

Pro Bono Attorney CAP Manual
Appendix A Revisions – Nevada Statutes

Summary of Revisions	1
SB 2.....	12
SB 213.....	29
SB 237.....	66
SB 257.....	70
SB 274.....	73
SB 287.....	82
SB 305.....	134
SB 432.....	141
SB 480.....	149
AB 99	159
AB 142.....	176
AB 191	183
AB 305	195
AB 319	198
AB 459	330
AB 491	332

Summary of Revisions
Appendix A – Nevada Statutes

Chapter 432B – Protection of Children from Abuse and Neglect

Senate Bill No. 2

Senate Bill No. 2 – Revises provisions relating to the surrender of a newborn child to a provider of emergency services. SB 2 amends the following NRS sections: 432B.471, 432B.490, 432B.513, 432B.520, 432B.550, 432B.560, 432B.580, 432B.590, and 432B.630. Existing law requires an emergency services provider to take possession of a child who appears to be not more than 30 days old when a parent voluntarily surrenders the child with no intent to return. (NRS 432B.630). This is commonly known as the “Safe Haven Law”. This provision authorizes the child welfare agency to begin the process of terminating parental rights. Existing law also provides that a parent who delivers a child to an emergency services provider under the Safe Haven Law, is entitled to notice that the child has been placed in protective custody and to notice of proceedings related to the termination of parental rights and other similar matters, unless the location of the parent is unknown. (NRS 128.060, 128.070, 432B.470, 432B.490, 432B.520, 432B.550, 432B.580, 432B.590).

Sections 1 – 5 and 6.3 – 7 of this bill remove the requirement that a parent, who delivers a child to an emergency services provider under the Safe Haven Law, is entitled to notice of protective custody and termination of parental rights hearings. A parent of the child who does not participate in the delivery, however, remains entitled to such notice if the location of that parent is known and to notice by publication if not known.

Section 7 of this bill prohibits an emergency services provider from transferring identifying information about the parent who delivers a child to an emergency services provider under the Safe Haven Law, thereby allowing the parent to retain anonymity, except when reasonable cause exists to believe that the child has been abused or neglected. Section 7 also requires anonymity to be provided to the parent who delivers a child to an emergency services provider regardless of whether the parent specifically makes a request for anonymity.

Effective: October 1, 2017

Senate Bill No. 213

Senate Bill No. 213 – Revises provisions relating to education. SB 213 amends 432B by adding a new section. Existing law gives a juvenile court exclusive jurisdiction over proceedings concerning a child in need of protection in this State, except if the child is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq. (NRS 432B.410).

Section 10 of this bill authorizes a juvenile court to appoint an educational surrogate parent for a child with a known or suspected disability under certain circumstances.

Effective: July 1, 2017

Senate Bill No. 237

Senate Bill No. 237 – Revises provisions relating to the protection of children. SB 237 amends 432B.393. Existing law requires a child welfare agency to make reasonable efforts and exercise diligence and care to reunify a child with his or her family. (NRS 432B.393).

Section 1.5 of this bill requires a court to consider whether the agency has created an in-home safety plan as part of these efforts. Section 1.5 further defines an “in-home safety plan”.

Effective: July 1, 2017

Senate Bill No. 257

Senate Bill No. 257 – Revises provisions relating to the welfare of children. SB 257 amends 432B by adding new sections. Existing law gives specific rights to children who are placed in a foster home by a child welfare agency.

Section 4 of this bill creates the Normalcy for Foster Youth in the State General Fund. The fund is to be administered by the Division of Child and Family Services (Division). Section 4 also authorizes the Division to use the money to provide monetary support to certain caregivers of foster children to allow the child to participate in extracurricular, cultural and personal enrichment activities. Finally, Section 4 authorizes the Division to award grants to child welfare agencies or nonprofit organizations that provide opportunities for foster children to participate in extracurricular, cultural and personal enrichment activities.

Section 5 of this bill provides civil and criminal immunity for a person, with whom a child has been placed, when the person approves or allows the child to participate in extracurricular, cultural and personal enrichment activities if the person acted in accordance with the “reasonable and prudent parent standard” as it is defined in federal law.

Effective: July 1, 2017

Senate Bill No. 274

Senate Bill No. 274 – Revises provisions relating to sibling visitation in child welfare cases. SB 274 amends 432B.580. Existing law requires an agency acting as the custodian of a child, who is in need of protection and is placed with someone other than a parent, to submit a report to the court before any placement review hearing. Furthermore, if a child is not placed with his or her siblings, the report must include a plan for the child to visit his or her siblings. (NRS 432B.580).

Section 1 of the bill requires the child welfare agency to update the sibling visitation plan to reflect any change in the placement of the child or any sibling of the child. Section 1 also requires the court to provide any sibling, who has been granted a right to visitation with the child, with notice of a placement review hearing for the child and the case number of the proceeding, for the purpose of petitioning the court for visitation with the child and enforcing an order for visitation.

Effective: July 1, 2017

Senate Bill No. 287

Senate Bill No. 287 – Revises provisions relating to the protection of children. SB 287 amends 432B.200 and 432B.220. SB 287 also adds a new section to 432B. Existing law requires certain persons, including, without limitation, licensed teachers and social workers employed by a public school or private school, to report suspected abuse or neglect of a child when such neglect was believed to have been caused or allowed by a person responsible for a child’s welfare. (NRS 432B.020, 432B.220). Existing law also makes it a misdemeanor or gross misdemeanor for a person, who is required to report the suspected abuse or neglect of a child, to knowingly and willfully fail to make such a report. (NRS 432B.240).

Section 8 of this bill requires all employees of and volunteers for a public or private school, regardless of whether they are licensed, to report suspected abuse or neglect of a child by a person responsible for the child’s welfare.

Effective: July 1, 2017

Senate Bill No. 305

Senate Bill No. 305 – Revises provisions regarding certain proceedings concerning children. SB 305 amends 432B.420 and 432B.500. Existing law authorizes, but does not require, the court to appoint an attorney to represent a child who is alleged to have been abused or neglected in civil child protection proceedings. (NRS 432B.420). Existing law also requires a court to appoint a guardian ad litem for a child after a petition is filed that the child is in need of protection. (NRS 432B.500).

Section 1 of this bill requires the court to appoint an attorney to represent a child who is alleged to have been abused or neglected in such proceedings. Section 1 also provides that the child is deemed to be a party to such proceedings. Section 1 further provides for the compensation of the attorney who is appointed for the child.

Section 2 of this bill prohibits the court from appointing an attorney who also serves as the child’s guardian ad litem.

Effective: Upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act; and on July 1, 2017, for all other purposes

Senate Bill No. 432

Senate Bill No. 432 – Revises provisions governing the proceedings for termination of parental rights. SB 432 amends 432B by adding new sections. Existing law establishes procedures governing the termination of parental rights. (Chapter 128 of NRS). Existing law also establishes procedures governing the protection of children from abuse and neglect. (Chapter 432B of NRS).

Section 2 of this bill provides that if a juvenile court determines that a child is in need of protection, a child welfare agency is authorized to file a motion for the termination of parental rights as part of the proceeding concerning the abuse or neglect of the child.

Section 2 also provides that existing law governing the termination of parental rights apply to all proceedings concerning the termination of parental rights that are commenced by a child welfare agency, but only to the extent they do not conflict with the provisions established in this bill.

Section 3 of this bill establishes provisions concerning notice of the hearing on the motion for the termination of parental rights and requires the court to ensure that any prospective adoptive parent is provided a copy of the notice. Section 3 also provides that the name and address of a prospective adoptive parent generally must be kept confidential.

Section 4 of this bill authorizes a party, who has been informed of the allegations set forth in the motion, to contest such allegations and request an evidentiary hearing or voluntarily relinquish his or her parental rights.

Section 5 of this bill authorizes the court to order the parties to the proceeding, any prospective adoptive parent, and a representative from a child welfare agency, to participate in mediation for the purpose of negotiating the terms of an open adoption agreement.

Section 6 of this bill authorizes a court to permit a witness, or party to the proceeding, to testify by telephone or videoconference in certain circumstances during an evidentiary hearing on a motion for the termination of parental rights.

Section 7 of this bill requires the court to use its best efforts to ensure that a final written decision on such a motion is rendered not later than 30 days after the conclusion of the evidentiary hearing.

Section 8 of this bill requires the appellate court of competent jurisdiction to use its best efforts to ensure that any appeal is resolved not later than 6 months after the appeal is filed or, if the court orders full briefings on the matter, not later than 12 months after the appeal is filed.

Section 9 of this bill requires that a petition for the restoration of parental rights be filed as part of a proceeding concerning the abuse or neglect of a child in certain circumstances.
Effective: January 1, 2018

Senate Bill No. 480

Senate Bill No. 480 – Revises provisions relating to the protection of children. SB 480 amends the following NRS sections: 432B.010, 432B.170, 432B.220, 432B.230, 432B.260, 432B.310, 432B.330, and 432B.400. SB 480 also adds a new section to NRS 432B. Existing federal law, the Child Abuse Prevention and Treatment Act (CAPTA), provides federal funding to states relating to the prevention, assessment and treatment of child abuse and neglect. (42 U.S.C. §§ 5101 et seq.). The provisions of CAPTA previously provided that, to be eligible for certain federal grants, a state must require health care providers to notify child protection services when an infant shows signs of prenatal exposure to illegal drugs. (42 U.S.C. § 5106a).

On July 22, 2016, the Federal Comprehensive Addiction and Recovery Act of 2016 (CARA) amended the state grant eligibility requirement in CAPTA to require health care providers to provide such notice: (1) without regard to whether the drug was legal or illegal; and (2) for infants born with and identified as being affected by fetal alcohol spectrum disorder. (Pub. L. No. 114-198, § 503, 130 Stat. 695, 729).

Sections 1 – 9 of this bill amend existing state law to: (1) bring state law in alignment with certain requirements of CAPTA; and (2) satisfy certain eligibility requirements for the grants set forth in CAPTA.

Effective: July 1, 2017

Assembly Bill No. 99

Assembly Bill No. 99 – Revises provisions relating to services for children. AB 99 amends the following NRS sections: 432B.010, 432B.195, 432B.607, and 432B.6085. AB 99 also adds new sections to NRS 432B. Existing law authorizes a court to place a child in a public or private institution or agency authorized to care for children. (NRS 62E.110). Such institutions include juvenile detention facilities, foster homes, child care facilities and mental health facilities. (NRS 62B.200, 63.400, 432A.1757, 432B.550, 433B.310). Furthermore, existing law requires an employee of such an institution or agency to receive certain training. (NRS 62B.250, 63.190, 424.0365, 424.135, 432A.177, 432B.195, 433B.175). Additionally, existing law designates as the agency which provides child welfare services: (1) in a county whose population is less than 100,000, the Division of Child and Family Services of the Department of Health and Human Services (Division); and (2) in a county whose population is 100,000 or more, the agency of the county which provides or arranges for necessary child welfare services. (NRS 432B.030).

Section 28 of this bill requires the Division to adopt protocols to ensure that each child, in the custody of a child welfare agency, is placed in a manner that is appropriate for the gender identity or expression of the child. Section 28 also requires a child welfare agency to: (1) follow such protocols when placing a child in an out-of-home placement; and (2) ensure that an out-of-home placement follows such protocols when placing a child within the placement.

Sections 28 and 29 of this bill require each of those institutions and agencies to treat a child, for whom the institution or agency is responsible, in accordance with the child's gender identity or expression.

Section 29 of this bill requires a foster home, foster care agency or facility into which a child is alleged to be a child with emotional disturbance is committed, who is in the custody of a child welfare agency, to follow such protocols.

Sections 29 and 31 of this bill require that training of an employee of an institution or agency: (1) be approved by the licensing authority or the Division; and (2) include instruction on working with lesbian, gay, bisexual, transgender and questioning children.

Effective: Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and on October 1, 2017, for all other purposes

Assembly Bill No. 305

Assembly Bill No. 305 – Requires each public school and private school to post a toll-free telephone number for a child abuse or neglect hotline. AB 305 amends NRS 432B.200. Existing law requires the Division of Child and Family Services to establish and maintain a center with a toll-free telephone number to receive reports of abuse or neglect of a child in this State, commonly referred to as a child abuse or neglect hotline.

Section 2 of this bill requires the Division to design and distribute to school districts, charter schools and private schools a poster which prominently displays the toll-free telephone number for the child abuse or neglect hotline and prescribes the requirements for the content of the poster. Effective: Upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2017, for all other purposes.

Assembly Bill No. 459

Assembly Bill No. 459 – Authorizes a court to order certain blood and genetic testing concerning a child in need of protection. AB 459 amends NRS 432B.560. Existing law establishes provisions governing proceedings concerning a child who is or may be in need of protection. (NRS 432B.410-432B.590).

This bill authorizes a court to order tests for the typing of blood or taking of specimens for the genetic identification of such a child, the natural mother of such a child or the alleged father of such a child.

Effective: July 1, 2017

Assembly Bill No. 491

Assembly Bill No. 491 – Revises provisions relating to the education of children in foster care. AB 491 amends 432B.580. Existing law provides that if a court finds that a child is in need of protection and places the child other than with a parent, an agency acting as the custodian of the child is required to report to the court before any hearing for a review of the placement of the child. (NRS 432B.580)

Section 13.5 of this bill requires the agency to include in the report certain information about the education of the child.

Effective: July 1, 2017

Chapter 128 – Termination of Parental Rights

Senate Bill No. 2

Senate Bill No. 2 – Revises provisions relating to the surrender of a newborn child to an emergency services provider. SB 2 amends 128.060 and 128.070. Existing law provides that a parent who delivers a child to an emergency services provider under the Safe Haven Law, is entitled to notice that the child has been placed in protective custody and to notice of proceedings related to the termination of parental rights and other similar matters, unless the location of the parent is unknown. (NRS 128.060, 128.070, 432B.470, 432B.490, 432B.520, 432B.550, 432B.580, 432B.590).

Sections 8 and 9 of this bill remove the right that a parent, who delivers a child to an emergency services provider under the Safe Haven Law, is entitled to notice of protective custody and termination of parental rights hearings. A parent of the child who does not participate in the delivery, however, remains entitled to such notice if the location of that parent is known and to notice by publication if not known.

Effective: October 1, 2017

Senate Bill No. 305

Senate Bill No. 305 – Revises provisions regarding certain proceedings concerning children. SB 305 amends 128.023 and 128.100. Existing law authorizes, but does not require, the court to appoint an attorney to represent a child who is alleged to have been abused or neglected in civil child protection proceedings. (NRS 128.100).

Section 4 of this bill requires the court to appoint an attorney to represent a child, who has been placed outside of his or her home pursuant to 432B, in proceedings to terminate parental rights. Section 4 also provides that the child is deemed to be a party to such proceedings. Finally, Section 4 further provides for the compensation of the attorney who is appointed.

Effective: October 1, 2017

Senate Bill No. 432

Senate Bill No. 432 – Revises provisions governing proceedings for the termination of parental rights. SB 432 amends NRS 128.030. SB 432 also adds new sections to NRS 128. Existing law establishes procedures governing the termination of parental rights. (Chapter 128 of NRS). Existing law also establishes procedures governing the protection of children from abuse and neglect. (Chapter 432B of NRS). Furthermore, existing law establishes criteria to determine in which county a petition alleging that a child should be declared free from the custody and control of his or her parent or parents may be filed. (NRS 128.030).

Section 10.3 of this bill provides that the provisions of existing law governing the termination of parental rights apply to all proceedings concerning the termination of parental rights that are commenced by a child welfare agency, but only to the extent they do not conflict with the provisions established in this bill.

Section 10.5 of this bill requires the court to conduct a hearing to determine whether to transfer venue for proceedings pursuant to a petition for the termination of parental rights to another county when a parent whose consent is required objects in writing to venue.

Section 10.7 of this bill adds certain criteria to the list that determines the county in which a petition may be filed.

Effective: January 1, 2018

Chapter 127 – Adoption of Children and Adults

Senate Bill No. 274

Senate Bill No. 274 – Revises provisions relating to visitation in child welfare cases. SB 274 amends the following NRS sections: 127.140, 127.187, 127.1885, and 127.2827. Existing law provides that an agreement for post-adoptive contact between a child and his or her natural parents or the adoptive parents of a child and the natural parents of that child is enforceable if it is in writing, signed by the parties and incorporated into an order or decree of adoption. (NRS 127.187). Existing law also authorizes a natural parent, who has entered into an agreement for post-adoptive contact, to petition the court to prove the existence of the agreement and request that the agreement be incorporated into the order or decree of adoption or to enforce the terms of the agreement. (NRS 127.1885). Furthermore, existing law requires a court to conduct a hearing to determine whether to include a sibling visitation order in the decree of adoption of a child who is in the custody of a child welfare agency. (NRS 127.2827).

Section 2 of this bill requires the court to provide each sibling of a child, who is found to be in need of protection, with the case number of each relevant proceeding and allow the sibling to inspect certain records for the purpose of petitioning the court for visitation with the child and enforcing an order for visitation.

Section 2.3 of this bill requires that if an agreement for post-adoptive contact concerns a child who was in the custody of a child welfare agency before being adopted, a determination must be made by such an agency or the court that the agreement is in the best interest of the child. Section 2.3 also requires a natural or adoptive parent who has entered into an agreement for post-adoptive contact to include in the agreement an address at which a petition filed (pursuant to 127.1885) may be served.

Section 2.7 of this bill requires that the petition filed (pursuant to 127.1885) be: (1) served by the natural parent, or adoptive parent who filed the petition, on each other natural parent or adoptive parent, as applicable, who has entered into the post-adoptive agreement; and (2) heard by the same judge who issued the order or decree of adoption if he or she is available.

Section 3 of this bill requires the court to incorporate a sibling visitation order into the decree of adoption unless an interested party petitions the court to exclude or amend the order for visitation. Section 3 additionally requires the court to hold the hearing on the petition on a different date than the hearing on the petition for adoption. Section 3 further gives any interested party the right to participate in the hearing and requires the clerk of the court to provide notice of the time and place of the hearing to certain persons. Finally, if an order for visitation is included in the decree for adoption, section 3 authorizes a party to the order, to petition for enforcement of the order at any time.

Effective: July 1, 2017

Assembly Bill No. 191

Assembly Bill No. 191 – Revises provisions governing parentage. AB 191 amends NRS 127.005, NRS 127.060, and NRS 127.110. AB 191 also adds a new section to NRS 127. Existing law prohibits, except in the case of certain agency adoptions, the grant of a petition for adoption of a child unless the petitioners have resided in Nevada for a period of 6 months before the granting of the petition. (NRS 127.06).

Section 5 prohibits the adoption of certain children from this State except upon a district court order.

Sections 7 and 8 eliminates the requirement that petitioners must reside in Nevada for six months.
Effective: July 1, 2017

Chapter 159 – Guardianships

Assembly Bill No. 142

Assembly Bill No. 142 – Establishes provisions concerning children seeking federal status as special immigrant juveniles. AB 142 amends NRS 159.191. AB 142 also adds a new section to NRS 159. Existing federal law authorizes the issuance of an immigrant visa to a special immigrant upon satisfactory proof that the applicant is entitled to status as a special immigrant. (8 U.S.C. § 1204). Existing federal law defines the term “special immigrant” to include a juvenile immigrant who is present in the United States and: (1) has been declared dependent on a juvenile court or has been legally committed to, or placed under the custody of, an agency or department of a state or an individual or entity appointed by a state or juvenile court; (2) whose reunification with one or both of his or her parents is not viable due to abuse, neglect, abandonment or a similar basis found under state law; (3) for whom it has been determined in administrative or judicial proceedings that it would not be in his or her best interest to be returned to the previous country of nationality or last habitual residence of the child or his or her parents; and (4) who is granted status as a special immigrant juvenile by the Secretary of Homeland Security through the United States Citizenship and Immigration Services. (8 U.S.C. § 1101(a)(27)(J)). Existing federal regulations: (1) provide that a person is eligible for classification as a special immigrant if, in addition to satisfying other requirements, the person is less than 21 years of age and is unmarried; and (2) define the term “juvenile court” as a court located in the United States having jurisdiction under state law to make judicial determinations about the custody and care of juveniles. (8 C.F.R. § 204.11).

Section 2 of this bill provides that if a person includes, in a petition filed, or a motion made in a guardianship proceeding, a request that the court make the findings necessary to enable a child to apply for status as a special immigrant juvenile, the court may, in certain circumstances, appoint or extend the appointment of a guardian of the person for a ward or proposed ward seeking such status.

