program; ~~{or}~~

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

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

41 **Sec. 4.** NRS 432A.0245 is hereby amended to read as follows:

42 432A.0245 1. “Child care institution” means a facility which
43 provides care and shelter during the day and night and provides
44 developmental guidance to 16 or more children who do not



1 routinely return to the homes of their parents or guardians. Such an
2 institution may also provide, without limitation:

3 (a) Education to the children according to a curriculum approved
4 by the Department of Education;

5 (b) Services to children who have been diagnosed as severely
6 emotionally disturbed as defined in NRS 433B.045, including,
7 without limitation, services relating to mental health and education;
8 or

9 (c) Emergency shelter to children who have been placed in
10 protective custody pursuant to chapter 432B of NRS.

11 2. *“Child care institution” does not include a receiving*
12 *center, as defined in section 1.2 of this act.*

13 3. As used in this section, “child” includes a person who is less
14 than 18 years of age or who remains under the jurisdiction of a court
15 pursuant to NRS 432B.594.

16 **Sec. 5.** NRS 432A.1759 is hereby amended to read as follows:

17 432A.1759 1. A child care facility which occasionally or
18 regularly has physical custody of children pursuant to the order of a
19 court, including, without limitation, an emergency shelter, shall treat
20 each child who is placed in the facility in all respects in accordance
21 with the child’s gender identity or expression.

22 2. The Division of Child and Family Services of the
23 Department shall adopt regulations establishing factors for a court to
24 consider before placing a child in the custody of a child care facility
25 and protocols for a child care facility to follow when placing a child
26 within the facility that ensure that each child who is so placed is
27 placed in a manner that is appropriate for the gender identity or
28 expression of the child. Such regulations must be adopted in
29 consultation with:

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

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

36 (c) Representatives of state and local facilities for the detention
37 of children;

38 (d) Representatives of lesbian, gay, bisexual, transgender and
39 questioning persons;

40 (e) Attorneys, including, without limitation, attorneys who
41 regularly represent children in child welfare or criminal
42 proceedings;

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

44 (g) Advocates of children; and



1 (h) Any other person deemed appropriate by the Division of
2 Child and Family Services of the Department.

3 3. A court shall consider the factors prescribed in the
4 regulations adopted pursuant to subsection 2 before placing a child
5 in a child care facility.

6 4. A child care facility, including, without limitation, an
7 emergency shelter, which has physical custody of a child pursuant to
8 the order of a court shall follow the protocols prescribed in the
9 regulations adopted pursuant to subsection 2 when placing the child
10 within the facility.

11 5. As used in this section:

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

14 (b) "Foster home" has the meaning ascribed to it in
15 NRS 424.014.

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

18 *(d) "Receiving center" has the meaning ascribed to it in*
19 *section 1.2 of this act.*

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

21 432B.172 1. An agency which provides child welfare
22 services shall treat each child to whom the agency provides services
23 in all respects in accordance with the child's gender identity or
24 expression.

25 2. The Division of Child and Family Services shall adopt
26 regulations establishing protocols to ensure that each child in the
27 custody of an agency which provides child welfare services is
28 placed in a manner that is appropriate for the gender identity or
29 expression of the child. Such regulations must be adopted in
30 consultation with:

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

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

37 (c) Representatives of state and local facilities for the detention
38 of children;

39 (d) Representatives of lesbian, gay, bisexual, transgender and
40 questioning persons;

41 (e) Attorneys, including, without limitation, attorneys who
42 regularly represent children in child welfare or criminal
43 proceedings;

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

45 (g) Advocates of children; and



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

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

4 (a) Follow the protocols prescribed in the regulations adopted
5 pursuant to subsection 2 before placing a child in an out-of-home
6 placement; and

7 (b) Ensure that an out-of-home placement into which a child is
8 placed follows the protocols prescribed in the regulations adopted
9 pursuant to subsection 2 when placing the child within the facility.

10 4. As used in this section:

11 (a) "Child care facility" has the meaning ascribed to it in
12 NRS 432A.024.

13 (b) "Foster home" has the meaning ascribed to it in
14 NRS 424.014.

15 (c) "Out-of-home placement" has the meaning ascribed to it in
16 NRS 432.548.

17 (d) *"Receiving center" has the meaning ascribed to it in*
18 *section 1.2 of this act.*

19 **Sec. 7.** (Deleted by amendment.)

20 **Sec. 8.** (Deleted by amendment.)

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

22 **Sec. 10.** (Deleted by amendment.)

23 **Sec. 11.** (Deleted by amendment.)

24 **Sec. 12.** (Deleted by amendment.)

25 **Sec. 13.** (Deleted by amendment.)

26 **Sec. 14.** (Deleted by amendment.)

27 **Sec. 15.** (Deleted by amendment.)

28 **Sec. 16.** (Deleted by amendment.)

29 **Sec. 17.** (Deleted by amendment.)

30 **Sec. 18.** (Deleted by amendment.)

31 **Sec. 19.** (Deleted by amendment.)

32 **Sec. 20.** (Deleted by amendment.)

33 **Sec. 21.** (Deleted by amendment.)

34 **Sec. 22.** (Deleted by amendment.)

35 **Sec. 23.** (Deleted by amendment.)

36 **Sec. 24.** (Deleted by amendment.)

37 **Sec. 25.** (Deleted by amendment.)

38 **Sec. 26.** (Deleted by amendment.)

39 **Sec. 27.** (Deleted by amendment.)

40 **Sec. 28.** (Deleted by amendment.)

41 **Sec. 29.** NRS 432C.130 is hereby amended to read as follows:

42 432C.130 1. Upon the receipt of a report pursuant to NRS
43 432C.110, an agency which provides child welfare services:



1 (a) Shall conduct an ~~initial screening~~ *assessment using the*
2 *resources of a children's advocacy center* to determine whether
3 there is reasonable cause to believe that the child ~~is~~ :

4 (1) *Is a victim of commercial sexual exploitation;*

5 (2) *Is a victim of the abuse or neglect of a child;*

6 (3) *Is in immediate danger of serious bodily harm; or*

7 (4) *Suffers from any unmet basic need, including, without*
8 *limitation, the need for behavioral health services, medical*
9 *services, detoxification services and educational services;*

10 (b) *Upon the completion of an assessment of a child who*
11 *resides within the jurisdiction of the agency which provides child*
12 *welfare services pursuant to paragraph (a), shall:*

13 (1) *Engage in appropriate planning to ensure the safety of*
14 *the child;*

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

18 (3) *Refer the case to an attorney who specializes in*
19 *representing children at the expense of the agency which provides*
20 *child welfare services;*

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

24 ~~[(e)]~~ (d) If the child resides in another jurisdiction, may initiate
25 contact with an agency which provides child welfare services in the
26 jurisdiction in which the child resides to provide notification of the
27 circumstances surrounding the child's removal from the jurisdiction
28 or placement in another location. ~~[-and~~

29 ~~-(d) May conduct an assessment pursuant to chapter 432B of~~
30 ~~NRS.]~~

31 2. If an agency which provides child welfare services conducts
32 an assessment pursuant to ~~chapter 432B of NRS~~ *paragraph (a) of*
33 *subsection 1* and no abuse or neglect of a child is identified, the
34 agency may:

35 (a) Conduct an assessment of the family of the child to
36 determine which services, if any, the family needs or refer the
37 family to a person or an organization that has entered into a written
38 agreement with the agency to make such an assessment; and

39 (b) If appropriate, provide to the child and his or her family
40 counseling, training or other services relating to commercial sexual
41 exploitation or refer the child and his or her family to a person or an
42 organization that has entered into an agreement with the agency to
43 provide those services.