Section 3 of this bill provides that such a guardianship is terminated on the date on which the ward reaches 21 years of age unless the ward petitions the court to terminate the guardianship before he or she reaches 21 years of age and the court grants the petition.
Effective: October 1, 2017

Assembly Bill No. 319

Assembly Bill No. 319 – Revises provisions governing the guardianship of minors. AB 319 adds a new chapter to NRS. Existing law sets forth the procedures for the appointment of a guardian for a ward, the powers and duties of a guardian and the termination of a guardianship. (Chapter 159 of NRS).

Sections 2 – 157 of this bill create a new chapter applicable exclusively to guardianships of minors, incorporating, revising and supplementing those provisions from existing law as they currently relate to minors.
Effective: July 1, 2017

Senate Bill No. 2–Senator Manendo

CHAPTER.....

AN ACT relating to the protection of children; revising provisions relating to the voluntary surrender of a newborn child to a provider of emergency services; revising provisions relating to the transfer of certain identifying information relating to parents of such children; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a provider of emergency services to take possession of a child who appears to be not more than 30 days old when a parent voluntarily surrenders the child with no intent to return. (NRS 432B.630) Commonly known as the “Safe Haven Law,” this provision authorizes the agency which provides child welfare services to begin the process of terminating parental rights.

Section 7 of this bill prohibits a provider of emergency services from transferring identifying information about the parent who delivers a child to a provider of emergency services under the Safe Haven Law, thereby allowing the parent to retain anonymity, except when reasonable cause exists to believe that the child has been abused or neglected. **Section 7** also requires such anonymity to be provided to the parent who delivers a child to a provider of emergency services regardless of whether the parent specifically makes a request for anonymity.

Under existing law, a parent who delivers a child to a provider of emergency services under the Safe Haven Law is entitled to notice that the child has been placed in protective custody and to notice of proceedings related to the termination of parental rights and other similar matters, unless the location of the parent is unknown. (NRS 128.060, 128.070, 432B.470, 432B.490, 432B.520, 432B.550, 432B.580, 432B.590) **Sections 1-5 and 6.3-9** of this bill remove that right with respect to the parent who voluntarily delivers a child under the Safe Haven Law. A parent of the child who does not participate in the delivery, however, remains entitled to such notice if the location of that parent is known and to notice by publication if not known.

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. NRS 432B.470 is hereby amended to read as follows:

432B.470 1. A child taken into protective custody pursuant to NRS 432B.390 must be given a hearing, conducted by a judge, master or special master appointed by the judge for that particular hearing, within 72 hours, excluding Saturdays, Sundays and holidays, after being taken into custody, to determine whether the child should remain in protective custody pending further action by the court.



2. Except as otherwise provided in this subsection, notice of the time and place of the hearing must be given to a parent or other person responsible for the child's welfare:

(a) By personal service of a written notice;

(b) Orally; or

(c) If the parent or other person responsible for the child's welfare cannot be located after a reasonable effort, by posting a written notice on the door of the residence of the parent or other person.

↳ If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 , ~~and the location of the parent is unknown,~~ the parent *who delivered the child to the provider* shall be deemed to have waived any *right to* notice of the hearing conducted pursuant to this section.

3. If notice is given by means of paragraph (b) or (c) of subsection 2, a copy of the notice must be mailed to the person at the last known address of the person within 24 hours after the child is placed in protective custody.

Sec. 2. NRS 432B.490 is hereby amended to read as follows:

432B.490 1. An agency which provides child welfare services:

(a) In cases where the death of a parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, shall within 10 days after the hearing on protective custody initiate a proceeding in court by filing a petition which meets the requirements set forth in NRS 432B.510;

(b) In cases where a court issues an order keeping the child in protective custody pursuant to paragraph (b) of subsection 1 of NRS 432B.480, shall within 10 days after the hearing on protective custody, unless good cause exists, initiate a proceeding in court by filing a petition which meets the requirements set forth in NRS 432B.510 or recommend against any further action in court; or

(c) In cases where an investigation is made under NRS 432B.010 to 432B.400, inclusive, and a determination is made that the child is in need of protection but is not in imminent danger, may file a petition which meets the requirements set forth in NRS 432B.510.

2. If the agency recommends against further action, the court may, on its own motion, initiate proceedings when it finds that it is in the best interests of the child.

3. If a child has been placed in protective custody and if further action in court is taken, an agency which provides child welfare services shall make recommendations to the court concerning



whether the child should be returned to the person responsible for the welfare of the child pending further action in court.

4. If, in a case described in paragraph (b) of subsection 1, an agency which provides child welfare services fails to initiate a proceeding in court by filing a petition which meets the requirements set forth in NRS 432B.510 within 10 days after the hearing on protective custody:

(a) The agency may recommend against further action and return the child to the custody of the person responsible for the welfare of the child; or

(b) Any party to the proceeding may schedule an additional hearing with the court which must take place before the next scheduled court date to determine whether the child should be returned to the person responsible for the welfare of the child pending further action by the court.

5. Except as otherwise provided in this subsection, notice of the time and place of a hearing scheduled pursuant to paragraph (b) of subsection 4 must be given to a parent or other person responsible for the welfare of the child:

(a) By personal service of a written notice;

(b) Orally; or

(c) If the parent or other person responsible for the welfare of the child cannot be located after a reasonable effort, by posting a written notice on the door of the residence of the parent or other person.

↳ If the child was delivered to a provider of emergency services pursuant to the provisions of NRS 432B.630 , ~~and the location of the parent is unknown,~~ the parent *who delivered the child to the provider* shall be deemed to have waived any *right to* notice of the hearing conducted pursuant to this section.

6. If notice of a hearing scheduled pursuant to paragraph (b) of subsection 4 is given by means of paragraph (b) or (c) of subsection 5, a copy of the notice must be mailed to the parent or other person responsible for the welfare of the child at his or her last known address within 24 hours after the petition is filed.

7. The court shall hold a hearing scheduled pursuant to paragraph (b) of subsection 4 to decide whether there remains reasonable cause to believe that it would be:

(a) Contrary to the welfare of the child for the child to reside at his or her home; or

(b) In the best interests of the child to keep the child outside of his or her home.



Sec. 3. NRS 432B.513 is hereby amended to read as follows:

432B.513 1. Except as otherwise provided in subsection 3, a person who submits a report or information to the court for consideration in a proceeding held pursuant to NRS 432B.466 to 432B.468, inclusive, or 432B.500 to 432B.590, inclusive, shall provide a copy of the report or information, to the extent that the data or information in the report or information is available pursuant to NRS 432B.290, to each parent or guardian of the child who is the subject of the proceeding and to the attorney of each parent or guardian not later than 72 hours before the proceeding.

2. If a person does not provide a copy of a report or information to a parent or guardian of a child and an attorney of the parent or guardian before a proceeding if required by subsection 1, the court or master:

(a) Shall provide the parent or guardian and the attorney of the parent or guardian an opportunity to review the report or information; and

(b) May grant a continuance of the proceeding until a later date that is agreed upon by all the parties to the proceeding if the parent or guardian or the attorney of the parent or guardian requests that the court grant the continuance so that the parent or guardian and the attorney of the parent or guardian may properly respond to the report or information.

3. If a child was delivered to a provider of emergency services pursuant to NRS 432B.630 , ~~and the location of the parent of the child is unknown,~~ a copy of a report or information described in subsection 1 need not be sent to ~~that~~ *the parent who delivered the child to the provider* or the attorney of that parent pursuant to subsection 1.

4. As used in this section, “person” includes, without limitation, a government, governmental agency or political subdivision of a government.

Sec. 4. NRS 432B.520 is hereby amended to read as follows:

432B.520 1. After a petition has been filed, the court shall direct the clerk to issue a summons requiring the person who has custody or control of the child to appear personally and bring the child before the court at a time and place stated in the summons. If the person so summoned is other than a parent or guardian of the child, then the parent or guardian, or both, must also be notified by a similar summons of the pendency of the hearing and of the time and place appointed.



2. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the court, is necessary.

3. Each summons must include notice of the right of parties to counsel at the adjudicatory hearing. A copy of the petition must be attached to each summons.

4. Except as provided in subsection 5, the summons must be served by:

(a) Personal service of a written notice; or

(b) Registered or certified mail to the last known address of the person.

5. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 *by one parent* and the location of the *other* parent *who did not deliver the child* is unknown ~~H~~ *to the agency which provides child welfare services*, the summons must be served on ~~the~~ *that* parent by publication at least once a week for 3 consecutive weeks in a newspaper published in the county and if no such newspaper is published, then a newspaper published in this state that has a general circulation in the county. The failure of the parent to appear in the action after the service of summons on the parent pursuant to this paragraph shall be deemed to constitute a waiver by the parent of any further notice of the proceedings that would otherwise be required pursuant to this chapter. *The parent who delivered the child to a provider of emergency services pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section.*

6. If it appears that the child is in such condition or surroundings that the welfare of the child requires that custody be immediately assumed by the court, the court may order, by endorsement upon the summons, that the person serving it shall at once deliver the child to an agency which provides child welfare services in whose custody the child must remain until the further order of the court.

7. If the summons cannot be served or the person who has custody or control of the child fails to obey it, or:

(a) In the judge's opinion, the service will be ineffectual or the welfare of the child requires that the child be brought forthwith into the custody of the court; or

(b) A person responsible for the child's welfare has absconded with the child or concealed the child from a representative of an agency which provides child welfare services,

↳ the court may issue a writ for the attachment of the child's person, commanding a law enforcement officer or a representative



of an agency which provides child welfare services to place the child in protective custody.

Sec. 5. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of the parents of the child or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place the child in the temporary or permanent custody of a relative, a fictive kin or other person the court finds suitable to receive and care for the child with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or

(c) Place the child in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such a child.

↳ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159 of NRS, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of the rights of the parent.

(b) The court shall set forth good cause why the child was placed other than with a parent.

3. If, pursuant to subsection 1, the child is to be placed with a relative or fictive kin, the court may consider, among other factors, whether the child has resided with a particular relative or fictive kin for 3 years or more before the incident which brought the child to the court's attention.

4. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child



welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 ~~and the location of the~~ :

~~(a) The parent is unknown, the report need not be sent to that parent.]~~ *who delivered the child to the provider shall be deemed to have waived his or her right to a copy of the report; and*

(b) A copy of the report must be sent to the parent who did not deliver the child to the provider, if the location of such parent is known.

5. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian:

(a) It must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

(b) Preference must be given to placing the child in the following order:

(1) With any person related within the fifth degree of consanguinity to the child or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.

(2) In a foster home that is licensed pursuant to chapter 424 of NRS.

6. Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of the home of the child. If a child is placed with any person who resides outside of this State, the placement must be in accordance with NRS 127.330.

7. Within 60 days after the removal of a child from the home of the child, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and

(b) Prepare an explicit statement of the facts upon which its determination is based.

8. As used in this section, “fictive kin” means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 6. NRS 432B.560 is hereby amended to read as follows:
432B.560 1. The court may also order:



(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to NRS 432B.630 . ~~and the location of the parent is unknown.~~ Payments for the obligation of support must be determined in accordance with NRS 125B.070 and 125B.080, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

Sec. 6.3. 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 approved by the court.

(c) A copy of an academic plan developed for the child pursuant to NRS 388.155, 388.165 or 388.205.

(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. 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 ~~this~~ subsection 7 and subsection 5 of NRS 432B.520, notice of the hearing must be given by registered or certified mail 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 NRS 127.171 and his or her attorney, if any; and
- (d) Any other relatives of the child or providers of foster care who are currently providing care to the child.

7. The notice of the hearing required to be 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;

(b) Must not include any confidential information described in NRS 127.140; ~~and~~

(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 ~~H~~ ;
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 review:

(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; and

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

10. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of



a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 6.7. NRS 432B.590 is hereby amended to read as follows:

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

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

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

↳ Notice of this hearing must be given by registered or certified mail to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.

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

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

~~3-~~ 4. At the hearing, the court shall review any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 and, if the goal of the plan is a permanent living arrangement other than reunification with his or her parents, placement for adoption, placement with a legal guardian or placement with a relative, ask the child about his or her desired permanent living arrangement. After doing so, the court must determine:

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

(b) Whether, and if applicable when:

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

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

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

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

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

(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for



the placement of a child who has attained the age of 16 years in another permanent living arrangement;

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

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

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

~~14~~ 5. The court shall prepare an explicit statement of the facts upon which each of its determinations is based pursuant to subsection ~~13~~ 4. If the court determines that it is not in the best interests of the child to be returned to his or her parents, or to be placed for adoption, with a legal guardian or with a relative, the court must include compelling reasons for this determination and an explanation of those reasons in its statement of the facts.

~~15~~ 6. If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures.

~~16~~ 7. The provisions of this section do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

~~17~~ 8. If a child has been placed outside of the home and has resided outside of the home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

~~18~~ 9. This hearing may take the place of the hearing for review required by NRS 432B.580.

~~19~~ 10. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 7. NRS 432B.630 is hereby amended to read as follows:

432B.630 1. A provider of emergency services shall take immediate possession of a child who is or appears to be not more than 30 days old:



(a) When:

(1) The child is voluntarily delivered to the provider by a parent of the child; and

(2) The parent does not express an intent to return for the child; or

(b) When the child is delivered to the provider by another provider of emergency services pursuant to paragraph (b) of subsection 2.

2. A provider of emergency services who takes possession of a child pursuant to subsection 1 , *including, without limitation, the hospital at which the child was born*, shall:

(a) Whenever possible, inform the parent of the child that:

(1) By allowing the provider to take possession of the child, the parent is presumed to have abandoned the child ~~to~~ *pursuant to NRS 128.097;*

(2) ~~By failing or refusing to provide an address where the parent can be located, the~~ *The* parent waives any *right to* notice of ~~the~~ *a* hearing ~~to be conducted~~ pursuant to NRS ~~432B.470; and~~ *128.060 or 128.070 or 432B.410 to 432B.590, inclusive; and*

(3) Unless the parent contacts the local agency which provides child welfare services, action will be taken to terminate his or her parental rights regarding the child.

(b) Perform any act necessary to maintain and protect the physical health and safety of the child. If the provider is a public fire-fighting agency, a volunteer fire department, a law enforcement agency or an ambulance service, the provider shall immediately cause the safe delivery of the child to a hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS.

(c) As soon as reasonably practicable but not later than 24 hours after the provider takes possession of the child, report that possession to an agency which provides child welfare services , *if the provider is not an agency which provides child welfare services*, and, if the provider is not a law enforcement agency, to a law enforcement agency. The law enforcement agency shall notify the Clearinghouse and investigate further, if necessary, using any other resources to determine whether the child has been reported as a missing child. Upon conclusion of the investigation, the law enforcement agency shall inform the agency which provides child welfare services of its determination. The agency which provides child welfare services shall maintain that information for statistical and research purposes.



(d) Except as otherwise provided in this paragraph, transfer any information that the provider of emergency services has obtained regarding the child and any parent of the child who did not deliver the child to the provider to the agency which provides child welfare services that takes the child into protective custody pursuant to NRS 432B.390, except that any identifying information relating to the parent who delivered the child to the provider must not be transferred to the agency which provides child welfare services, regardless of whether the parent has requested anonymity. The provisions of this paragraph do not prohibit a provider of emergency services from transferring identifying information relating to the parent to the agency which provides child welfare services if the agency has reasonable cause to believe that the child has been abused or neglected.

3. A parent who delivers a child to a provider of emergency services pursuant to paragraph (a) of subsection 1:

(a) Shall leave the child:

(1) In the physical possession of a person who the parent has reasonable cause to believe is an employee of the provider; or

(2) On the property of the provider in a manner and location that the parent has reasonable cause to believe will not threaten the physical health or safety of the child, and immediately contact the provider, through the local emergency telephone number or otherwise, and inform the provider of the delivery and location of the child. A provider of emergency services is not liable for any civil damages as a result of any harm or injury sustained by a child after the child is left on the property of the provider pursuant to this subparagraph and before the provider is informed of the delivery and location of the child pursuant to this subparagraph or the provider takes physical possession of the child, whichever occurs first.

(b) Shall be deemed to have given consent to the performance of all necessary emergency services and care for the child.

(c) Must not be required to provide any background or medical information regarding the child, but may voluntarily do so.

(d) Unless there is reasonable cause to believe that the child has been abused or neglected, excluding the mere fact that the parent has delivered the child to the provider pursuant to subsection 1:

(1) Must not be required to disclose any identifying information, but may voluntarily do so;

(2) Must be allowed to leave at any time; and

(3) Must not be pursued or followed.

4. As used in this section:



(a) “Clearinghouse” has the meaning ascribed to it in NRS 432.150.

(b) “Provider of emergency services” means:

(1) A hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS;

(2) A public fire-fighting agency, including, without limitation, a volunteer fire department;

(3) A law enforcement agency; ~~for~~

(4) An ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS ~~for~~; or

(5) An agency which provides child welfare services.

Sec. 8. NRS 128.060 is hereby amended to read as follows:

128.060 1. After a petition has been filed, unless the party or parties to be served voluntarily appear and consent to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place if that person desires to oppose the petition.

2. ~~The~~ *Except as otherwise provided in subsection 4, the* following persons must be personally served with the notice:

(a) The father or mother of the minor person, if residing within this State, and if his or her place of residence is known to the petitioner, or, if there is no parent so residing, or if the place of residence of the father or mother is not known to the petitioner, then the nearest known relative of that person, if there is any residing within the State, and if his or her residence and relationship are known to the petitioner; and

(b) The minor’s legal custodian or guardian, if residing within this State and if his or her place of residence is known to the petitioner.

3. If the petitioner or the child is receiving public assistance, the petitioner shall mail a copy of the notice of hearing and a copy of the petition to the Chief of the Child Support Enforcement Program of the Division of Welfare and Supportive Services of the Department of Health and Human Services by registered or certified mail return receipt requested at least 45 days before the hearing.

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



Sec. 9. NRS 128.070 is hereby amended to read as follows:

128.070 1. ~~When~~ *Except as otherwise provided in subsection 6, when* the father or mother of a minor child or the child's legal custodian or guardian resides out of the State, has departed from the State, or cannot, after due diligence, be found within the State, or conceals himself or herself to avoid the service of the notice of hearing, and the fact appears, by affidavit, to the satisfaction of the court thereof, and it appears, either by affidavit or by a verified petition on file, that the named father or mother or custodian or guardian is a necessary or proper party to the proceedings, the court may grant an order that the service be made by the publication of the notice of hearing. When the affidavit is based on the fact that the father or mother or custodian or guardian resides out of the State, and his or her present address is unknown, it is a sufficient showing of that fact if the affiant states generally in the affidavit that:

(a) At a previous time the person resided out of this State in a certain place (naming the place and stating the latest date known to the affiant when the person so resided there);

(b) That place is the last place in which the person resided to the knowledge of the affiant;

(c) The person no longer resides at that place;

(d) The affiant does not know the present place of residence of the person or where the person can be found; and

(e) The affiant does not know and has never been informed and has no reason to believe that the person now resides in this State.

↳ In such case, it shall be presumed that the person still resides and remains out of the State, and the affidavit shall be deemed to be a sufficient showing of due diligence to find the father or mother or custodian or guardian.

2. The order must direct the publication to be made in a newspaper, to be designated by the court, for a period of 4 weeks, and at least once a week during that time. In case of publication, where the residence of a nonresident or absent father or mother or custodian or guardian is known, the court shall also direct a copy of the notice of hearing and petition to be deposited in the post office, directed to the person to be served at his or her place of residence. When publication is ordered, personal service of a copy of the notice of hearing and petition, out of the State, is equivalent to completed service by publication and deposit in the post office, and the person so served has 20 days after the service to appear and answer or otherwise plead. The service of the notice of hearing shall be deemed complete in cases of publication at the expiration of



4 weeks from the first publication, and in cases when a deposit of a copy of the notice of hearing and petition in the post office is also required, at the expiration of 4 weeks from the deposit.

3. Personal service outside the State upon a father or mother over the age of 18 years or upon the minor's legal custodian or guardian may be made in any action where the person served is a resident of this State. When the facts appear, by affidavit, to the satisfaction of the court, and it appears, either by affidavit or by a verified petition on file, that the person in respect to whom the service is to be made is a necessary or proper party to the proceedings, the court may grant an order that the service be made by personal service outside the State. The service must be made by delivering a copy of the notice of hearing together with a copy of the petition in person to the person served. The methods of service are cumulative, and may be utilized with, after or independently of other methods of service.

4. Whenever personal service cannot be made, the court may require, before ordering service by publication or by publication and mailing, such further and additional search to determine the whereabouts of the person to be served as may be warranted by the facts stated in the affidavit of the petitioner to the end that actual notice be given whenever possible.

5. If one or both of the parents of the minor is unknown, or if the name of either or both of the parents of the minor is uncertain, then those facts must be set forth in the affidavit and the court shall order the notice to be directed and addressed to either the father or the mother of the person, and to all persons claiming to be the father or mother of the person. The notice, after the caption, must be addressed substantially as follows: "To the father and mother of the above-named person, and to all persons claiming to be the father or mother of that person."

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



Senate Bill No. 213—Senators Gansert, Roberson, Kieckhefer; Atkinson, Denis, Farley, Goicoechea, Hammond, Hardy, Harris, Manendo, Settlemeyer and Woodhouse

Joint Sponsors: Assemblymen Benitez-Thompson; Oscarson and Tolles

CHAPTER.....

AN ACT relating to education; authorizing the Superintendent of Public Instruction to carry out an inspection of a provider of special education in certain circumstances; authorizing the Superintendent of Public Instruction to take certain measures to ensure compliance with the laws governing the education of pupils with disabilities in certain circumstances; requiring the Department of Education to prescribe certain policies and procedures for programs of special education; revising certain provisions concerning background checks conducted on certain educational personnel and volunteers; authorizing a court to appoint an educational surrogate parent for a child; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Education to ensure compliance with the Individuals with Disabilities Education Act, federal regulations adopted pursuant to the Act and Nevada statutes and regulations governing the education of pupils with disabilities. (20 U.S.C. §§ 1400 et seq.; 34 C.F.R. Part 300; NRS 388.417-388.5243) Existing regulations also require the Department to monitor each school district, charter school or other governmental entity responsible for providing education to pupils with disabilities and to administer a state complaint system for the investigation of potential noncompliance with certain federal or state laws. (34 C.F.R. §§ 300.151 et seq.; NAC 388.092, 388.318) **Section 5** of this bill authorizes the Superintendent of Public Instruction to order an inspection of a provider of special education after determining that good cause for an inspection exists. Such an inspection may be conducted on-site, electronically or by telephone. **Section 8** of this bill defines the term “provider of special education” to mean a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to pupils with disabilities for a school district or charter school. If an inspection is ordered by the Superintendent and the provider of special education is found to be out of compliance with the laws governing special education, **section 5** requires the Superintendent to: (1) meet with the provider to determine the most efficient and expeditious manner in which to bring the provider into compliance; and (2) request a plan of corrective action from the board of trustees of the school district or the governing body of the charter school, as applicable.

Existing law defines “communication mode” as any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication. The definition includes certain systems or methods of



communication used by such a person. **Section 8** revises the definition of “communication mode” to clarify that such systems or methods of communication are used by a person with a disability.

Existing law provides that the Superintendent of Public Instruction is responsible for the enforcement of the K-12 public education laws of this State, and once it is determined that a school district or a charter school is not in compliance with such laws, the Superintendent is required to request a plan of corrective action from the board of trustees of the school district or the governing body of the charter school. (NRS 385.175) Existing federal law also requires the State to conduct a hearing when a parent alleges that his or her child has not received certain due process safeguards that are required by the Individuals with Disabilities Education Act and to provide for an opportunity to appeal the decision rendered by the hearing officer. (20 U.S.C. § 1415) **Section 6** of this bill requires the Superintendent to take certain measures in response to the failure or refusal of a provider of special education to comply in a timely manner with a plan of corrective action or the order of a hearing officer related to due process safeguards. **Section 6** requires the Superintendent to take certain factors into consideration before determining the corrective measures to take. After considering these factors, **section 6** requires the Superintendent to take appropriate measures to ensure compliance.

Section 7 of this bill requires the Department of Education, on or before January 1, 2018, to prescribe policies and procedures necessary to carry out: (1) a program of training for certain school district and charter school personnel; and (2) requirements for notifying parents of pupils with disabilities of certain information concerning special education programs. **Section 7** also requires the board of trustees of each school district and the governing body of each charter school to adopt a program for reporting certain information about special education programs in each school.

Existing law governs the employment of persons in school districts, charter schools and university schools for profoundly gifted pupils in this State. Under existing law, certain applicants seeking employment with such schools in this State must submit a complete set of his or her fingerprints and written permission authorizing the applicable school to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant. Under existing law, a teacher or other licensed personnel are required to undergo subsequent background investigations every 5 years, as a condition to continued employment with the school. (NRS 388A.515, 388C.200, 391.033, 391.104, 391.281) **Sections 8.2, 8.3 and 9** of this bill require any applicant for employment with a charter school, university school for profoundly gifted pupils or public school, or volunteer at such a school who is likely to have unsupervised regular contact with pupils, to undergo certain background investigations before the school may employ the applicant or accept the volunteer. **Sections 8.2, 8.3, 8.7, 8.8, 9 and 9.1** of this bill require background checks of applicants, employees and volunteers of such schools to include written authorization by the applicant, employee or volunteer for the school to obtain information concerning such persons that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child and any equivalent information from another jurisdiction. **Sections 8.2, 8.3, 9 and 9.1** require all employees and volunteers of such a school to undergo subsequent background investigations, every 5 years, as a condition to continue employment with the school **Sections 8.2, 8.3, 9 and 9.1** additionally authorize certain schools to accept gifts, grants and donations to carry out such



background checks. **Section 9.3** of this bill requires all applicants for employment, employees and volunteers of a private school to undergo similar background investigations and subsequent background investigations.

Existing law gives a juvenile court exclusive jurisdiction over proceedings concerning a child in need of protection in this State, except if the child is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq. (NRS 432B.410) **Section 10** of this bill authorizes a juvenile court to appoint an educational surrogate parent for a child with a known or suspected disability under certain circumstances.

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. NRS 385.040 is hereby amended to read as follows:
385.040 1. The State Board shall hold at least 9 but not more than 12 regular meetings annually at the State Capital. The Secretary shall call all regular meetings.

2. At least one of the meetings of the State Board must include a discussion with the superintendents of the school districts, presidents of the boards of trustees of the school districts, representatives of the governing bodies of charter schools, representatives of the governing bodies of university schools for profoundly gifted pupils and the chairs of all boards, commissions and councils in the public education system in this State to discuss:

(a) The goals and benchmarks of the State for improving the academic achievement of pupils enrolled in public schools;

(b) The effects of those goals and benchmarks on the school districts and public schools;

(c) The status of the school districts and public schools in achieving the goals and benchmarks; and

(d) The status of any ~~corrective actions imposed on a school district or public school.~~ *plan of corrective action requested by the Superintendent of Public Instruction and of any measures taken to ensure compliance with a plan of corrective action or an order of a hearing officer pursuant to section 6 of this act.*

3. The State Board may hold special meetings at such other times and places as the State Board may direct. The Secretary shall call special meetings upon the written request of the President or any three voting members of the State Board.

4. A majority of the voting members of the State Board constitutes a quorum for the transaction of business, and no action of the State Board is valid unless that action receives, at a legally called meeting, the approval of a majority of all voting members.



Sec. 2. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

3. Organize the Department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, *or any other entity which provides education to a pupil with a disability for a school district or charter school*, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

7. Perform such other duties as are prescribed by law.

Sec. 3. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385A.400;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.111;

(e) A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the



Department, a school district, a sponsor of a charter school or a university school for profoundly gifted pupils;

(f) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 385A.800;

(g) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

(h) An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

(i) An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

(j) An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 385A.800 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

(k) An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

(l) A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board; ~~and~~

(m) A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan ~~H~~; *and*

(n) A summary of any measures taken by the Superintendent of Public Instruction pursuant to section 6 of this act to ensure



compliance with a plan of corrective action or the order of a hearing officer.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report prepared pursuant to subsection 1 to the Governor and to the Legislative Committee on Education.

Sec. 4. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 5, 6 and 7 of this act.

Sec. 5. 1. *Any person or governmental entity may request the Superintendent of Public Instruction to determine whether a provider of special education is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.525, inclusive, and sections 5, 6 and 7 of this act, any regulations adopted pursuant thereto, or any other law or regulation governing the education of pupils with disabilities in this State.*

2. *Upon receipt of a request pursuant to subsection 1 or upon his or her own initiative, the Superintendent of Public Instruction must determine whether there is good cause to conduct an inspection of the provider of special education. If the Superintendent of Public Instruction determines there is good cause to conduct an inspection, the Superintendent of Public Instruction shall cause such an inspection to be conducted by the Department within 30 days after making the determination. An inspection conducted pursuant to this subsection may be conducted on-site, electronically or by telephone.*

3. *If, after an inspection conducted pursuant to subsection 2, the Superintendent of Public Instruction determines that a provider of special education is not in compliance with a law or regulation governing the education of pupils with disabilities, the Superintendent of Public Instruction must, not more than 30 days after completion of the inspection:*

(a) Meet with the provider of special education to determine the most efficient and expeditious manner in which to bring the provider of special education into compliance with the law or regulation; and



(b) Request the board of trustees of the school district or the governing body of the charter school, as applicable, to establish a plan of corrective action pursuant to NRS 385.175 to ensure compliance with the law or regulation.

Sec. 6. *1. If a provider of special education fails or refuses to comply in a timely manner with a plan of corrective action established pursuant to NRS 385.175 or with an order of a hearing officer issued pursuant to a due process hearing conducted pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or pursuant to an appeal therefrom, the Superintendent of Public Instruction must take appropriate measures to ensure compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.525, inclusive, and sections 5, 6 and 7 of this act, any regulations adopted pursuant thereto, or any other law or regulation governing the education of pupils with disabilities in this State.*

2. In determining the appropriate measures to take to ensure compliance with the laws and regulations governing the education of pupils with disabilities, the Superintendent of Public Instruction must consider:

(a) The severity of the failure to comply with the plan of corrective action or the order of the hearing officer and the length and number of times that the provider of special education has been out of compliance with the laws and regulations governing the education of pupils with disabilities;

(b) Whether the provider of special education made a good faith effort to comply with the plan of corrective action or the order of the hearing officer;

(c) The impact on pupils served by the provider of special education of the failure to comply with the plan of corrective action or the order of the hearing officer; and

(d) Whether the provider of special education has previously failed to comply with such a plan of corrective action or order of a hearing officer.

3. The actions which the Superintendent of Public Instruction may take to ensure compliance pursuant to subsection 1 after considering the factors set forth in subsection 2 include, without limitation:

(a) Extending the time by which the provider of special education must comply with the plan of corrective action;

(b) Revising the plan of corrective action;



(c) Requiring the school district or the governing body of the charter school, as applicable, to provide technical assistance to the provider of special education to assist with compliance with the laws and regulations governing the education of pupils with disabilities;

(d) Requiring the school district or the governing body of the charter school, as applicable, to provide appropriate professional development for the provider of special education to assist with compliance with the laws and regulations governing the education of pupils with disabilities;

(e) Ordering an investigation of compliance by the provider of special education or additional inspections of the provider of special education to ensure compliance with the laws and regulations governing the education of pupils with disabilities, or both;

(f) Requiring the school district or charter school, as appropriate, to assign one or more persons to monitor compliance with the plan of corrective action or order of the hearing officer and the laws and regulations governing the education of pupils with disabilities by the provider of special education;

(g) Notwithstanding any collective bargaining agreement or contract of employment to the contrary, requiring the school district or charter school, as applicable, to take appropriate disciplinary action against a principal or other administrator who knowingly and willfully fails to comply with a plan of corrective action or order of a hearing officer;

(h) Requiring the provider of special education to attend a public meeting of the State Board to explain the failure of the provider of special education to comply with a plan of corrective action or order of a hearing officer, address public concerns and outline the actions that the provider of special education intends to take to ensure compliance with the laws and regulations governing the education of pupils with disabilities;

(i) Taking punitive action against the provider of special education, which may include, without limitation:

(1) To the extent possible, redirecting money provided by the Federal Government for administrative costs related to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.; or

(2) To the extent possible, withholding, in whole or in part, any federal or state apportionment to the provider; or

(j) Seeking enforcement of a plan of corrective action or the order of a hearing officer in a court of competent jurisdiction.



4. *The Superintendent of Public Instruction may work with any other appropriate governmental entity to carry out the provisions of subsection 3.*

Sec. 7. 1. *The Department, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, shall adopt regulations prescribing:*

(a) Standards for a program of training for persons who are employed by school districts and charter schools and who assist in carrying out the education of pupils who are receiving special education services pursuant to NRS 388.417 to 388.469, inclusive, and sections 5, 6 and 7 of this act, including, without limitation, teachers, administrators, other licensed educational personnel, substitute teachers, personnel who provide related services and paraprofessionals.

(b) The required content and manner of notifying the parents of pupils with disabilities of certain information, which must include, without limitation:

(1) A description of the procedure whereby an individualized education program is developed and implemented for a pupil with a disability.

(2) That the parent of a pupil with a disability has the right to invite persons who have knowledge or special expertise regarding the pupil, including, without limitation, related service personnel, to participate as a member of the individualized education program team for the pupil.

(3) A description of the effect of receiving an adjusted diploma, if a pupil with a disability desires to receive an adjusted diploma pursuant to NRS 390.600, including, without limitation, that an adjusted diploma may not be used to apply to a college or university.

2. *The board of trustees of each school district and the governing body of each charter school shall adopt a program for reporting information concerning the special education programs in each school. The report must include, without limitation, the total number of pupils with disabilities:*

(a) With an individualized education program.

(b) Who received a standard high school diploma.

(c) Who received an adjusted diploma.

(d) Who dropped out of school.

(e) Who did not satisfy the requirements set forth in his or her individualized education program.



Sec. 8. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive ~~†~~ , *and sections 5, 6 and 7 of this act:*

1. “Communication mode” means any system or method of communication used by *a person with a disability, including, without limitation,* a person who is deaf or whose hearing is impaired , to facilitate communication which may include, without limitation:

- (a) American Sign Language;
- (b) English-based manual or sign systems;
- (c) Oral and aural communication;
- (d) Spoken and written English, including speech reading or lip reading; and
- (e) Communication with assistive technology devices.

2. “Dyslexia” means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. “Dyslexia intervention” means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. “Individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. “Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. *“Provider of special education” means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.*

7. “Pupil who receives early intervening services” means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

~~†~~ 8. “Pupil with a disability” means a “child with a disability,” as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

~~†~~ 9. “Response to scientific, research-based intervention” means a collaborative process which assesses a pupil’s response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making



data-based decisions concerning the need of the pupil for increasingly intensified services.

~~9.1~~ 10. “Specific learning disability” means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 8.2. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with *or employee at* a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, *or volunteer at a charter school who is likely to have unsupervised or regular contact with pupils*, must, ~~as a condition to~~ *before beginning his or her* employment ~~or service as a volunteer and at least once every 5 years thereafter~~, submit to the governing body of the charter school ~~that~~ :

(a) *A complete set of the applicant’s , employee’s or volunteer’s fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant , employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant , employee or volunteer; and*

(b) *Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.*

2. *In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation,*



any record of warrants for the arrest of or application for protective orders against the applicant, employee or volunteer.

3. If the ~~reports on the criminal history of an applicant indicate~~ *information obtained by the governing body pursuant subsection 1 or 2 indicates* that the applicant, *employee or volunteer* has not been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school may employ the applicant ~~;~~

~~3.~~ *or employee or accept the volunteer, as applicable.*

4. If ~~a report on the criminal history of an applicant~~ *the information obtained by the governing body pursuant to subsection 1 or 2 indicates* that the applicant, *employee or volunteer* has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant *or employee* from ~~further consideration of~~ *employment or the volunteer from serving as a volunteer* on the basis of that ~~report~~ *information*, the governing body shall, upon the written authorization of the applicant, *employee or volunteer*, forward a copy of the ~~report~~ *information* to the Superintendent of Public Instruction. If the applicant, *employee or volunteer* refuses to provide his or her written authorization to forward a copy of the ~~report~~ *information* pursuant to this subsection, the charter school shall not employ the applicant ~~;~~

~~4.~~ *or employee or accept the volunteer, as applicable.*

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~report~~ *information* to determine whether the conviction of the applicant, *employee or volunteer* is related or unrelated to the position with the charter school for which the applicant has applied ~~. If the applicant desires employment with the charter school, the~~ *or in which the employee is employed or the volunteer wishes to serve. The* applicant, *employee or volunteer* shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant ~~;~~ *or employee or accept the volunteer*, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written



notice of the determination to the applicant , *employee or volunteer* and to the governing body of the charter school.

~~5.1~~ 6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant , *employee or volunteer* is related to the position with the charter school for which the applicant has applied ~~5.1~~ *or in which the employee is employed or the volunteer wishes to serve*, the governing body of the charter school shall not employ the applicant ~~5.1~~ *or employee or accept the volunteer, as applicable*. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant , *employee or volunteer* is unrelated to the position with the charter school for which the applicant has applied ~~5.1~~ *or in which the employee is employed or the volunteer wishes to serve*, the governing body of the charter school may employ the applicant *or employee* for that position ~~5.1~~ *or accept the volunteer, as applicable*.

7. *The governing body of a charter school may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:*

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, termination or accepting a volunteer; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. *The governing body of a charter school may accept any gifts, grants and donations to carry out the provisions of this section.*

Sec. 8.3. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. Each applicant for employment with *and employee at* a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, *and each volunteer at a university school for profoundly gifted pupils who is likely to have regular or unsupervised contact with pupils*, must, ~~as a condition to~~ *before beginning his or her employment 5.1 or service as a volunteer and at least once every 5 years thereafter*, submit to the governing body of the university school ~~5.1~~ *:*

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of



Criminal History for its report on the criminal history of the applicant, *employee or volunteer* and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~†~~, *employee or volunteer; and*

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or volunteer has resided within the immediately preceding 5 years.

2. When conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the ~~reports on the criminal history of an applicant indicate~~ information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant ~~†~~

~~3.†~~ or employee or accept the volunteer, as applicable.

4. If ~~a report on the criminal history of an applicant~~ the information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant or employee from ~~further consideration of~~ employment or the volunteer from serving as a volunteer on the basis of that report, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the ~~report~~ information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant ~~†~~

~~4.†~~ or employee or accept the volunteer, as applicable.



5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~report~~ **information** to determine whether the conviction of the applicant, **employee or volunteer** is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~If the applicant desires employment with the university school, the~~ **or in which the employee is employed or the volunteer wishes to serve.** The applicant, **employee or volunteer** shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant ~~or~~ **or employee or accept the volunteer**, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, **employee or volunteer** and to the governing body of the university school.

~~5.6.~~ 6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, **employee or volunteer** is related to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~or~~ **or in which the employee is employed or the volunteer wishes to serve**, the governing body of the university school shall not employ the applicant ~~or~~ **or employee or accept the volunteer, as applicable.** If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, **employee or volunteer** is unrelated to the position with the university school for which the applicant has applied ~~or~~ **or in which the employee is employed or the volunteer wishes to serve**, the governing body of the university school may employ the applicant **or employee** for that position ~~or~~ **or accept the volunteer, as applicable.**

7. **The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:**



(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, termination or accepting a volunteer; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a university school for profoundly gifted pupils may accept any gifts, grants and donations to carry out the provisions of this section.

Sec. 8.5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

“Statewide Central Registry” means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 8.6. NRS 391.002 is hereby amended to read as follows:

391.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 391.005 and 391.008 *and section 8.5 of this act* have the meanings ascribed to them in those sections.

Sec. 8.7. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application ~~the~~:

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~the~~; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. When conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with



any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

~~5.1~~ 6. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The ~~reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History;~~ *information obtained by the Superintendent pursuant to subsections 3 and 4:*

(1) ~~Do~~ *Does* not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) ~~Indicate~~ *Indicates* that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils or the administrator of the private school where the applicant is employed or serving as a volunteer or seeking employment. The board of trustees or governing body, as applicable, may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and



(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

Sec. 8.8. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115 ~~†~~ *and 391.033*, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

(a) The applicant's health records;

(b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History ~~†~~ *or information from the Statewide Central Registry or any equivalent registry maintained by a governmental agency in a jurisdiction in which the applicant has resided within the immediately preceding 5 years;*

(c) Transcripts of the applicant's records at colleges or other educational institutions;

(d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;

(e) Any correspondence concerning the application; and

(f) Any other personal information,

↪ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 7 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

Sec. 9. NRS 391.104 is hereby amended to read as follows:

391.104 1. Each applicant for employment pursuant to NRS 391.100 ~~†~~ *or employee*, except a teacher or other person licensed by the Superintendent of Public Instruction, *or volunteer who is likely to have unsupervised or regular contact with pupils* must, ~~† as a condition to†~~ *before beginning his or her employment † or service as a volunteer and at least once every 5 years thereafter,* submit to the school district ~~†~~ :

(a) A full set of the applicant's , employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant , employee or volunteer and for submission to the



Federal Bureau of Investigation for its report on the criminal history of the applicant **H**, *employee or volunteer; and*

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. *When conducting an investigation into the background of an applicant, employee or volunteer, the board of trustees of a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, warrants for the arrest of or protective orders against the applicant, employee or volunteer.*

3. *The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:*

(a) When making determinations concerning assignments, hiring or termination, requiring retraining, imposing discipline or accepting a volunteer; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection **~~B~~ 5**, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

- (a) Sick leave;
- (b) Sabbatical leave;
- (c) Personal leave;
- (d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;
- (e) Maternity leave; and
- (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,



↳ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

~~3.1~~ 5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district may accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

Sec. 9.1. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment *or appointment* pursuant to this section ~~1.1~~ *or employee*, except a teacher or other person licensed by the Superintendent of Public Instruction, must, ~~as a condition to~~ *before beginning his or her* employment ~~1.1~~ *or appointment and at least once every 5 years thereafter*, submit to the school district ~~1a1~~ :

(a) A full set of the applicant's or employee's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. When conducting an investigation into the background of an applicant or employee, the board of trustees of a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.