44 3. *If an agency which provides child welfare services*
45 *conducts an assessment pursuant to paragraph (a) of subsection 1*



1 *and abuse or neglect of a child is identified, the agency which*
2 *provides child welfare services may take any action authorized*
3 *under chapter 432B of NRS. If the agency which provides child*
4 *welfare services places a child who is a victim of commercial*
5 *sexual exploitation into protective custody pursuant to NRS*
6 *432B.390, the agency which provides child welfare services shall,*
7 *whenever possible, place the child in a placement appropriate for*
8 *the needs of the child, including, without limitation, the need for*
9 *safety.*

10 4. If an agency which provides child welfare services has
11 entered into an agreement with a person or an organization to
12 provide services to a child or his or her family and the person or
13 organization will provide such services pursuant to subsection 2, the
14 agency shall require the person or organization to notify the agency
15 if:

16 (a) The child or his or her family refuses or fails to participate in
17 such services; or

18 (b) The person or organization determines that there is a serious
19 risk to the health or safety of the child.

20 ~~[4.]~~ 5. As used in this section ~~[, "abuse"]~~ :

21 (a) "Abuse or neglect of a child" has the meaning ascribed to it
22 in NRS 432B.020.

23 (b) "Children's advocacy center" means a public or private
24 entity that provides an environment friendly to children where
25 multidisciplinary teams work to:

26 (1) Investigate and help children recover from abuse or
27 neglect; and

28 (2) Hold perpetrators of abuse or neglect of children
29 accountable.

30 (c) "Multidisciplinary team" means a team of different types of
31 professionals convened by a children's advocacy center to respond
32 to the abuse or neglect of a child. Such a team may include,
33 without limitation, law enforcement officers, representatives of
34 agencies which provide child welfare services, district attorneys or
35 their deputies, providers of health care and advocates for victims
36 of abuse or neglect of children.

37 **Sec. 30.** (Deleted by amendment.)

38 **Sec. 31.** NRS 62B.212 is hereby amended to read as follows:

39 62B.212 1. A public or private institution or agency to which
40 a juvenile court commits a child, including, without limitation, a
41 facility for the detention of children, shall:

42 (a) Treat each child that a juvenile court commits to the
43 institution or agency in all respects in accordance with the child's
44 gender identity or expression and the regulations adopted by the
45 Division of Child and Family Services pursuant to subsection 2; and



1 (b) To the extent applicable, comply with the Prison Rape
2 Elimination Act, 42 U.S.C. §§ 15605 et seq., and all standards
3 adopted pursuant thereto.

4 2. The Division of Child and Family Services shall adopt
5 regulations establishing factors for a juvenile court to consider
6 before committing a child to a public or private institution or
7 agency, including, without limitation, a facility for the detention of
8 children, and protocols for such an institution or agency to follow
9 when placing a child within the institution or agency that ensure that
10 each child who is so committed is placed in a manner that is
11 appropriate for the gender identity or expression of the child. Such
12 regulations must be adopted in consultation with:

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

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

19 (c) Representatives of state and local facilities for the detention
20 of children;

21 (d) Representatives of lesbian, gay, bisexual, transgender and
22 questioning persons;

23 (e) Attorneys, including, without limitation, attorneys who
24 regularly represent children in child welfare or criminal
25 proceedings;

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

27 (g) Advocates of children; and

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

30 3. A juvenile court shall consider the factors prescribed in the
31 regulations adopted pursuant to subsection 2 before committing a
32 child to a public or private institution or agency, including, without
33 limitation, a facility for the detention of children.

34 4. A public or private institution or agency to which a juvenile
35 court commits a child, including, without limitation, a facility for
36 the detention of children, shall follow the protocols prescribed in the
37 regulations adopted pursuant to subsection 2 when placing a child
38 within the facility.

39 5. As used in this section:

40 (a) "Child care facility" has the meaning ascribed to it in
41 NRS 432A.024.

42 (b) "Foster home" has the meaning ascribed to it in
43 NRS 424.014.

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



1 *(d) "Receiving center" has the meaning ascribed to it in*
2 *section 1.2 of this act.*

3 **Sec. 32.** NRS 63.425 is hereby amended to read as follows:

4 63.425 1. A facility shall:

5 (a) Treat each child in the facility in all respects in accordance
6 with the child's gender identity or expression and the regulations
7 adopted by the Division of Child and Family Services pursuant to
8 subsection 2; and

9 (b) Comply with the Prison Rape Elimination Act, 42 U.S.C. §§
10 15605 et seq., and all standards adopted pursuant thereto.