3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district may accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection ~~131~~ 6 or ~~141~~ 7 shall be deemed school police officers.

~~131~~ 6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school



district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

~~4.1~~ 7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

Sec. 9.3. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised or regular contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:



(a) Submit the fingerprints of the applicant, employee or volunteer to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. When conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

4. The administrator or governing body of a private school may use a substantiated report of abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

Sec. 9.4. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.550, inclusive, **and section 9.3 of this act**, is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.

Sec. 9.6. NRS 171.1223 is hereby amended to read as follows:

171.1223 1. Except as otherwise provided in subsection 3, in a county whose population is 100,000 or more, a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in the officer's presence, or has reasonable cause for believing a person has committed or attempted to commit a category A felony in an area that is within the officer's jurisdiction, shall immediately notify the primary law enforcement



agency in the city or county, as appropriate, where the offense or attempted offense was committed.

2. Upon arrival of an officer from the primary law enforcement agency notified pursuant to subsection 1, a peace officer with limited jurisdiction shall immediately transfer the investigation of the offense or attempted offense to the primary law enforcement agency.

3. The provisions of subsection 1 do not:

(a) Apply to an offense or attempted offense that is a misdemeanor, gross misdemeanor or felony other than a category A felony;

(b) Apply to an officer of the Nevada Highway Patrol, a member of the police department of the Nevada System of Higher Education, an agent of the Investigation Division of the Department of Public Safety or a ranger of the Division of State Parks of the State Department of Conservation and Natural Resources;

(c) Apply to a peace officer with limited jurisdiction if an interlocal agreement between the officer's employer and the primary law enforcement agency in the city or county in which a category A felony was committed or attempted authorizes the peace officer with limited jurisdiction to respond to and investigate the felony without immediately notifying the primary law enforcement agency; or

(d) Prohibit a peace officer with limited jurisdiction from:

(1) Contacting a primary law enforcement agency for assistance with an offense that is a misdemeanor, gross misdemeanor or felony that is not a category A felony; or

(2) Responding to a category A felony until the appropriate primary law enforcement agency arrives at the location where the felony was allegedly committed or attempted, including, without limitation, taking any appropriate action to provide assistance to a victim of the felony, to apprehend the person suspected of committing or attempting to commit the felony, to secure the location where the felony was allegedly committed or attempted and to protect the life and safety of the peace officer and any other person present at that location.

4. As used in this section:

(a) "Peace officer with limited jurisdiction" means:

(1) A school police officer who is appointed or employed pursuant to subsection ~~4~~ 5 of NRS 391.281;

(2) An airport guard or police officer who is appointed pursuant to NRS 496.130;

(3) A person employed to provide police services for an airport authority created by a special act of the Legislature; and



(4) A marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125.

(b) “Primary law enforcement agency” means:

(1) A police department of an incorporated city;

(2) The sheriff’s office of a county; or

(3) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 9.7. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department, ↪ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.



(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

6. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 5, the Central Repository must receive:



- (a) The person's complete set of fingerprints for the purposes of:
 - (1) Booking the person into a city or county jail or detention facility;
 - (2) Employment;
 - (3) Contractual services; or
 - (4) Services related to occupational licensing;
- (b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or
- (c) Any other biometric identifier of the person as it may require for the purposes of:
 - (1) Arrest; or
 - (2) Criminal investigation,

↳ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

7. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment ~~or~~ *or to serve as a volunteer*; or

(3) Is employed by *or volunteers for* a county school district, charter school or private school,

↳ and *immediately* notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, *immediately* notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:



(1) Investigated pursuant to paragraph (d); or
(2) Employed by *or volunteering for* a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation, ➤ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

8. The Central Repository may:



(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

9. As used in this section:

(a) “Biometric identifier” means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

(b) “Mobile identification” means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(c) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver’s license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(d) “Private school” has the meaning ascribed to it in NRS 394.103.

Sec. 9.8. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:



- (a) Salary or wage rates or other forms of direct monetary compensation.
 - (b) Sick leave.
 - (c) Vacation leave.
 - (d) Holidays.
 - (e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.
 - (f) Insurance benefits.
 - (g) Total hours of work required of an employee on each workday or workweek.
 - (h) Total number of days' work required of an employee in a work year.
 - (i) Except as otherwise provided in ~~subsection~~ **subsections 6 and 10**, discharge and disciplinary procedures.
 - (j) Recognition clause.
 - (k) The method used to classify employees in the bargaining unit.
 - (l) Deduction of dues for the recognized employee organization.
 - (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
 - (n) No-strike provisions consistent with the provisions of this chapter.
 - (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
 - (p) General savings clauses.
 - (q) Duration of collective bargaining agreements.
 - (r) Safety of the employee.
 - (s) Teacher preparation time.
 - (t) Materials and supplies for classrooms.
 - (u) Except as otherwise provided in subsections 7 , ~~and~~ 9 **and 10**, the policies for the transfer and reassignment of teachers.
 - (v) Procedures for reduction in workforce consistent with the provisions of this chapter.
 - (w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.
3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:



(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.



(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

↳ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.

10. *The board of trustees of a school district, governing body of a charter school or the governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry for the*



Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making determinations concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

11. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~11.1~~ **12.** Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~12.1~~ **13.** As used in this section, “achievement charter school” has the meaning ascribed to it in NRS 385.007.

Sec. 9.9. NRS 289.190 is hereby amended to read as follows:

289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection ~~4~~ **5** of NRS 391.281 has the powers of a peace officer. A school police officer shall perform the officer’s duties in compliance with the provisions of NRS 171.1223.

2. A person appointed pursuant to NRS 393.0718 by the board of trustees of any school district has the powers of a peace officer to carry out the intents and purposes of NRS 393.071 to 393.0719, inclusive.

3. Members of every board of trustees of a school district, superintendents of schools, principals and teachers have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the enforcement of order and discipline among such children, including children who attend school within one school district but reside in an adjoining school district or adjoining state, pursuant to the provisions of chapter 392 of NRS. This subsection must not be construed so as to make it the duty of superintendents of schools, principals and teachers to supervise the conduct of children while not on the school property.



Sec. 10. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who is a party to a proceeding pursuant to this chapter may file a petition requesting the court to appoint an educational surrogate parent for a child with a known or suspected disability. The court may appoint an educational surrogate parent for a child with a known or suspected disability if a parent, as defined in 34 C.F.R. § 300.30, is:

(a) Not identified;

(b) Unavailable; or

(c) Unwilling or unable to make decisions relating to the education of the child and such an appointment is in the best interest of the child.

2. The court may appoint a person as an educational surrogate parent if the person:

(a) Has not caused the abuse or neglect of the child;

(b) Does not have any interest that conflicts with the best interests of the child;

(c) Has the knowledge and skill to adequately represent the interests of the child; and

(d) Is not an employee of a public agency involved in the education of the child. An educational surrogate parent appointed pursuant to this section shall not be deemed to be an employee of a public agency involved in the education of the child.

3. An educational surrogate parent shall represent the child with a known or suspected disability in all matters relating to the identification of the child, the assessment of any special educational needs of the child, the educational placement of the child and the provision of a free appropriate program of public education to the child.

4. A court may revoke the appointment of an educational surrogate parent if the court determines the revocation of the appointment is in the best interests of the child.

5. If the court does not appoint an educational surrogate parent or if the court revokes such an appointment, the selection of an educational surrogate parent must be made pursuant to applicable state and federal law.

Sec. 11. 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, *and section 10 of this act*, 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) Expediently 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 the administration of NRS 432B.010 to 432B.606, inclusive.

Sec. 12. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 12.3. The provisions of NRS 288.150, as amended by section 9.8 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after July 1, 2017, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before July 1, 2017.

Sec. 12.5. 1. The Department of Education shall adopt the regulations pursuant to section 7 of this act on or before January 1, 2018.

2. The board of trustees of each school district or the governing body of a charter school shall enact the regulations adopted pursuant to section 7 of this act before the 2018-2019 school year.

Sec. 13. This act becomes effective on July 1, 2017.



CHAPTER.....

AN ACT relating to the protection of children; requiring a court to consider whether an agency which provides child welfare services has created an in-home safety plan for the protection of a child in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a child to be removed from his or her home and placed into protective custody in certain circumstances. (NRS 432B.390) After a child is placed in protective custody, the child and the parent or other person responsible for the child's welfare must be given a hearing to determine whether the child should remain in protective custody. (NRS 432B.470) Existing law requires an agency which provides child welfare services to make reasonable efforts and exercise diligence and care to reunify a child with his or her family. (NRS 432B.393) This bill requires a court to consider whether the agency has created an in-home safety plan as part of these efforts. This bill defines "in-home safety plan" as a plan created by the agency to ensure the safety of a child in his or her home, including, without limitation, managing any potential threats to the safety of the child.

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. (Deleted by amendment.)

Sec. 1.5. 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, 42 U.S.C. §§ 16901 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 **H** *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 **H** *, 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 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. 2. This act becomes effective on July 1, 2017.



Senate Bill No. 257—Senators Farley, Cannizzaro, Spearman, Ratti, Ford; Atkinson, Denis, Manendo, Parks, Segerblom and Woodhouse

CHAPTER.....

AN ACT relating to children; expanding the rights of children placed in foster care; creating the Normalcy for Foster Youth Account in the State General Fund; authorizing money in the Account to be used to provide opportunities for children to participate in certain activities; providing civil and criminal immunity to a person with whom a child has been placed who acts in accordance with certain standards in approving or allowing the child to participate in certain activities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law affords specific rights to children who are placed in a foster home by an agency which provides child welfare services. (NRS 432.500-432.550) **Section 2.5** of this bill adds the right, with respect to the education and vocational training of a foster child, for a foster child to have reasonable access to participate in extracurricular, cultural and personal enrichment activities. **Section 4** of this bill creates the Normalcy for Foster Youth Account in the State General Fund to be administered by the Division of Child and Family Services of the Department of Health and Human Services. **Section 4** authorizes the Division to use money in the Account to provide monetary support to certain caregivers of foster children to allow the child to participate in extracurricular, cultural and personal enrichment activities. **Section 4** also authorizes the Division to award grants to agencies which provide child welfare services or nonprofit organizations that provide opportunities for such children to participate in extracurricular, cultural and personal enrichment activities. **Section 5** of this bill provides civil and criminal immunity for a person with whom a child has been placed when approving or allowing the child to participate in extracurricular, cultural and personal enrichment activities if the person acted in accordance with a standard based on the “reasonable and prudent parent standard” as it is defined in federal law. (42 U.S.C. § 675(10)(A))

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:

Sections 1 and 2. (Deleted by amendment.)

Sec. 2.5. NRS 432.535 is hereby amended to read as follows:

432.535 With respect to the education and vocational training of a child placed in a foster home by an agency which provides child welfare services, the child has the right:

1. To receive fair and equal access to an education, including, without limitation, the right:



- (a) To receive an education as required by law;
- (b) To have stability in and minimal disruption to his or her education when the child is placed in a foster home;
- (c) To attend the school and remain in the scholastic activities that he or she was enrolled in before placement in a foster home, to the extent practicable and if in the best interests of the child;
- (d) To have educational records transferred in a timely manner from the school that he or she was enrolled in before placement in a foster home to a new school, if any;
- (e) Not to be identified as a foster child to other students at his or her school by an employee of a school district, including, without limitation, a school administrator, teacher or instructional aide;
- (f) To receive any educational screening, assessment or testing required by law;
- (g) To be referred to and receive educational evaluation and services as soon as practicable after the need for such services has been identified, including, without limitation, access to special education and special services to meet the unique needs of a child with educational or behavioral disabilities or impairments that adversely affect the child's educational performance;
- (h) To have access to information regarding relevant educational opportunities, including, without limitation, course work for vocational and postsecondary educational programs and financial aid for postsecondary education, once the child is 16 years of age or older; and
- (i) To attend a class or program concerning independent living for which he or she is qualified that is offered by the agency which provides child welfare services or another agency or contractor of the State.

2. To ~~participate~~ *reasonable participation* in extracurricular, cultural and personal enrichment activities which are consistent with the age and developmental level of the child.

3. To work and to receive vocational training, to the extent permitted by statute and consistent with the age and developmental level of the child.

4. To have access to transportation, if practicable, to allow the child to participate in extracurricular, cultural, personal and work activities.

Sec. 3. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. *1. The Normalcy for Foster Youth Account is hereby created in the State General Fund.*



2. *The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.*

3. *The Division of Child and Family Services may use money in the Account to:*

(a) *Provide monetary support to a provider of foster care who provides opportunities to a child in his or her care to participate in extracurricular, cultural or personal enrichment activities; and*

(b) *Award grants to agencies which provide child welfare services or nonprofit organizations that provide opportunities to children in foster care to participate in extracurricular, cultural or personal enrichment activities.*

4. *The Division of Child and Family Services may accept gifts, grants, bequests and other contributions from any source for the purpose of carrying out the provisions of this section.*

5. *Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

Sec. 5. 1. *Except as otherwise provided in subsection 2, a person with whom a child has been placed pursuant to this chapter is immune from civil or criminal liability for approving or allowing the child to participate in extracurricular, cultural or personal enrichment activities if, in approving or allowing the child to participate in such activities, the person acted as a reasonable and prudent parent would have acted under the same circumstances to maintain the health, safety and best interests of the child while at the same time encouraging the emotional and developmental growth of the child.*

2. *The provisions of subsection 1 do not confer any immunity from civil or criminal liability for a person who violates an order of a court of competent jurisdiction.*

Secs. 6-8. (Deleted by amendment.)

Sec. 9. This act becomes effective on July 1, 2017.



CHAPTER.....

AN ACT relating to child welfare; revising provisions governing certain reports of an agency which provides child welfare services concerning a child who is in need of protection; requiring a court to allow a sibling of a child who is found to be in need of protection to inspect certain records; revising provisions concerning agreements for postadoptive contact between a natural parent and a child or the adoptive parents of the child; revising provisions governing a hearing to determine whether to include an order for visitation with a sibling in a decree of adoption; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an agency acting as the custodian of a child who is in need of protection and is placed with someone other than a parent to submit a report to the court before any hearing for a review of that placement. If a child is not placed with his or her siblings, the report must include a plan for the child to visit his or her siblings. (NRS 432B.580) **Section 1** of this bill requires the agency which provides child welfare services to update the plan for visitation to reflect any change in the placement of the child or any sibling of the child. **Section 1** also requires the court to provide any sibling who has been granted a right to visitation with the child with notice of a hearing to review the placement of the child. **Sections 1 and 2** of this bill require the court to provide each sibling of a child who is found to be in need of protection with the case number of each relevant proceeding and allow the sibling to inspect certain records for the purpose of petitioning the court for visitation with the child and enforcing an order for visitation.

Existing law provides that an agreement for postadoptive contact between a child and his or her natural parents or the adoptive parents of a child and the natural parents of that child is enforceable if it is in writing, signed by the parties and incorporated into an order or decree of adoption. (NRS 127.187) **Section 2.3** of this bill requires that if the agreement concerns a child who was in the custody of an agency which provides child welfare services before being adopted, a determination must be made by such an agency or the court that the agreement is in the best interest of the child.

Existing law authorizes a natural parent who has entered into an agreement for postadoptive contact to petition the court to prove the existence of the agreement and request that the agreement be incorporated into the order or decree of adoption or to enforce the terms of the agreement. (NRS 127.1885) **Section 2.7** of this bill requires such a petition to be: (1) served by the natural parent or adoptive parent who filed the petition on each other natural parent or adoptive parent, as applicable, who has entered into the agreement; and (2) heard by the same judge who issued the order or decree of adoption if he or she is available. **Section 3.3** of this bill establishes a reduced filing fee for the filing of such a petition. **Section 2.3** requires a natural or adoptive parent who has entered into an agreement for postadoptive



contact to include in the agreement an address at which such a petition may be served.

Existing law requires a court to conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption of a child who is in the custody of an agency which provides child welfare services. (NRS 127.2827) **Section 3** of this bill instead requires the court to incorporate such an order into the decree of adoption unless an interested party petitions the court to exclude or amend the order for visitation. **Section 3** additionally: (1) requires the court to hold the hearing on such a petition on a different date than the hearing on the petition for adoption; (2) gives any interested party the right to participate in the hearing; and (3) requires the clerk of the court to provide notice of the time and place of the hearing to certain persons. If an order for visitation is included in the decree for adoption, **section 3** authorizes a party to the order to petition for enforcement of the order at any time.

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. 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) A copy of an academic plan developed for the child pursuant to NRS 388.155, 388.165 or 388.205.

(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 this subsection and subsection 5 of NRS 432B.520, notice of the hearing must be given by registered or certified mail 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 and his or her attorney, if any; and

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child.

7. The notice of the hearing required to be 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;

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

(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.

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 review:

(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; and

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

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

Sec. 2. NRS 127.140 is hereby amended to read as follows:

127.140 1. Except as otherwise provided in NRS 239.0115, all hearings held in proceedings under this chapter 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, or their authorized representatives, attorneys and persons entitled to notice by this chapter, 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 natural parent and the child are eligible to receive information from the State Register for Adoptions; or

(c) As provided pursuant to subsections 3, 4, ~~and~~ 5 ~~and~~ 6.

3. An adoptive parent who intends to file a petition pursuant to NRS 127.1885 or 127.1895 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 natural parent who intends to file a petition pursuant to NRS 127.1885 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 an order for visitation included in a decree of adoption pursuant to NRS 127.2827, 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, ~~or~~ natural parent *or sibling* pursuant to subsection 3, ~~or~~ 4 *or* 5 must not include any confidential information, including, without limitation, any information that identifies or would lead to the identification of a natural parent if the identity of the natural parent is not included in the agreement for postadoptive contact ~~or~~ *or order for visitation, as applicable.*

Sec. 2.3. 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 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 : ~~the agreement;~~

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

(b) ~~It~~ *The agreement is* incorporated into an order or decree of adoption ~~or~~ ; *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.

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. 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 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 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 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.

~~15.1~~ 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.



Sec. 2.7. 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 registered 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. 3. 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. ~~Any~~ *The court shall incorporate an order for visitation provided to the court pursuant to subsection 1 into the decree of adoption unless, not later than 30 days after notice of the filing of the petition for adoption is provided to the legal custodian or guardian of the child pursuant to NRS 127.123, any interested party in the adoption, including, without limitation, the adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which provides child welfare services or a licensed child-placing agency ~~may petition~~ petitions the court to ~~participate in the determination of whether to include an~~ exclude the order of visitation with a sibling ~~in~~ from the decree of adoption ~~it~~ or amend the order for visitation before including the order in the decree of adoption.*

3. *The hearing on a petition submitted pursuant to subsection 2 must be held on a different date than 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 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 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 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 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 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 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. 3.3. 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, consents to the adoption of a child with special needs pursuant to NRS 127.186, 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 files a petition pursuant to subsection 1 or 2 of NRS 127.1885, the clerk of the court shall reduce the total filing fee to not more than \$1 for filing the petition.*

Sec. 4. This act becomes effective on July 1, 2017.



Senate Bill No. 287—Senators Gansert, Roberson, Cannizzaro, Parks; Atkinson, Cancela, Denis, Farley, Ford, Goicoechea, Gustavson, Hammond, Hardy, Harris, Manendo, Ratti, Settlemeyer, Spearman and Woodhouse

Joint Sponsors: Assemblymen Benitez-Thompson, Tolles and Yeager

CHAPTER.....

AN ACT relating to protection of children; requiring school employees and volunteers to report the abuse or neglect of a child and certain other prohibited acts; requiring an agency which provides child welfare services to investigate such a report and forward a substantiated report to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; authorizing a person to appeal the substantiation of such a report; revising certain provisions concerning background checks conducted on certain educational personnel and volunteers; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons, including, without limitation, licensed teachers and social workers employed by a public school or private school, to report the suspected abuse or neglect of a child when such neglect was believed to have been caused or allowed by a person responsible for a child's welfare. (NRS 432B.020, 432B.220) The term "person responsible for a child's welfare" is limited by existing law to a parent, legal guardian, stepparent or other adult person found in the same home as the child on a regular basis or a home, institution or facility where the child resides or receives care, including, without limitation, the volunteers and employees of such homes, institutions or facilities. (NRS 432B.130) **Section 8** of this bill requires all employees of and volunteers for a public school or private school, regardless of whether they are licensed, to report the suspected abuse or neglect of a child by a person responsible for the child's welfare.

Existing law makes it a misdemeanor or gross misdemeanor for a person who is required to report the suspected abuse or neglect of a child to knowingly and willfully fail to make such a report. (NRS 432B.240) This penalty also applies to the failure to report by an employee of or volunteer for a public school or private school as expanded by **section 8** of this bill.

Existing law prohibits sexual conduct between an employee or volunteer of a public school or private school and certain pupils, the luring of a child, the use of corporal punishment in a public school and the use of corporal punishment on a pupil with a disability in a private school. (NRS 201.540, 201.560, 392.4633, 394.354, 394.366) **Section 44** of this bill imposes an additional duty on an employee or volunteer at a public or private school to make a report within 24 hours if, in that capacity, he or she knows or has reasonable cause to believe that a child has been subjected to abuse or neglect, certain sexual conduct, luring or prohibited corporal punishment by another employee of or volunteer for a public



school or private school. **Section 44** requires: (1) a report concerning abuse or neglect, sexual conduct or luring to be made to an agency which provides child welfare services and a law enforcement agency; and (2) a report concerning prohibited corporal punishment to be made to a child welfare agency. **Section 44** requires a child welfare agency to assess all allegations contained in any such report it receives and, if the agency deems appropriate, assign the matter for investigation. **Section 44** also requires a school police officer who receives a report of an offense punishable as a category A felony to notify the local law enforcement agency having jurisdiction over the school. If a law enforcement agency other than a school police officer receives a report of an offense punishable as a felony that: (1) allegedly occurred at a public school, at an activity sponsored by such a school or on a school bus while the school bus was being used by such a school for an official school-related purpose; and (2) involved a school employee or volunteer, the law enforcement agency must notify a school police officer if such an officer is employed in the school district. **Section 45** of this bill prescribes the required contents of the report. **Section 46** of this bill makes it a misdemeanor for an employee or volunteer at a school to fail to make a report when required. **Sections 47 and 48** of this bill provide that certain privileges do not apply to a person required to make a report or to the report itself. **Section 49** of this bill authorizes a designee of an agency investigating a report to take certain actions to investigate the report with the consent of the parent or guardian of the child.

Section 50 of this bill provides that reports of abuse, neglect, sexual conduct, luring and prohibited corporal punishment and investigations of such reports are confidential and makes it a gross misdemeanor to disclose such information except where authorized to do so. **Section 51** of this bill sets forth exceptions to such confidentiality that allow certain persons to access such material, including the child who is the subject of the report, his or her parent or guardian and attorney and certain governmental entities. **Section 52** of this bill authorizes an agency investigating a report to provide certain information to the person alleged to have engaged in the conduct described in the report and the person who made the report. **Section 52** also authorizes any person to consent to the release of information about himself or herself. **Section 53** of this bill: (1) requires an agency which provides child welfare services to take precautions to protect the identity and safety of a person who makes a report when releasing information; and (2) authorizes such an agency to charge a fee for processing costs necessary to prepare information maintained by the agency. **Section 54** of this bill provides that any person who is provided information maintained by an agency which provides child welfare services and further disseminates the information is guilty of a gross misdemeanor.

Section 55 of this bill requires an agency investigating a report to determine whether the report is substantiated or unsubstantiated. If the report is substantiated, the agency is required to forward the report to: (1) the Department of Education, the governing body of the school or school district, as applicable, and law enforcement; and (2) after the conclusion of any administrative appeal, the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. **Section 56** of this bill prescribes the procedure for filing and hearing an administrative appeal. **Section 1.5** of this bill provides for the inclusion of such information in the Central Registry. **Section 57** of this bill provides immunity from civil and criminal liability for a person who, in good faith, makes a report or takes certain action to investigate a report. **Section 58** of this bill authorizes the Division of Child and Family Services of the Department of Health and Human Services to adopt any regulations necessary for the administration of provisions relating to the new reporting requirement prescribed by this bill. **Section 7.3** of this bill provides that the provisions of existing law governing the requirement to report the abuse or



neglect of a child by a person responsible for the welfare of the child do not apply to the new reporting requirement.

Under existing law, an unlicensed applicant for employment at a public school must undergo a background check before being hired. (NRS 388A.515, 388C.200, 391.104, 391.281) Additionally, a licensed employee must undergo a background check before a license can be issued or renewed. (NRS 391.033) **Sections 27, 28, 33, 34 and 60** of this bill additionally require: (1) volunteers at a public school and employees and volunteers at a private school to undergo background checks; and (2) a background check to be performed on each unlicensed employee and volunteer at least once every 5 years. **Section 21** of this bill requires the Central Repository to provide the results of such a background check to the appropriate superintendent, governing body or administrator immediately. **Sections 27, 28, 31, 33, 34 and 60** of this bill also additionally require background checks performed on licensed and unlicensed educational personnel and volunteers to include information that may be available from the Central Registry or any equivalent registry maintained in another jurisdiction in which the person has resided within the immediately preceding 5 years. **Sections 24, 27, 28, 31, 33, 34 and 60** of this bill authorize a school district, charter school, university school for profoundly gifted pupils or private school to: (1) cooperate with a law enforcement agency to obtain any available information on the background of an applicant, employee or volunteer; and (2) use information from the Central Registry in personnel decisions. **Sections 27, 28, 31, 33, 34 and 60** provide that the Superintendent of Public Instruction, the board of trustees of a school district, the governing body of a charter school, university school for profoundly gifted pupils or private school and the administrator of a private school cannot be held liable for any damages resulting from such action. **Section 28** provides that any provision of a collective bargaining agreement that prohibits a school district, charter school or university school for profoundly gifted pupils from taking such action is void.

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. NRS 424.250 is hereby amended to read as follows:
424.250 1. A provider of foster care shall not use physical restraint on a child placed with the provider unless the child presents an imminent threat of danger of harm to himself or herself or others.

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident, motor vehicle crash or injury occurs to a child in its care within 24 hours after the incident, accident, motor vehicle crash or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident, motor vehicle crash or injury, any action taken as a result of the incident, accident, motor vehicle crash or injury, the name of the employee of the foster



care agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220 ~~+~~ ***or section 44 of this act.***

Sec. 1.1. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 and 1.3 of this act.

Sec. 1.2. ***As used in NRS 432.0999 to 432.130, inclusive, of this act, the words and terms defined in NRS 432.0999 and section 1.3 of this act have the meanings ascribed to them in those sections.***

Sec. 1.3. ***“Abuse or neglect of a child” has the meaning ascribed to it in section 37 of this act.***

Sec. 1.4. NRS 432.0999 is hereby amended to read as follows:
432.0999 ~~+~~ ***As used in NRS 432.0999 to 432.130, inclusive,*** “Central Registry” means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 1.5. NRS 432.100 is hereby amended to read as follows:
432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.

2. The Central Registry must contain:

(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 432B.220 ~~+~~ ***or section 44 of this act;***

(b) ***The information in any substantiated report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made pursuant to section 44 of this act;***

(c) Statistical information on the protective services provided in this State; and



~~(e)~~ (d) Any other information which the Division determines to be in furtherance of NRS 432.0999 to 432.130, inclusive, *and sections 1.2 and 1.3 of this act*, and 432B.010 to 432B.400, inclusive ~~(h)~~, *and section 7.3 of this act, and sections 36 to 58, inclusive, of this act.*

3. The Division may release information contained in the Central Registry to an employer:

(a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,

↳ but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:

(a) An employee of the Division;

(b) An agency which provides child welfare services;

(c) An employee of the Division of Public and Behavioral Health of the Department who is obtaining information in accordance with NRS 432A.170; and

(d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.

Sec. 1.6. NRS 432.110 is hereby amended to read as follows:

432.110 1. Except as otherwise provided in subsection 2, the Division shall maintain a record of:

(a) The names and identifying data, dates and circumstances of any persons requesting or receiving information from the Central Registry; and



(b) Any other information which might be helpful in furthering the purposes of NRS 432.0999 to 432.130, inclusive, *and sections 1.2 and 1.3 of this act*, and 432B.010 to 432B.400, inclusive *H*, *and section 7.3 of this act, and sections 36 to 58, inclusive, of this act.*

2. The Division is not required to maintain a record of information concerning requests for information from or the receipt of information by employees of an agency which provides child welfare services.

Sec. 1.7. NRS 432.120 is hereby amended to read as follows:

432.120 1. Information contained in the Central Registry must not be released unless the right of the applicant to the information is confirmed, the information concerning the report of abuse or neglect of the child *or a violation of NRS 201.540, 201.560, 392.4633 or 394.366* has been reported pursuant to NRS 432B.310 *H* *or section 55 of this act, as applicable*, the released information discloses the disposition of the case and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the background investigation provides written authorization for the release of the information.

2. The information contained in the Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be deleted from the Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 years.

3. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 1.8. NRS 432.130 is hereby amended to read as follows:

432.130 Any person who willfully releases data or information contained in the Central Registry to unauthorized persons in violation of NRS 432.120 or 432B.290 *or sections 51 to 54, inclusive, of this act* is guilty of a misdemeanor.

Secs. 2-7. (Deleted by amendment.)

Sec. 7.3. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this section and NRS 432B.220 to 432B.320, inclusive, do not apply to any report submitted, investigation performed or information maintained under the provisions of sections 36 to 58, inclusive, of this act.



Sec. 7.7. NRS 432B.200 is hereby amended to read as follows:
432B.200 **1.** The Division of Child and Family Services shall establish and maintain a center with a toll-free telephone number to receive reports of abuse or neglect of a child in this State **and reports pursuant to section 44 of this act**, 24 hours a day, 7 days a week. Any reports made to this center must be promptly transmitted to the agency which provides child welfare services in the community where the child is located.

2. As used in this section, “abuse or neglect of a child” has the meaning ascribed to it in section 37 of this act.

Sec. 8. NRS 432B.220 is hereby amended to read as follows:

432B.220 **1.** Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is



so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person ~~working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.~~ *employed by a public school or private school and any person who serves as a volunteer at such a school.*

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.



(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:



(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and section 44 of this act;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and section 44 of this act; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Secs. 9-17. (Deleted by amendment.)

Sec. 18. NRS 171.1223 is hereby amended to read as follows:

171.1223 1. Except as otherwise provided in subsection 3, in a county whose population is 100,000 or more, a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in the officer's presence, or has reasonable cause for believing a person has committed or attempted to commit a category A felony in an area that is within the officer's jurisdiction, shall immediately notify the primary law enforcement agency in the city or county, as appropriate, where the offense or attempted offense was committed.

2. Upon arrival of an officer from the primary law enforcement agency notified pursuant to subsection 1, a peace officer with limited jurisdiction shall immediately transfer the investigation of the offense or attempted offense to the primary law enforcement agency.

3. The provisions of subsection 1 do not:



(a) Apply to an offense or attempted offense that is a misdemeanor, gross misdemeanor or felony other than a category A felony;

(b) Apply to an officer of the Nevada Highway Patrol, a member of the police department of the Nevada System of Higher Education, an agent of the Investigation Division of the Department of Public Safety or a ranger of the Division of State Parks of the State Department of Conservation and Natural Resources;

(c) Apply to a peace officer with limited jurisdiction if an interlocal agreement between the officer's employer and the primary law enforcement agency in the city or county in which a category A felony was committed or attempted authorizes the peace officer with limited jurisdiction to respond to and investigate the felony without immediately notifying the primary law enforcement agency; or

(d) Prohibit a peace officer with limited jurisdiction from:

(1) Contacting a primary law enforcement agency for assistance with an offense that is a misdemeanor, gross misdemeanor or felony that is not a category A felony; or

(2) Responding to a category A felony until the appropriate primary law enforcement agency arrives at the location where the felony was allegedly committed or attempted, including, without limitation, taking any appropriate action to provide assistance to a victim of the felony, to apprehend the person suspected of committing or attempting to commit the felony, to secure the location where the felony was allegedly committed or attempted and to protect the life and safety of the peace officer and any other person present at that location.

4. As used in this section:

(a) "Peace officer with limited jurisdiction" means:

(1) A school police officer who is appointed or employed pursuant to subsection ~~4~~ 5 of NRS 391.281;

(2) An airport guard or police officer who is appointed pursuant to NRS 496.130;

(3) A person employed to provide police services for an airport authority created by a special act of the Legislature; and

(4) A marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125.

(b) "Primary law enforcement agency" means:

(1) A police department of an incorporated city;

(2) The sheriff's office of a county; or

(3) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.



Sec. 19. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any prior criminal record of the defendant;

(b) Information concerning the characteristics of the defendant, the defendant's financial condition, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS *and sections 36 to 58, inclusive, of this act* that relate to the defendant and are made available pursuant to NRS 432B.290 ~~†~~ *or sections 51 to 54, inclusive, of this act, as applicable;*

(f) The results of the evaluation of the defendant conducted pursuant to NRS 484C.300, if such an evaluation is required pursuant to that section;

(g) A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;

(h) A recommendation, if the Division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;

(i) If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110; and

(j) Such other information as may be required by the court.



2. The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 20. NRS 176.151 is hereby amended to read as follows:

176.151 1. If a defendant pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, one or more category E felonies, but no other felonies, the Division shall not make a presentence investigation and report on the defendant pursuant to NRS 176.135, unless the Division has not made a presentence investigation and report on the defendant pursuant to NRS 176.135 within the 5 years immediately preceding the date initially set for sentencing on the category E felony or felonies and:

(a) The court requests a presentence investigation and report; or

(b) The prosecuting attorney possesses evidence that would support a decision by the court to deny probation to the defendant pursuant to paragraph (b) of subsection 1 of NRS 176A.100.

2. If the Division does not make a presentence investigation and report on a defendant pursuant to subsection 1, the Division shall, not later than 45 days after the date on which the defendant is sentenced, make a general investigation and report on the defendant that contains:

(a) Any prior criminal record of the defendant;

(b) Information concerning the characteristics of the defendant, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful to persons responsible for the supervision or correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination and the extent of the information included in the report is solely at the discretion of the Division;

(d) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS *and sections 36 to 58, inclusive, of this act* that relate to the defendant and are made available pursuant to NRS 432B.290 **†** *or sections 51 to 54, inclusive, of this act, as applicable;* and



(e) Any other information that the Division believes may be helpful to persons responsible for the supervision or correctional treatment of the defendant.

Sec. 21. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department, within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.



(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

6. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 5, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;



(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

↳ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

7. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment ~~+~~ *or to serve as a volunteer*; or

(3) Is employed by *or volunteers for* a county school district, charter school or private school,

↳ and *immediately* notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, *immediately* notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by *or volunteering for* a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

↳ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense



involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

8. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the



delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

9. As used in this section:

(a) “Biometric identifier” means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

(b) “Mobile identification” means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(c) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver’s license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(d) “Private school” has the meaning ascribed to it in NRS 394.103.

Sec. 22. NRS 202.888 is hereby amended to read as follows:

202.888 The provisions of NRS 202.882 do not apply to a person who:

1. Is less than 16 years of age;

2. Is, by blood or marriage, the spouse, brother, sister, parent, grandparent, child or grandchild of:

(a) The child who is the victim of the violent or sexual offense; or

(b) The person who committed the violent or sexual offense against the child;

3. Suffers from a mental or physical impairment or disability that, in light of all the surrounding facts and circumstances, would make it impracticable for the person to report the commission of the violent or sexual offense against the child to a law enforcement agency;

4. Knows or has reasonable cause to believe that reporting the violent or sexual offense against the child to a law enforcement



agency would place the person or any other person who is related to him or her by blood or marriage or who resides in the same household as he or she resides, whether or not the other person is related to him or her by blood or marriage, in imminent danger of suffering substantial bodily harm;

5. Became aware of the violent or sexual offense against the child through a communication or proceeding that is protected by a privilege set forth in chapter 49 of NRS; or

6. Is acting in his or her professional or occupational capacity and is required to report the abuse or neglect of a child pursuant to NRS 432B.220 ~~H~~ *or section 44 of this act.*

Sec. 23. 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, 41.071, 49.095, 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, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 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, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,



392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 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, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 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.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600 **†** and sections 50 to 54, inclusive, 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 the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. 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 a readily available medium 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. 24. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.



- (d) Holidays.
 - (e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.
 - (f) Insurance benefits.
 - (g) Total hours of work required of an employee on each workday or workweek.
 - (h) Total number of days' work required of an employee in a work year.
 - (i) Except as otherwise provided in ~~subsection~~ **subsections 6 and 10**, discharge and disciplinary procedures.
 - (j) Recognition clause.
 - (k) The method used to classify employees in the bargaining unit.
 - (l) Deduction of dues for the recognized employee organization.
 - (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
 - (n) No-strike provisions consistent with the provisions of this chapter.
 - (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
 - (p) General savings clauses.
 - (q) Duration of collective bargaining agreements.
 - (r) Safety of the employee.
 - (s) Teacher preparation time.
 - (t) Materials and supplies for classrooms.
 - (u) Except as otherwise provided in subsections 7 , ~~and~~ 9 ~~and~~ **and 10**, the policies for the transfer and reassignment of teachers.
 - (v) Procedures for reduction in workforce consistent with the provisions of this chapter.
 - (w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.
3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:
- (a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.



(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include



the suspension of any collective bargaining agreement for the duration of the emergency.

↳ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.

10. *The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes*



authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is void.

11. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~11-1~~ 12. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~12-1~~ 13. As used in this section ~~1~~ *“achievement”* :

(a) *“Abuse or neglect of a child”* has the meaning ascribed to it in section 37 of this act.

(b) *“Achievement charter school”* has the meaning ascribed to it in NRS 385.007.

Sec. 25. NRS 289.190 is hereby amended to read as follows:

289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection ~~4~~ 5 of NRS 391.281 has the powers of a peace officer. A school police officer shall perform the officer’s duties in compliance with the provisions of NRS 171.1223.

2. A person appointed pursuant to NRS 393.0718 by the board of trustees of any school district has the powers of a peace officer to carry out the intents and purposes of NRS 393.071 to 393.0719, inclusive.

3. Members of every board of trustees of a school district, superintendents of schools, principals and teachers have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the enforcement of order and discipline among such children, including children who attend school within one school district but reside in an adjoining school district or adjoining state, pursuant to the provisions of chapter 392 of NRS. This subsection must not be construed so as to make it the duty of superintendents of schools, principals and teachers to supervise the conduct of children while not on the school property.

Sec. 26. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that



another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220 **+** *or section 44 of this act.*

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) “Reasonable cause to believe” means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) “School employee” means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281;

(2) The governing body of a charter school; or

(3) The Achievement School District.

(c) “School official” means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(4) The Executive Director of the Achievement School District.

(d) “Teacher” means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.



Sec. 27. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with *and employee at* a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, *and each volunteer at a charter school who is likely to have unsupervised or regular contact with pupils,* must, ~~as a condition to~~ *before beginning his or her* employment ~~or~~ *or service as a volunteer and at least once every 5 years thereafter,* submit to the governing body of the charter school ~~to~~:

(a) *A complete set of the applicant's, employee's or volunteer's* fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, *employee or volunteer* and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~to~~, *employee or volunteer; and*

(b) *Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.*

2. *In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.*

3. If the ~~reports on the criminal history of an applicant indicate~~ *information obtained by the governing body pursuant to subsection 1 or 2 indicates* that the applicant, *employee or volunteer* has not been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school may employ the applicant ~~to~~

~~or employee or accept the volunteer, as applicable.~~

4. If ~~a report on the criminal history of an applicant~~ *the information obtained by the governing body pursuant to subsection 1 or 2 indicates* that the applicant, *employee or volunteer* has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does



not disqualify the applicant *or employee* from ~~further consideration of~~ employment *or the volunteer from serving as a volunteer* on the basis of that ~~report~~ information, the governing body shall, upon the written authorization of the applicant, *employee or volunteer*, forward a copy of the ~~report~~ information to the Superintendent of Public Instruction. If the applicant, *employee or volunteer* refuses to provide his or her written authorization to forward a copy of the ~~report~~ information pursuant to this subsection, the charter school shall not employ the applicant ~~;~~

~~4.~~ *or employee or accept the volunteer, as applicable.*

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~report~~ information to determine whether the conviction of the applicant, *employee or volunteer* is related or unrelated to the position with the charter school for which the applicant has applied ~~. If the applicant desires employment with the charter school, the~~ *or in which the employee is employed or the volunteer wishes to serve. The* applicant, *employee or volunteer* shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant ~~;~~ *or employee or accept the volunteer*, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant and to the governing body of the charter school.