11 2. The Division of Child and Family Services shall adopt
12 regulations establishing factors for a juvenile court to consider
13 before committing a child to a facility and protocols for a facility to
14 follow when placing a child within the facility that ensure that each
15 child who is so committed is placed in a manner that is appropriate
16 for the gender identity or expression of the child. Such regulations
17 must be adopted in consultation with:

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

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

24 (c) Representatives of state and local facilities for the detention
25 of children;

26 (d) Representatives of lesbian, gay, bisexual, transgender and
27 questioning persons;

28 (e) Attorneys, including, without limitation, attorneys who
29 regularly represent children in child welfare or criminal
30 proceedings;

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

32 (g) Advocates of children; and

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

35 3. A juvenile court shall consider the factors prescribed in the
36 regulations adopted pursuant to subsection 2 before committing a
37 child to a facility.

38 4. A facility shall follow the protocols prescribed in the
39 regulations adopted pursuant to subsection 2 when placing a child
40 within the facility.

41 5. As used in this section:

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

44 (b) "Child care facility" has the meaning ascribed to it in
45 NRS 432A.024.



1 (c) "Foster home" has the meaning ascribed to it in
2 NRS 424.014.

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

5 *(e) "Receiving center" has the meaning ascribed to it in*
6 *section 1.2 of this act.*

7 **Sec. 33.** (Deleted by amendment.)

8 **Sec. 34.** NRS 433B.325 is hereby amended to read as follows:

9 433B.325 1. A treatment facility and any other division
10 facility into which a child may be committed by a court order shall
11 treat each child committed to the facility by a court order in all
12 respects in accordance with the child's gender identity or expression
13 and the regulations adopted by the Division of Child and Family
14 Services pursuant to subsection 2.

15 2. The Division of Child and Family Services of the
16 Department shall adopt regulations establishing factors for a court to
17 consider before committing a child to a treatment facility or other
18 division facility and protocols for such a facility to follow when
19 placing a child within the facility to ensure that each child who is so
20 committed is placed in a manner that is appropriate for the gender
21 identity or expression of the child. Such regulations must be adopted
22 in consultation with:

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

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

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

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

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

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

37 (g) Advocates of children; and

38 (h) Any other person deemed appropriate by the Division.

39 3. A court shall consider the factors prescribed in the
40 regulations adopted pursuant to subsection 2 before committing a
41 child to a treatment facility or other division facility.

42 4. A treatment facility or other division facility to which a child
43 is committed by a court order shall follow the protocols prescribed
44 in the regulations adopted pursuant to subsection 2 when placing the
45 child within the facility.



1 5. As used in this section:

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

4 (b) "Child care facility" has the meaning ascribed to it in
5 NRS 432A.024.

6 (c) "Foster home" has the meaning ascribed to it in
7 NRS 424.014.

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

10 (e) *"Receiving center" has the meaning ascribed to it in*
11 *section 1.2 of this act.*

12 **Sec. 35.** Section 19 of chapter 513, Statutes of Nevada 2019,
13 at page 3077, is hereby amended to read as follows:

14 Sec. 19. 1. This section and sections 1 and 16.5 of this
15 act become effective upon passage and approval.

16 2. Section 18 of this act becomes effective on July 1,
17 2019.

18 3. Section 16 of this act becomes effective on July 1,
19 ~~2022.~~ **2023.**

20 **Sec. 36.** The provisions of NRS 354.599 do not apply to any
21 additional expenses of a local government that are related to the
22 provisions of this act.

23 **Sec. 37.** 1. This section and sections 35 and 36 of this act
24 become effective upon passage and approval.

25 2. Sections 1 to 1.9, inclusive, and 3 to 36, inclusive, of this act
26 become effective:

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

30 (b) On January 1, 2022, for all other purposes.

31 3. Section 2 of this act becomes effective on July 1, 2023.