~~5.~~ 6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, *employee or volunteer* is related to the position with the charter school for which the applicant has applied ~~;~~ *or in which the employee is employed or the volunteer wishes to serve*, the governing body of the charter school shall not employ the applicant ~~;~~ *or employee or accept the volunteer, as applicable.* If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, *employee or volunteer* is unrelated to the position with the charter school for which the applicant has applied ~~;~~ *or in which the employee is employed or the volunteer wishes to serve*, the governing body of



the charter school may employ the applicant *or employee* for that position ~~or~~ *or accept the volunteer, as applicable.*

7. The governing body of a charter school may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a charter school:

(a) May accept gifts, grants and donations to carry out the provisions of this section.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7.

Sec. 28. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. Each applicant for employment with *and employee at* a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, *and each volunteer at a university school for profoundly gifted pupils who is likely to have regular or unsupervised contact with pupils,* must, ~~as a condition to~~ *before beginning his or her* employment ~~or~~ *or service as a volunteer and at least once every 5 years thereafter,* submit to the governing body of the university school ~~to~~ *:*

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~or~~, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the



applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. *In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.*

3. If the ~~reports on the criminal history of an applicant indicate~~ *information obtained by the governing body pursuant to subsection 1 or 2 indicates* that the applicant, *employee or volunteer* has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant ~~+~~

~~—3.1~~ *or employee or accept the volunteer, as applicable.*

4. If ~~a report on the criminal history of an applicant~~ *the information obtained by the governing body pursuant to subsection 1 or 2 indicates* that the applicant, *employee or volunteer* has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant *or employee* from ~~further consideration of~~ *employment or the volunteer from serving as a volunteer* on the basis of that report, the governing body shall, upon the written authorization of the applicant, *employee or volunteer* forward a copy of the ~~report~~ *information* to the Superintendent of Public Instruction. If the applicant, *employee or volunteer* refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant ~~+~~

~~—4.1~~ *or employee or accept the volunteer, as applicable.*

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~report~~ *information* to determine whether the conviction of the applicant, *employee or volunteer* is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~If the applicant desires employment with the university school, the~~ *or in which the employee is employed or the volunteer wishes to serve. The* applicant, *employee or volunteer* shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to



make the determination. If the governing body of the university school desires to employ the applicant **or employee or accept the volunteer**, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, **employee or volunteer** and to the governing body of the university school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, **employee or volunteer** is related to the position with the university school for profoundly gifted pupils for which the applicant has applied **or in which the employee is employed or the volunteer wishes to serve**, the governing body of the university school shall not employ the applicant **or employee or accept the volunteer, as applicable**. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, **employee or volunteer** is unrelated to the position with the university school for which the applicant has applied **or in which the employee is employed or the volunteer wishes to serve**, the governing body of the university school may employ the applicant **or employee** for that position **or accept the volunteer, as applicable**.

7. *The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:*

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. *The governing body of a university school for profoundly gifted pupils:*

(a) May accept any gifts, grants and donations to carry out the provisions of this section.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7.



Sec. 29. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

“Statewide Central Registry” means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 30. NRS 391.002 is hereby amended to read as follows:

391.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 391.005 and 391.008 ***and section 29 of this act*** have the meanings ascribed to them in those sections.

Sec. 31. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application **H**:

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant H ; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. ***In conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.***

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.



~~5.1~~ 6. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The ~~reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History;~~ **information obtained by the Superintendent pursuant to subsections 3 and 4:**

(1) ~~Do~~ **Does** not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) ~~Indicate~~ **Indicates** that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. The board of trustees, governing body or administrator, as applicable, may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The Superintendent, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school may not be held liable for damages resulting from any action of the Superintendent, board of trustees, governing body or administrator, as applicable, authorized by subsection 4 or 7.



Sec. 32. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115 ~~§~~ *and 391.033*, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

- (a) The applicant's health records;
- (b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History ~~§~~ *or information from the Statewide Central Registry or any equivalent registry maintained by a governmental agency in another jurisdiction;*
- (c) Transcripts of the applicant's records at colleges or other educational institutions;
- (d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;
- (e) Any correspondence concerning the application; and
- (f) Any other personal information,
↳ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 7 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

Sec. 33. NRS 391.104 is hereby amended to read as follows:

391.104 1. Each applicant for employment pursuant to NRS 391.100 ~~§~~ *or employee*, except a teacher or other person licensed by the Superintendent of Public Instruction, *or volunteer who is likely to have unsupervised or regular contact with pupils*, must, ~~as a condition to~~ *before beginning his or her* employment ~~§~~ *or service as a volunteer and at least once every 5 years thereafter*, submit to the school district ~~§~~ *:*

(a) *A full set of the applicant's , employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant , employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant §, employee or volunteer; and*

(b) *Written authorization for the board of trustees of the school district to obtain any information concerning the applicant,*



employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection ~~3~~ 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

↳ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

~~3~~ 5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by



the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. *The board of trustees of a school district:*

(a) *May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.*

(b) *May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.*

Sec. 34. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment *or appointment* pursuant to this section ~~†~~ *or employee*, except a teacher or other person licensed by the Superintendent of Public Instruction, must, ~~†as a condition to†~~ *before beginning his or her employment † or appointment and at least once every 5 years thereafter*, submit to the school district ~~†~~:

(a) *A full set of the applicant's or employee's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.*

(b) *Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.*

2. *In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.*

3. *The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry*



or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection ~~6~~ or ~~7~~ shall be deemed school police officers.

~~6.~~ **6.** The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the



public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

~~14~~ 7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

Sec. 35. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 58, inclusive, of this act.

Sec. 36. *As used in sections 36 to 58, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 37 to 42, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 37. *“Abuse or neglect of a child” has the meaning ascribed to it in NRS 432B.020, but includes abuse or neglect caused by a person who is an employee of or volunteer for a public school or private school and who is not responsible for the welfare of the child pursuant to NRS 432B.130.*

Sec. 38. *“Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

Sec. 39. *“Central Registry” has the meaning ascribed to it in NRS 432.0999.*

Sec. 40. *“Child” means a person under the age of 18 years or, if a pupil, until graduation from high school. The term does not include a child who remains under the jurisdiction of the court pursuant to NRS 432B.594.*

Sec. 41. *“Information maintained by an agency which provides child welfare services” means data or information concerning reports and investigations made pursuant to sections 36 to 58, inclusive, of this act, including, without limitation, the name, address, date of birth, social security number and the image*



or likeness of any child, family member of any child and reporting party or source, whether primary or collateral.

Sec. 41.3. *“Law enforcement agency” means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law. The term includes, without limitation, a school police officer, and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.*

Sec. 41.5. *“Local law enforcement agency” means:*

- 1. The sheriff’s office of a county;*
- 2. A metropolitan police department; or*
- 3. A police department of an incorporated city.*

Sec. 42. *“Private school” has the meaning ascribed to it in NRS 394.103.*

Sec. 43. *For the purposes of sections 36 to 58, inclusive, of this act, a person:*

1. Has “reasonable cause to believe” if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts “as soon as reasonably practicable” if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

Sec. 44. *1. In addition to the reporting required by NRS 432B.220, if, in his or her capacity as an employee of or volunteer for a public school or private school, such an employee or volunteer knows or has reasonable cause to believe that a child has been subjected to:*

(a) Abuse or neglect, sexual conduct in violation of NRS 201.540 or luring in violation of NRS 201.560 by another employee of or volunteer for a public school or private school, the employee or volunteer who has such knowledge or reasonable cause to believe shall report the abuse or neglect, sexual conduct or luring to the agency which provides child welfare services in the county in which the school is located and a law enforcement agency.

(b) Corporal punishment in violation of NRS 392.4633 or 394.366 by another employee of or volunteer for a public school or private school, the employee or volunteer who has such knowledge



or reasonable cause to believe shall report the corporal punishment to the agency which provides child welfare services in the county in which the school is located.

2. A report pursuant to subsection 1 must be made as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been subjected to abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366.

3. If a law enforcement agency that receives a report pursuant to paragraph (a) of subsection 1 concludes that there is not probable cause to believe that the person allegedly responsible for the abuse or neglect or who allegedly violated NRS 201.540 or 201.560 committed the act of which he or she is accused, the law enforcement agency shall notify the agency which provides child welfare services of that determination.

4. If a school police officer receives a report pursuant to this section of an offense that is punishable as a category A felony, the school police officer shall notify the local law enforcement agency that has jurisdiction over the school.

5. A law enforcement agency, other than a school police officer, shall notify a school police officer, if such an officer is employed in the school district, if the law enforcement agency receives a report pursuant to this section of an offense that is punishable as a felony and:

(a) Allegedly occurred:

(1) On the property of a public school for which the board of trustees of the school district has employed or appointed school police officers;

(2) At an activity sponsored by such a school; or

(3) On a school bus while the school bus was being used by such a school for an official school-related purpose; or

(b) Was allegedly committed by a person who the law enforcement agency has reasonable cause to believe is an employee or volunteer of such a school.

6. An agency which provides child welfare services shall assess all allegations contained in any report made pursuant to this section and, if the agency deems appropriate, assign the matter for investigation.

7. Nothing in sections 36 to 58, inclusive, of this act shall be construed to prohibit an agency which provides child welfare services and a law enforcement agency from undertaking simultaneous investigations of the abuse or neglect of a child or a violation of NRS 201.540 or 201.560.



Sec. 45. 1. *A person may make a report pursuant to section 44 of this act by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.*

2. The report must contain the following information, if obtainable and to the extent applicable:

(a) The name, address, age and sex of the child and the school in which the child is enrolled;

(b) The name and address of the child's parents or other person responsible for the care of the child;

(c) The nature and extent of the abuse or neglect of the child or the sexual conduct, luring or corporal punishment to which the child was subjected;

(d) The name, address and relationship, if known, of the person who is alleged to have abused or neglected, engaged in sexual contact with, lured or administered corporal punishment to, the child; and

(e) Any other information known to the person making the report that the agency which provides child welfare services considers necessary.

Sec. 46. *Any person who knowingly and willfully violates the provisions of section 44 of this act is guilty of:*

1. For the first violation, a misdemeanor.

2. For each subsequent violation, a gross misdemeanor.

Sec. 47. *Any person who is required to make a report pursuant to section 44 of this act may not invoke any of the privileges set forth in chapter 49 of NRS:*

1. For failure to make a report pursuant to section 44 of this act;

2. In cooperating with an agency which provides child welfare services; or

3. In any proceeding held pursuant to sections 36 to 58, inclusive, of this act.

Sec. 48. *In any proceeding resulting from a report made or action taken pursuant to the provisions of sections 44 or 45 of this act or in any proceeding where the report or the contents thereof is sought to be introduced in evidence, the report or contents or any*



other fact or facts related thereto or to the condition of the child who is the subject of the report must not be excluded on the ground that the matter would otherwise be privileged against disclosure under chapter 49 of NRS.

Sec. 49. 1. *A designee of an agency investigating a report made pursuant to section 44 of this act may, with the consent of the parent or guardian of the child who is the subject of the report, interview the child and any sibling of the child, if an interview is deemed appropriate by the designee, concerning the allegations contained in the report. A designee who conducts an interview pursuant to this subsection must be trained adequately to interview children.*

2. A designee of an agency investigating a report made pursuant to section 44 of this act may, with the consent of the parent or guardian of a child who is the subject of the report and after informing the parent or guardian of the provisions of subsection 3:

(a) Take or cause to be taken photographs of the child's body, including any areas of trauma; and

(b) If indicated after consultation with a physician, cause X-rays or medical tests to be performed on the child.

3. The reasonable cost of any photographs or X-rays taken or medical tests performed pursuant to subsection 2 must be paid by the parent or guardian of the child if money is not otherwise available.

4. Any photographs or X-rays taken or records of any medical tests performed pursuant to subsection 2, or any medical records relating to the examination or treatment of a child pursuant to this section, or copies thereof, must be sent to the agency which provides child welfare services, any law enforcement agency participating in the investigation of the report and the prosecuting attorney's office. Each photograph, X-ray, result of a medical test or other medical record:

(a) Must be accompanied by a statement or certificate signed by the custodian of medical records of the health care facility where the photograph or X-ray was taken or the treatment, examination or medical test was performed, indicating:

(1) The name of the child;

(2) The name and address of the person who took the photograph or X-ray, performed the medical test, or examined or treated the child; and

(3) The date on which the photograph or X-ray was taken or the treatment, examination or medical test was performed;



(b) Is admissible in any proceeding relating to the allegations in the report made pursuant to section 44 of this act; and

(c) May be given to the child's parent or guardian if the parent or guardian pays the cost of duplicating them.

5. As used in this section, "medical test" means any test performed by or caused to be performed by a provider of health care, including, without limitation, a computerized axial tomography scan and magnetic resonance imaging.

Sec. 50. *1. Except as otherwise provided in NRS 239.0115 and sections 51 to 55, inclusive, of this act, information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act is confidential.*

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases or disseminates such information, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) As otherwise authorized pursuant to NRS 432B.165 and 432B.175;

(c) As otherwise authorized or required pursuant to NRS 432B.290;

(d) As otherwise authorized or required pursuant to NRS 439.538;

(e) As otherwise required pursuant to NRS 432B.513; or

(f) As otherwise authorized or required pursuant to sections 51 to 55, inclusive, of this act.

↳ is guilty of a gross misdemeanor.

Sec. 51. *Except as otherwise provided in sections 51 to 54, inclusive, of this act, information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act may, at the discretion of the agency which provides child welfare services, be made available only to:*

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child or the violation of NRS 201.540, 201.560, 392.4633 or 394.366 to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

2. A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been



abused or neglected or subject to a violation of NRS 201.540, 201.560, 392.4633 or 394.366;

3. An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care or treatment or supervision of the child or investigate the allegations in the report;

4. A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the conduct alleged in the report;

5. A court, other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

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

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

8. A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect and violations of NRS 201.540, 201.560, 392.4633 or 394.366 or similar statutes in another jurisdiction;

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

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

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

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

(b) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have engaged in the conduct described in the report;

12. The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a



presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

13. A public school, private school, school district or governing body of a charter school or private school in this State or any other jurisdiction that employs a person named in the report, allows such a person to serve as a volunteer or is considering employing such a person or accepting such a person as a volunteer;

14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;

15. An employer in accordance with subsection 3 of NRS 432.100; and

16. The Committee to Review Suicide Fatalities created by NRS 439.5104.

Sec. 52. *1. An agency which provides child welfare services investigating a report made pursuant to section 44 of this act shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of a child or violating the provisions of NRS 201.540, 201.560, 392.4633 or 394.366:*

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person; or

(b) A written summary of the allegations made against the person. The summary must not identify the person who made the report or any collateral sources and reporting parties.

2. A person may authorize the release of information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act about himself or herself, but may not waive the confidentiality of such information concerning any other person.

3. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the allegations in a report made pursuant to section 44 of this act to the person who made the report.

Sec. 53. *1. Information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act must be maintained by the agency which*



provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Before releasing any information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who makes a report pursuant to section 44 of this act and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the allegations in the report or the life or safety of any person.

3. The provisions of sections 51 to 54, inclusive, of this act must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

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

5. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of sections 51 to 54, inclusive, of this act.

Sec. 54. *1. Except as otherwise provided in sections 51 to 54, inclusive, of this act, any person who is provided with information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This section does not apply to:*

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

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



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

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

Sec. 55. *1. An agency which provides child welfare services investigating a report made pursuant to section 44 of this act shall, upon completing the investigation, determine whether the report is substantiated or unsubstantiated.*

2. If the report is substantiated, the agency shall:

(a) Forward the report to the Department of Education, the board of trustees of the school district in which the school is located or the governing body of the charter school or private school, as applicable, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.

(b) Provide written notification to the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 which includes statements indicating that:

(1) The report made against the person has been substantiated and the agency which provides child welfare services intends to place the person's name in the Central Registry pursuant to paragraph (a); and

(2) The person may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required by section 56 of this act.

(c) After the conclusion of any administrative appeal pursuant to section 56 of this act or the expiration of the time period prescribed by that section for requesting an administrative appeal, whichever is later, report to the Central Registry:

(1) Identifying and demographic information on the child who is the subject of the report, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the conduct alleged in the report;

(2) The facts of the alleged conduct, including the date and type of alleged conduct, a description of the alleged conduct, the severity of any injuries and, if applicable, any information concerning the death of the child; and

(3) The disposition of the case.

Sec. 56. *1. A person to whom a written notification is sent pursuant to section 55 of this act may request an administrative*



appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within 15 days after the date on which the agency sends the written notification required by section 55 of this act.

2. Except as otherwise provided in subsection 3, if an agency which provides child welfare services receives a timely request for an administrative appeal pursuant to subsection 1, a hearing before a hearing officer must be held in accordance with chapter 233B of NRS.

3. If a timely request for an administrative appeal is not submitted pursuant to subsection 1, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to section 55 of this act.

4. If the hearing officer in a hearing held pursuant to this section:

(a) Affirms the substantiation of the report, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to section 55 of this act.

(b) Rejects the substantiation of the report, the agency which provides child welfare services shall not place the person's name in the Central Registry pursuant to section 55 of this act.

5. The decision of a hearing officer in a hearing held pursuant to this section is a final decision for the purposes of judicial review.

Sec. 57. 1. Immunity from civil or criminal liability extends to every person who in good faith:

(a) Makes a report pursuant to section 44 of this act;

(b) Conducts an interview or allows an interview to be taken pursuant to section 49 of this act;

(c) Allows or takes photographs or X-rays pursuant to section 49 of this act;

(d) Causes a medical test to be performed pursuant to section 49 of this act;

(e) Provides a record, or a copy thereof, of a medical test performed pursuant to section 49 of this act to an agency which provides child welfare services to the child, a law enforcement agency that participated in the investigation of the report made pursuant to section 44 of this act or the prosecuting attorney's office; or

(f) Participates in a judicial proceeding resulting from a report made pursuant to section 44 of this act.

2. In any proceeding to impose liability against a person for:



- (a) Making a report pursuant to section 44 of this act; or*
 - (b) Performing any act set forth in paragraphs (b) to (f), inclusive, of subsection 1,*
- ↳ there is a presumption that the person acted in good faith.*

Sec. 58. *The Division of Child and Family Services of the Department of Health and Human Services may, in consultation with each agency which provides child welfare services, adopt any regulations necessary for the administration of sections 36 to 58, inclusive, of this act.*

Sec. 59. NRS 392.4633 is hereby amended to read as follows:
392.4633 1. Corporal punishment must not be administered upon a pupil in any public school.

2. Subsection 1 does not prohibit any ~~teacher, principal or other licensed~~ person from defending himself or herself if attacked by a pupil.

3. ~~[-A person may report the use of corporal punishment on a pupil to the agency which provides child welfare services in the county in which the school district is located. If the agency determines that the complaint is substantiated, the agency shall forward the complaint to the Department, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.~~

~~—4.—~~ As used in this section ~~[-~~

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

~~—(b) “Corporal”~~, *“corporal”* punishment” means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:

~~[-(1)]~~ *(a)* To quell a disturbance that threatens physical injury to any person or the destruction of property;

~~[-(2)]~~ *(b)* To obtain possession of a weapon or other dangerous object within a pupil’s control;

~~[-(3)]~~ *(c)* For the purpose of self-defense or the defense of another person; or

~~[-(4)]~~ *(d)* To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

Sec. 60. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised or regular



contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:

(a) Submit the fingerprints of the applicant to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. In conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants or applications for protective orders.

4. The administrator or governing body of a private school may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:



(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

5. The administrator or governing body of a private school may not be held liable for damages resulting from taking any action authorized by subsection 3 or 4.

Sec. 61. NRS 394.177 is hereby amended to read as follows:

394.177 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220 **+** *or section 44 of this act.*

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) “Reasonable cause to believe” means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) “School employee” means a licensed or unlicensed person, other than a school official, who is employed by a private school.

(c) “School official” means:

- (1) An owner of a private school.
- (2) A director of a private school.
- (3) A supervisor at a private school.
- (4) An administrator at a private school.



(d) “Teacher” means a person employed by a private school to provide instruction and other educational services to pupils enrolled in the private school.

Sec. 62. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.550, inclusive, *and section 60 of this act* is guilty of a gross misdemeanor. Each day’s failure to comply with the provisions of these sections is a separate offense.

Sec. 63. The provisions of NRS 288.150, as amended by section 24 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after July 1, 2017, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before July 1, 2017.

Sec. 64. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 65. This act becomes effective on July 1, 2017.



CHAPTER.....

AN ACT relating to child welfare; requiring a court to appoint an attorney to represent a child in certain proceedings; providing for the compensation of the attorney; excluding certain persons from appointment as a guardian ad litem; increasing the maximum amount of the fee that a board of county commissioners may impose for recording certain documents; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes, but does not require, the court to appoint an attorney to represent a child who is alleged to have been abused or neglected in civil child protection proceedings and proceedings to terminate parental rights. (NRS 128.100, 432B.420) **Sections 1 and 4** of this bill: (1) require the court to appoint an attorney to represent a child who is alleged to have been abused or neglected in such proceedings; and (2) provide that the child is deemed to be a party to such proceedings. **Section 1** further provides for the compensation of the attorney who is so appointed. **Section 3** of this bill makes a conforming change.

Existing law requires a court to appoint a guardian ad litem for a child after a petition is filed that the child is in need of protection. (NRS 432B.500) **Section 2** of this bill prohibits the court from appointing an attorney who has been appointed to represent the child to also serve as a guardian ad litem.

Existing law authorizes a board of county commissioners to impose a fee of not more than \$3 for recording certain documents to fund the provision of legal services to abused and neglected children. (NRS 247.305) **Section 4.5** of this bill increases the maximum amount of this fee to \$6.

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

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive. Except as otherwise provided in subsection ~~2,~~ **3**, if the person is indigent, the court may appoint an attorney to represent the person.

2. *A child who is alleged to have been abused or neglected shall be deemed to be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive.* The court ~~may, if it finds it appropriate,~~ **shall** appoint an attorney to represent the child. The



child ~~{may}~~ **must** be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive. ~~{If the child is represented by an attorney, the}~~ **The** attorney **representing the child** has the same authority and rights as an attorney representing ~~{a}~~ **any other** party to the proceedings.

~~{2}~~ **3.** If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

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

(b) ~~{May appoint an attorney to represent the Indian child; and~~

~~—(c)}~~ May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

↳ as provided in the Indian Child Welfare Act.

~~{3}~~ **4.** Each attorney, other than a public defender ~~{}~~ **or an attorney compensated through a program for legal aid described in NRS 19.031 and 247.305**, if appointed under the provisions of subsection 1 ~~{}~~ **or 2**, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime. ~~{Except as otherwise provided in NRS 432B.500, an attorney appointed to represent a child may also be appointed as guardian ad litem for the child.}~~

Sec. 2. NRS 432B.500 is hereby amended to read as follows:

432B.500 1. After a petition is filed that a child is in need of protection pursuant to NRS 432B.490, the court shall appoint a guardian ad litem for the child. The person so appointed:

(a) Must meet the requirements of NRS 432B.505 or, if such a person is not available, a representative of an agency which provides child welfare services, a juvenile probation officer, an officer of the court or another volunteer.

(b) Must not be a parent or other person responsible for the child's welfare.

(c) Must not be an attorney appointed to represent the child pursuant to NRS 432B.420.

2. A guardian ad litem appointed pursuant to this section shall:

(a) Represent and protect the best interests of the child until excused by the court;

(b) Thoroughly research and ascertain the relevant facts of each case for which the guardian ad litem is appointed, and ensure that the court receives an independent, objective account of those facts;

(c) Meet with the child wherever the child is placed as often as is necessary to determine that the child is safe and to ascertain the best interests of the child;



(d) Explain to the child the role of the guardian ad litem and, when appropriate, the nature and purpose of each proceeding in the case;

(e) Participate in the development and negotiation of any plans for and orders regarding the child, and monitor the implementation of those plans and orders to determine whether services are being provided in an appropriate and timely manner;

(f) Appear at all proceedings regarding the child;

(g) Inform the court of the desires of the child, but exercise independent judgment regarding the best interests of the child;

(h) Present recommendations to the court and provide reasons in support of those recommendations;

(i) Request the court to enter orders that are clear, specific and, when appropriate, include periods for compliance;

(j) Review the progress of each case for which the guardian ad litem is appointed, and advocate for the expedient completion of the case; and

(k) Perform such other duties as the court orders.

Sec. 3. NRS 128.023 is hereby amended to read as follows:

128.023 1. If proceedings pursuant to this chapter involve the termination of parental rights of the parent of an Indian child, the court shall:

(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.

(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.

(c) If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

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

(b) ~~May appoint an attorney to represent the Indian child; and~~

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

↪ as provided in the Indian Child Welfare Act.

Sec. 4. NRS 128.100 is hereby amended to read as follows:

128.100 1. ~~Has~~ *Except as otherwise provided in subsection 2, in* any proceeding for terminating parental rights, or any rehearing or appeal thereon, or any proceeding for restoring parental rights, the court may appoint an attorney to represent the child as his or her counsel. ~~and, if the child does not have a guardian ad litem~~



~~appointed pursuant to NRS 432B.500, as his or her guardian ad litem.]~~ The child may be represented by an attorney at all stages of any proceedings for terminating parental rights. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.

2. *In any proceeding for the termination of parental rights to a child who has been placed outside of his or her home pursuant to chapter 432B of NRS, or any rehearing or appeal thereon, or any proceeding for restoring parental rights to such a child, the court shall appoint an attorney to represent the child as his or her counsel. The child shall be deemed to be a party to any proceeding described in this section and must be represented by an attorney at all stages of such proceedings. The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.*

3. If the parent or parents of the child desire to be represented by counsel, but are indigent, the court may appoint an attorney for them.

~~3-] 4.~~ Each attorney appointed under the provisions of this section is entitled to the same compensation and expenses from the county as provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with crimes.

Sec. 4.5. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

- (a) For recording any document, for the first page \$10
- (b) For each additional page \$1
- (c) For recording each portion of a document which must be separately indexed, after the first indexing \$3
- (d) For copying any record, for each page \$1
- (e) For certifying, including certificate and seal \$4
- (f) For a certified copy of a certificate of marriage \$10
- (g) For a certified abstract of a certificate of marriage \$10
- (h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of \$5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before



the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than ~~\$3~~ \$6 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the



indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children ~~H~~, *including, without limitation, to compensate attorneys appointed to represent such children pursuant to NRS 128.100 and 432B.420.*

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town;

or
(4) Is a notice of the pendency of an action by the State or that city or town.

7. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

8. If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by \$5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than \$5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.



9. Except as otherwise provided in subsection 2, 3, 4 or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

10. For the purposes of this section, “State of Nevada,” “county,” “city” and “town” include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. (Deleted by amendment.)



CHAPTER.....

AN ACT relating to public welfare; authorizing the filing of a motion for the termination of parental rights as part of a proceeding relating to the abuse or neglect of a child; establishing provisions concerning the process for the termination of parental rights following the filing of such a motion; requiring the court to conduct a hearing to determine whether to transfer venue for proceedings on a petition for the termination of parental rights under certain circumstances; revising provisions governing in which county a petition for the termination of parental rights may be filed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes procedures governing the termination of parental rights. (Chapter 128 of NRS) Existing law also establishes procedures governing the protection of children from abuse and neglect. (Chapter 432B of NRS) **Section 2** of this bill provides that if a juvenile court determines that a child is in need of protection, an agency which provides child welfare services is authorized to file a motion for the termination of parental rights as part of the proceeding concerning the abuse or neglect of the child. **Sections 2 and 10.3** of this bill provide that the provisions of existing law governing the termination of parental rights apply to all proceedings concerning the termination of parental rights that are commenced by an agency which provides child welfare services, but only to the extent they do not conflict with the provisions established in this bill.

Section 3 of this bill establishes provisions concerning notice of the hearing on the motion for the termination of parental rights and requires the court to ensure that any prospective adoptive parent is provided a copy of the notice. **Section 3** also provides that the name and address of a prospective adoptive parent generally must be kept confidential. **Section 4** of this bill authorizes a party who has been informed of the allegations set forth in the motion to contest such allegations and request an evidentiary hearing or voluntarily relinquish his or her parental rights. **Section 5** of this bill authorizes the court to order the parties to the proceeding, any prospective adoptive parent and a representative from an agency which provides child welfare services to participate in mediation for the purpose of negotiating the terms of an open adoption agreement.

Section 6 of this bill authorizes a court to permit a witness or party to the proceeding to testify by telephone or videoconference in certain circumstances during an evidentiary hearing on a motion for the termination of parental rights. **Section 7** of this bill requires the court to use its best efforts to ensure that a final written decision on such a motion is rendered not later than 30 days after the conclusion of the evidentiary hearing, and **section 8** of this bill requires the appellate court of competent jurisdiction to use its best efforts to ensure that any appeal is resolved not later than 6 months after the appeal is filed or, if the court orders full briefings on the matter, not later than 12 months after the appeal is filed. **Section 9** of this bill requires that a petition for the restoration of parental rights be filed as part of a proceeding concerning the abuse or neglect of a child in certain circumstances.



Existing law establishes criteria to determine in which county a petition alleging that a child should be declared free from the custody and control of his or her parent or parents may be filed. (NRS 128.030) **Section 10.7** of this bill adds certain criteria to that list.

Section 10.5 of this bill requires the court to conduct a hearing to determine whether to transfer venue for proceedings pursuant to a petition for the termination of parental rights to another county when a parent whose consent is required objects in writing to venue.

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

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. 1. *The provisions of chapter 128 of NRS, to the extent they do not conflict with the provisions of sections 2 to 9, inclusive, of this act, apply to all proceedings concerning the termination of parental rights that are commenced pursuant to this section by an agency which provides child welfare services.*

2. If a child is determined to be a child in need of protection pursuant to NRS 432B.550, an agency which provides child welfare services may, at any stage of a proceeding held pursuant to this chapter, file a motion for the termination of parental rights as part of the proceeding.

Sec. 3. 1. *After a motion for the termination of parental rights is filed pursuant to section 2 of this act, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 3, 4 and 5 of NRS 128.070 and subsection 2.*

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known address, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice shall be deemed to be complete at the expiration of such



a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.

4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:

(a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion;

(b) If applicable, each Indian tribe of the child who is the subject of the motion, in accordance with NRS 128.023; and

(c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.

5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.

6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in section 5 of this act or another provision of law, the name and address of the prospective adoptive parent must be kept confidential.

7. Any party to the proceeding may file a written response to the motion.

Sec. 4. 1. *At the time stated in the notice of the hearing, or at the earliest time thereafter to which the hearing may be postponed, the parties to the proceeding shall, except as otherwise provided in this subsection, appear in person before the court and must be informed of the specific allegations set forth in the motion for the termination of parental rights. The court may allow a party to participate in the proceeding by telephone or videoconference if he or she is unable to appear in person because he or she is incarcerated outside this State or hospitalized and cannot be transported to the court.*

2. After a party has been informed of the allegations set forth in the motion, he or she may:



(a) Contest such allegations and request an evidentiary hearing, in which case an evidentiary hearing must be scheduled; or

(b) Voluntarily relinquish his or her parental rights with or without the possibility of an open adoption agreement established through mediation pursuant to section 5 of this act, in which case a hearing must be scheduled for the purpose of confirming such voluntary relinquishment.

3. If an evidentiary hearing is scheduled pursuant to paragraph (a) of subsection 2, the court may also order a party to the proceeding to participate in mediation pursuant to section 5 of this act.

4. If a party to the proceeding does not appear at the time stated in the notice and the court determines that he or she was given proper notice pursuant to section 3 of this act, the court may proceed to hear evidence and render its decision or postpone hearing any evidence until an evidentiary hearing is conducted concerning any other party to the proceeding.

5. If the court postpones hearing evidence pursuant to subsection 4, further notice to the absent party is required unless the court, in its discretion, considering the facts and circumstances of the case, determines that no additional notice to the absent party is required.

Sec. 5. *1. The court may, upon its own motion or the motion of a party to the proceeding, order the parties, any prospective adoptive parent and a representative from an agency which provides child welfare services to participate in mediation for the purpose of negotiating the terms of an open adoption agreement.*

2. A party to the proceeding may make a motion for mediation at any time after the commencement of a proceeding for the termination of parental rights but not less than 5 judicial days before a scheduled evidentiary hearing.

3. Persons ordered to participate in mediation pursuant to subsection 1 shall complete such mediation not later than 60 calendar days after the court issues the order for mediation.

4. If the persons ordered to participate in mediation agree to the terms of an open adoption, the terms must be set forth in a written agreement at the time of mediation.

Sec. 6. *During an evidentiary hearing, at the request of a party to the proceeding, the court may permit a witness to testify by telephone or videoconference if the court determines that it is able to adequately assess witness credibility. Except as otherwise*



permitted by the court, a party to the proceeding may not testify by telephone or videoconference unless he or she is incarcerated outside this State or hospitalized and cannot be transported to the court.

Sec. 7. *The court shall use its best efforts to ensure that a final written decision on a motion for the termination of parental rights which includes detailed findings of fact is rendered not later than 30 days after the conclusion of the evidentiary hearing. Such a decision may be rendered orally in court before being set forth in a written order. The order of the court must include a notice of the right of a party to appeal the decision of the court. The order granting or denying a motion for the termination of parental rights is a final order of the court and the parties have the right to appeal the decision of the court in accordance with chapter 128 of NRS.*

Sec. 8. *Except as otherwise provided in this section, if a party appeals the decision of the court pursuant to section 7 of this act, the appellate court of competent jurisdiction shall use its best efforts to ensure that the matter is resolved not later than 6 months after the appeal is filed. If the appellate court orders full briefings on the matter, it shall use its best efforts to ensure that the matter is resolved not later than 12 months after the appeal is filed.*

Sec. 9. *If a person seeks to restore the parental rights of a natural parent or parents pursuant to NRS 128.170 to 128.190, inclusive, and the child whose natural parent or parents have had their parental rights terminated or have relinquished their parental rights is subject to the jurisdiction of the juvenile court pursuant to this chapter, the petition for the restoration of parental rights must be filed as part of a proceeding held pursuant to this chapter.*

Sec. 10. Chapter 128 of NRS is hereby amended by adding thereto the provisions set forth as sections 10.3 and 10.5 of this act.

Sec. 10.3. *The provisions of this chapter, to the extent they do not conflict with the provisions of sections 2 to 9, inclusive, of this act, apply to all proceedings concerning the termination of parental rights that are commenced pursuant to section 2 of this act by an agency which provides child welfare services.*

Sec. 10.5. 1. *If a petition for termination of parental rights has been filed and a parent whose consent is required objects in writing to venue, the court must conduct a hearing to determine whether to transfer venue to another county. For the purpose of determining whether to transfer venue to another county, the*



court shall consider the ease of access to the court for the defendant and the factors set forth in NRS 13.050 and 128.030.

2. For the purpose of conducting a hearing pursuant to subsection 1, a party or witness located in another jurisdiction may testify by telephone or audiovisual or other electronic means.

Sec. 10.7. NRS 128.030 is hereby amended to read as follows:

128.030 A petition alleging that ~~there is or resides within the county~~ a child ~~who~~ should be declared free from the custody and control of his or her parent or parents may be filed at the election of the petitioner in:

1. The county in which the child is found;
2. The county in which the acts complained of occurred; ~~for~~
3. The county in which the child resides ~~H~~;
4. *The county in which the child is the subject of another court proceeding;*
5. *The county in which an agency which provides child welfare services is located;*
6. *The county in which the guardian or custodian of the child resides;*
7. *The county in which the defendant resides; or*
8. *The county in which the convenience of the witnesses and the ends of justice would be promoted.*

Sec. 11. 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, 41.071, 49.095, 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, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 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, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,



241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 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, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 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.110, 687A.115,



687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 3 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 the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. 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 a readily available medium 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. 12. This act becomes effective on January 1, 2018.



Senate Bill No. 480–Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to children; requiring certain health care providers to notify an agency which provides child welfare services that a newborn infant has been affected by a fetal alcohol spectrum disorder; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal law, the Child Abuse Prevention and Treatment Act (CAPTA), provides federal funding to states relating to the prevention, assessment and treatment of child abuse and neglect. (42 U.S.C. §§ 5101 et seq.) The provisions of CAPTA previously provided that, to be eligible for certain federal grants, a state must require health care providers to notify child protection services when an infant shows signs of prenatal exposure to illegal drugs. (42 U.S.C. § 5106a) On July 22, 2016, the federal Comprehensive Addiction and Recovery Act of 2016 (CARA) amended the state grant eligibility requirement in CAPTA to require health care providers to provide such notice: (1) without regard to whether the drug was legal or illegal; and (2) for infants born with and identified as being affected by fetal alcohol spectrum disorder. (Pub. L. No. 114-198, § 503, 130 Stat. 695, 729)

Sections 1-9 of this bill amend existing state law to: (1) bring state law in alignment with certain requirements of CAPTA; and (2) satisfy certain eligibility requirements for grants set forth in CAPTA.

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

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

“Fetal alcohol spectrum disorder” means a continuum of birth defects caused by maternal consumption of alcohol during pregnancy. The term includes, without limitation, fetal alcohol syndrome.

Sec. 2. NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 432B.170 is hereby amended to read as follows:

432B.170 Nothing in the provisions of this chapter or NRS 432.0999 to 432.130, inclusive, prohibits an agency which provides child welfare services from sharing information with other state or local agencies if:



1. The purpose for sharing the information is for the development of a plan for the care, treatment or supervision of ~~that~~ :

(a) A child who has been abused or neglected ~~by or on~~ ;

(b) An infant who is born and has been affected by ~~pre~~ prenatal ~~illegal~~ :

(1) A fetal alcohol spectrum disorder; or

(2) Prenatal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure ; or ~~of a~~

(c) A person responsible for the child's or infant's welfare;

2. The other agency has standards for confidentiality equivalent to those of the agency which provides child welfare services; and

3. Proper safeguards are taken to ensure the confidentiality of the information.

Sec. 4. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal ~~illegal~~



substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.



(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, “youth shelter” has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational



capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 5. NRS 432B.230 is hereby amended to read as follows:

432B.230 1. A person may make a report pursuant to NRS 432B.220 by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, if obtainable:

(a) The name, address, age and sex of the child;

(b) The name and address of the child's parents or other person responsible for the care of the child;

(c) The nature and extent of the abuse or neglect of the child, the effect of *a fetal alcohol spectrum disorder or* prenatal ~~illegal~~ substance abuse on the newborn infant or the nature of the withdrawal symptoms resulting from prenatal drug exposure of the newborn infant;

(d) Any evidence of previously known or suspected:

(1) Abuse or neglect of the child or the child's siblings; or

(2) Effects of *a fetal alcohol spectrum disorder or* prenatal ~~illegal~~ substance abuse on or evidence of withdrawal symptoms resulting from prenatal drug exposure of the newborn infant;

(e) The name, address and relationship, if known, of the person who is alleged to have abused or neglected the child; and

(f) Any other information known to the person making the report that the agency which provides child welfare services considers necessary.

Sec. 6. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child



welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

- (a) There is a high risk of serious harm to the child;
- (b) The child has suffered a fatality; or
- (c) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

- (a) The child is not in imminent danger of harm;
- (b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens the immediate health or safety of the child;
- (c) The alleged abuse or neglect of the child or the alleged effect of *a fetal alcohol spectrum disorder or* prenatal ~~illegal~~ substance abuse on or the withdrawal symptoms resulting from any prenatal drug exposure of the newborn infant could be eliminated if the child and the family of the child are referred to or participate in social or health services offered in the community, or both; or
- (d) The agency determines that the:

(1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment; and

(2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant



to NRS 432B.010 to 432B.400, inclusive, *and section 1 of this act*, the agency shall inform the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.

6. If the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or the family of the child pursuant to subsection 6, the agency shall require the person to notify the agency if the child or the family refuses or fails to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

8. If an agency which provides child welfare services determines pursuant to subsection 3 that an investigation is not warranted, the agency may, at any time, reverse that determination and initiate an investigation.

9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

Sec. 7. NRS 432B.310 is hereby amended to read as follows:

432B.310 1. Except as otherwise provided in subsection 6 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

(a) Identifying and demographic information on the child alleged to be abused or neglected, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the abuse or neglect;

(b) The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse



was inflicted, the severity of the injuries and, if applicable, any information concerning the death of the child; and

(c) The disposition of the case.

2. An agency which provides child welfare services shall not report to the Central Registry any information concerning a child identified as being affected by *a fetal alcohol spectrum disorder* or prenatal ~~illegal~~ substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure unless the agency determines that a person has abused or neglected the child after the child was born.

Sec. 8. NRS 432B.330 is hereby amended to read as follows:

432B.330 1. A child is in need of protection if:

(a) The child has been abandoned by a person responsible for the welfare of the child;

(b) The child has been subjected to abuse or neglect by a person responsible for the welfare of the child;

(c) The child is in the care of a person responsible for the welfare of the child and another child has:

(1) Died as a result of abuse or neglect by that person; or

(2) Been subjected to abuse by that person, unless the person has successfully completed a plan for services that was recommended by an agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child;

(d) The child has been placed for care or adoption in violation of law; or

(e) The child has been delivered to a provider of emergency services pursuant to NRS 432B.630.

2. A child may be in need of protection if the person responsible for the welfare of the child:

(a) Is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity;

(b) Fails, although the person is financially able to do so or has been offered financial or other means to do so, to provide for the following needs of the child:

(1) Food, clothing or shelter necessary for the child's health or safety;

(2) Education as required by law; or

(3) Adequate medical care;

(c) Has been responsible for the neglect of a child who has resided with that person; or



(d) Has been responsible for the abuse of another child regardless of whether that person has successfully completed a plan for services that was recommended by an agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child.

3. A child may be in need of protection if the death of a parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.

4. A child may be in need of protection if the child is identified as being affected by *a fetal alcohol spectrum disorder or* prenatal ~~illegal~~ substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure.

5. As used in this section:

(a) "Abuse" means:

(1) Physical or mental injury of a nonaccidental nature; or

(2) Sexual abuse or sexual exploitation,

↳ of a child caused or allowed by a person responsible for the welfare of the child under circumstances which indicate that the child's health or welfare is harmed or threatened with harm. The term does not include the actions described in subsection 2 of NRS 432B.020.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.

(c) "Neglect" means abandonment or failure to:

(1) Provide for the needs of a child set forth in paragraph (b) of subsection 2; or

(2) Provide proper care, control and supervision of a child as necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

↳ The term does not include the actions described in subsection 2 of NRS 432B.020.

Sec. 9. NRS 432B.400 is hereby amended to read as follows:

432B.400 A physician treating a child or a person in charge of a hospital or similar institution may hold a child for no more than 24 hours if there is reasonable cause to believe that the child has been abused or neglected or has been affected by *a fetal alcohol spectrum disorder or* prenatal ~~illegal~~ substance abuse or has withdrawal symptoms resulting from prenatal drug exposure and that the child is in danger of further harm if released. The physician or other person shall immediately notify a law enforcement agency



or an agency which provides child welfare services that the physician or other person is holding the child.

Sec. 10. This act becomes effective on July 1, 2017.



Assembly Bill No. 99—Assemblymen Araujo; Bilbray-Axelrod,
Daly, Diaz, Monroe-Moreno, Neal, Sprinkle, Thompson and
Yeager

Joint Sponsors: Senators Cancela,
Spearman and Woodhouse

CHAPTER.....

AN ACT relating to children; requiring certain institutions and agencies to treat a child as having the gender with which the child identifies; requiring certain persons to receive training on working with lesbian, gay, bisexual, transgender and questioning children; requiring the Division of Child and Family Services of the Department of Health and Human Services to establish protocols to follow or factors to consider before placing a child in certain placements; requiring the Division to establish a process for filing and resolving certain grievances; revising the manner in which a foster child is notified of his or her rights; requiring certain facilities to which a juvenile court commits a child to comply with certain federal law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to place a child in a public or private institution or agency authorized to care for children. (NRS 62E.110) Such institutions include juvenile detention facilities, foster homes, child care facilities and mental health facilities. (NRS 62B.200, 63.400, 432A.1757, 432B.550, 433B.310) Existing law also provides for the licensure and regulation of foster care agencies, which are business entities that recruit and enter into contracts with foster homes to assist an agency which provides child welfare services and juvenile courts in the placement of children in foster homes. (NRS 424.0135, 424.093-424.270) Additionally, existing law designates as the agency which provides child welfare services: (1) in a county whose population is less than 100,000, the Division of Child and Family Services of the Department of Health and Human Services; and (2) in a county whose population is 100,000 or more, the agency of the county which provides or arranges for necessary child welfare services. (NRS 432B.030)

Sections 3, 4, 23, 28, 29, 37, 41 and 46 of this bill require each of those institutions and agencies to treat a child for whom the institution or agency is responsible in accordance with the child's gender identity or expression.

Existing law requires an employee of such an institution or agency to receive certain training. (NRS 62B.250, 63.190, 424.0365, 424.135, 432A.177, 432B.195, 433B.175) **Sections 4, 6, 10, 24, 29, 31, 38, 43 and 47** of this bill require that training to: (1) be approved by the licensing authority or the Division; and (2) include instruction on working with lesbian, gay, bisexual, transgender and questioning children.

Sections 23, 37, 41 and 46 require the Division to prescribe regulations that a court must consider before placing a child in a child care facility, a facility for the detention of children or a mental health or treatment facility and protocols that such



a facility must follow when placing a child within the facility. **Section 28** of this bill requires the Division to adopt protocols to ensure that each child in the custody of an agency which provides child welfare services is placed in a manner that is appropriate for the gender identity or expression of the child. **Section 28** also requires an agency which provides child welfare services to: (1) follow such protocols when placing a child in an out-of-home placement; and (2) ensure that an out-of-home placement follows such protocols when placing a child within the placement. **Sections 3, 4 and 29** require a foster home, foster care agency or facility into which a child alleged to be a child with emotional disturbance who is in the custody of an agency which provides child welfare services is committed to follow such protocols.

Section 14 of this bill requires the Division to establish a procedure for filing and resolving a grievance concerning a placement, a foster care agency, an agency which provides child welfare services or an agency or institution to which a child is committed by a court.

Existing law requires a provider of foster care to provide a foster child with a written copy of his or her rights. (NRS 432.540) **Section 20** of this bill requires a provider of foster care to provide a foster child with a written summary of those rights.

The Prison Rape Elimination Act provides for the collection of data, the award of grants and the adoption of standards to prevent rape in correctional institutions. (42 U.S.C. §§ 15601 et seq.) **Sections 37 and 41** require certain facilities to which a juvenile court commits a child to adhere to the Prison Rape Elimination Act and any standards adopted pursuant to that federal law.

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

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 2.5, 3 and 4 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. *“Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.*

Sec. 3. *A provider of foster care shall:*

1. Ensure that each foster child who is placed in the foster home is treated in all respects in accordance with the child’s gender identity or expression; and

2. Follow the protocols prescribed in the regulations adopted pursuant to section 28 of this act when placing a foster child within the foster home.

Sec. 4. *1. The holder of a license to operate a foster care agency shall ensure that each member of the staff of the foster care agency who comes into direct contact with a child placed by the foster care agency receives, within 90 days after employment*



and annually thereafter, training that has been approved by the licensing authority concerning working with lesbian, gay, bisexual, transgender and questioning children.

2. A foster care agency shall:

(a) Ensure that each child placed by the foster care agency is treated in all respects in accordance with the child's gender identity or expression; and

(b) Follow the protocols prescribed in the regulations adopted pursuant to section 28 of this act when assisting an agency which provides child welfare services or a juvenile court in placing a child in foster care.

Sec. 5. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.011 to 424.018, inclusive, *and section 2.5 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 424.0365 is hereby amended to read as follows:

424.0365 1. A licensee that operates a family foster home, a specialized foster home, an independent living foster home or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within ~~130~~ **90** days after employment and annually thereafter. Such training must *be approved by the licensing authority and* include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the home;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; ~~and~~

(h) Working with lesbian, gay, bisexual, transgender and questioning children; and

(i) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.



Sec. 7. NRS 424.090 is hereby amended to read as follows:

424.090 **1.** The provisions of NRS 424.020 to 424.090, inclusive, **and section 3 of this act** do not apply to homes in which:

~~1-1~~ **(a)** Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

~~1-2~~ **(b)** Care is provided by the legal guardian.

~~1-3~~ **(c)** Care is provided for an exchange student.

~~1-4~~ **(d)** Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

~~1-5~~ **(e)** Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

~~1-6~~ **(f)** Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is related to the caregiver by blood, adoption or marriage.

~~1-7~~ **(g)** Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

~~1-a~~ **(1)** The caregiver is related to the child within the fifth degree of consanguinity ~~1-1~~ **or a fictive kin**; and

~~1-b~~ **(2)** The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive ~~1-1~~, **and section 3 of this act.**

2. *As used in this section, "fictive kin" means a person who is not related by blood to a child but has a significant emotional and positive relationship with the child.*

Sec. 8. NRS 424.095 is hereby amended to read as follows:

424.095 **1.** An application for a license to operate a foster care agency must be in a form prescribed by the Division and submitted to the appropriate licensing authority. Such a license is effective for 2 years after the date of its issuance and may be renewed upon expiration.

2. An applicant must provide reasonable and satisfactory assurance to the licensing authority that the applicant will conform to the provisions of NRS 424.093 to 424.270, inclusive, **and section 4 of this act**, and the regulations adopted by the Division pursuant thereto.

3. Upon application for renewal, the licensing authority may renew a license if the licensing authority determines that the licensee conforms to the provisions of NRS 424.093 to 424.270,



inclusive, *and section 4 of this act*, and the regulations adopted by the Division pursuant thereto.

Sec. 9. NRS 424.096 is hereby amended to read as follows:

424.096 1. After notice and hearing, a licensing authority may:

(a) Deny an application for a license to operate a foster care agency if the licensing authority determines that the applicant does not comply with the provisions of NRS 424.093 to 424.270, inclusive, *and section 4 of this act*, and the regulations adopted by the Division pursuant thereto.

(b) Upon a finding of deficiency, require a foster care agency to prepare a plan of corrective action and, within 90 days or a shorter period prescribed by the licensing authority require the foster care agency to complete the plan of corrective action.

(c) Refuse to renew a license or may revoke a license if the licensing authority finds that the foster care agency has refused or failed to meet any of the established standards or has violated any of the regulations adopted by the Division pursuant to NRS 424.093.

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 a licensing authority is appealed to the district court, the trial may be de novo.

Sec. 10. NRS 424.135 is hereby amended to read as follows:

424.135 1. The foster care agency shall develop and carry out a written plan for the orientation, training, supervision and evaluation of members of the staff.

2. The orientation must include, without limitation, information on the policies and procedures of the foster care agency, goals for the programs and services of the foster care agency, the responsibilities of members of the staff and the provisions of this chapter and the regulations adopted pursuant thereto that relate to licensing. The training must include, without limitation, any training required by the licensing authority ~~H~~ *and the training required by section 4 of this act*. Each member of the staff must be evaluated at least once each year.

3. The foster care agency shall maintain comprehensive written policies and procedures for the personnel, services and programs of the foster care agency and make the policies and procedures readily available to the members of the staff and to the licensing authority.

4. The foster care agency shall maintain comprehensive records for personnel that, upon request, must be made available to the licensing authority.



Sec. 11. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 12, 13 and 14 of this act.

Secs. 12 and 13. (Deleted by amendment.)

Sec. 14. 1. *The Division shall prescribe by regulation:*

(a) A procedure by which a child or, if applicable, the parent or guardian of a child, may file a grievance concerning a foster care agency, an agency which provides child welfare services, an out-of-home placement, a psychiatric hospital or facility in which a child who is in the custody of an agency which provides child welfare services is placed, a division facility or any public or private institution or agency to which a child is committed by a court; and

(b) A process for resolving those grievances, which must provide for persons who are not directly responsible for the care of the child who filed or is the subject of the grievance to evaluate the grievance and, if such a person determines that the grievance is not frivolous, investigate the grievance and impose remedies. Such remedies must include, without limitation, requiring the agency or placement, facility or institution to make changes to address the grievance, or notifying a regulatory or law enforcement agency with jurisdiction over the agency, placement, facility or institution.

2. An out-of-home placement with which a child in the custody of the agency which provides child welfare services is placed shall:

(a) Inform the child of the process for filing a grievance pursuant to subsection 1;

(b) Provide the child with a summary of that process; and

(c) Provide an additional written copy of the summary upon request.

3. As used in this section:

(a) "Division facility" has the meaning ascribed to it in NRS 433B.070.

(b) "Foster care agency" has the meaning ascribed to it in NRS 424.0135.

(c) "Out-of-home placement" means a foster home or child care facility, as defined in NRS 432A.024, which has physical custody of a child pursuant to the order of a court.

Sec. 15. 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 and 424 of NRS, NRS 127.220 to 127.310, inclusive, 432.010 to 432.085, inclusive, and 433B.010 to 433B.340, inclusive, *and section 46 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. 16. NRS 432.500 is hereby amended to read as follows:

432.500 As used in NRS 432.500 to 432.550, inclusive, *and section 14 of this act*, unless the context otherwise requires, the words and terms defined in NRS 432.505, 432.510 and 432.515 have the meanings ascribed to them in those sections.

Secs. 17-19. (Deleted by amendment.)

Sec. 20. NRS 432.540 is hereby amended to read as follows:

432.540 1. A provider of foster care that places a child in a foster home shall:

(a) Inform the child of his or her rights set forth in NRS 432.525, 432.530 and 432.535;

(b) Provide the child with a written ~~copy~~ *summary* of those rights; and

(c) Provide an additional written copy of ~~those rights~~ *the summary* to the child upon request.

2. A group foster home shall post a written copy of the ~~rights set forth in NRS 432.525, 432.530 and 432.535~~ *summary described in subsection 1 and the summary of the process for filing a grievance described in section 14 of this act* in a conspicuous place inside the group foster home.

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 432.550 is hereby amended to read as follows:

432.550 If a child believes that his or her rights set forth in NRS 432.525, 432.530 and 432.535 have been violated, the child may raise and redress a grievance with, without limitation:

1. A provider of foster care;
2. An employee of a foster home;
3. An agency which provides child welfare services to the child, and any employee thereof;
4. A juvenile court with jurisdiction over the child;
5. A guardian ad litem for the child; ~~or~~
6. An attorney for the child ~~or~~ *;* **or**
7. *The Division, using the process established pursuant to section 14 of this act.*



Sec. 23. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

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

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

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

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

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

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

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

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

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

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

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

5. As used in this section:

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



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

(c) “Gender identity or expression” has the meaning ascribed to it in section 2.5 of this act.

Sec. 24. NRS 432A.177 is hereby amended to read as follows:

432A.177 1. A licensee that operates a child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall ensure that each employee who comes into direct contact with children in the facility receives training within ~~30~~ **90** days after employment and annually thereafter. Such training must *be approved by the licensing authority and* include, without limitation, instruction concerning:

- (a) Controlling the behavior of children;
- (b) Policies and procedures concerning the use of force and restraint on children;
- (c) The rights of children in the facility;
- (d) Suicide awareness and prevention;
- (e) The administration of medication to children;
- (f) Applicable state and federal constitutional and statutory rights of children in the facility;
- (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; ~~and~~
- (h) *Working with lesbian, gay, bisexual, transgender and questioning children; and*
- (i) Such other matters as required by the Board.

2. The Board shall adopt regulations necessary to carry out the provisions of this section.

Sec. 25. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, *and section 23 of this act* is guilty of a misdemeanor.

Sec. 26. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 27, 28 and 29 of this act.

Sec. 27. *“Gender identity or expression” has the meaning ascribed to it in section 2.5 of this act.*

Sec. 28. 1. *An agency which provides child welfare services shall treat each child to whom the agency provides services in all respects in accordance with the child’s gender identity or expression.*

2. *The Division of Child and Family Services shall adopt regulations establishing protocols to ensure that each child in the*



custody of an agency which provides child welfare services is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

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

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

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

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

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

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

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

3. An agency which provides child welfare services shall:

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

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

4. As used in this section:

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

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

(c) "Out-of-home placement" has the meaning ascribed to it in section 14 of this act.

Sec. 29. *A facility which provides care, treatment or training to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to NRS 432B.6076 shall:*

1. Ensure that each employee of the facility who comes into direct contact with children at the facility receives, within 90 days after employment and annually thereafter, training that has been



approved by the Division of Child and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children;

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

3. Follow the protocols prescribed in the regulations adopted pursuant to section 28 of this act when placing the child within the facility.

Sec. 30. NRS 432B.010 is hereby amended to read as follows:
432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, *and section 27 of this act* have the meanings ascribed to them in those sections.

Sec. 31. NRS 432B.195 is hereby amended to read as follows:
432B.195 1. An agency which provides child welfare services shall provide training to each person who is employed by the agency and who provides child welfare services. Such training must include, without limitation, instruction concerning the applicable state and federal constitutional and statutory rights of a person who is responsible for a child's welfare and who is:

(a) The subject of an investigation of alleged abuse or neglect of a child; or

(b) A party to a proceeding concerning the alleged abuse or neglect of a child pursuant to NRS 432B.410 to 432B.590, inclusive.

2. In addition to the training provided pursuant to subsection 1, an agency which provides child welfare services shall ensure that each employee of the agency who comes into direct contact with children receives, within 90 days after employment and annually thereafter, training concerning working with lesbian, gay, bisexual, transgender and questioning children.

3. Nothing in this section shall be construed as requiring or authorizing a person who is employed by an agency which provides child welfare services to offer legal advice, legal assistance or legal interpretation of state or federal statutes or laws.

Sec. 32. NRS 432B.607 is hereby amended to read as follows:
432B.607 As used in NRS 432B.607 to 432B.6085, inclusive, *and section 29 of this act*, unless the context otherwise requires, the words and terms defined in NRS 432B.6071 to 432B.6074, inclusive, have the meanings ascribed to them in those sections.

Sec. 33. (Deleted by amendment.)



Sec. 34. NRS 432B.6085 is hereby amended to read as follows:

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

2. Unless the context clearly indicates otherwise, the provisions of NRS 432B.607 to 432B.6085, inclusive, *and section 29 of this act*, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, apply to all children who are in the custody of an agency which provides child welfare services.

Sec. 35. Chapter 62B of NRS is hereby amended by adding thereto the provisions set forth as sections 36 and 37 of this act.

Sec. 36. (Deleted by amendment.)

Sec. 37. *1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall:*

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

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

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

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

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

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

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



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

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

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

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

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

5. As used in this section:

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

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

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

(d) "Gender identity or expression" has the meaning ascribed to it in section 2.5 of this act.

Sec. 38. NRS 62B.250 is hereby amended to read as follows:

62B.250 1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall ensure that each employee who comes into direct contact with children who are in custody receives training within ~~30~~ 90 days after employment and annually thereafter. Such training must *be approved by the Division of Child and Family Services and* include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the institution or agency;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the institution or agency;



(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the institution or agency; ~~and~~

(h) *Working with gay, lesbian, bisexual, transgender and questioning children; and*

(i) Such other matters as required by the Division of Child and Family Services.

2. The Division of Child and Family Services shall adopt regulations necessary to carry out the provisions of this section.

Sec. 39. Chapter 63 of NRS is hereby amended by adding thereto the provisions set forth as sections 40 and 41 of this act.

Sec. 40. (Deleted by amendment.)

Sec. 41. 1. A facility shall:

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

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

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

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

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

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

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

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

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

(g) *Advocates of children; and*

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



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

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

5. *As used in this section:*

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

(b) *“Child care facility” has the meaning ascribed to it in NRS 432A.024.*

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

(d) *“Gender identity or expression” has the meaning ascribed to it in section 2.5 of this act.*

Sec. 42. NRS 63.100 is hereby amended to read as follows:

63.100 1. For each facility, the position of superintendent of the facility is hereby created.

2. The superintendent of a facility shall administer the provisions of NRS 63.010 to 63.620, inclusive, *and section 41 of this act*, 63.720, 63.770 and 63.790 subject to administrative supervision by the Administrator of the Division of Child and Family Services.

Sec. 43. NRS 63.190 is hereby amended to read as follows:

63.190 1. The superintendent of a facility shall ensure that each employee who comes into direct contact with children in the facility receives training within ~~30~~ *90* days after employment and annually thereafter. Such training must *be approved by the Division of Child and Family Services and* include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; ~~and~~

(h) *Working with gay, lesbian, bisexual, transgender and questioning children; and*



(i) Such other matters as required by the Administrator of the Division of Child and Family Services.

2. The Administrator of the Division of Child and Family Services shall provide direction to the superintendent of each facility concerning the manner in which to carry out the provisions of this section.

Sec. 44. Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 45 and 46 of this act.

Sec. 45. (Deleted by amendment.)

Sec. 46. *1. A treatment facility and any other division facility into which a child may be committed by a court order shall treat each child committed to the facility by a court order in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2.*

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

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

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

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

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

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

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

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

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



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

5. *As used in this section:*

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

(b) *“Child care facility” has the meaning ascribed to it in NRS 432A.024.*

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

(d) *“Gender identity or expression” has the meaning ascribed to it in section 2.5 of this act.*

Sec. 47. NRS 433B.175 is hereby amended to read as follows:

433B.175 1. The Administrator shall ensure that each employee who comes into direct contact with children at any treatment facility and any other division facility into which a child may be committed by a court order receives training within ~~30~~ **90** days after employment and annually thereafter. Such training must *be approved by the Division and* include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the facility;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; ~~and~~

(h) *Working with gay, lesbian, bisexual, transgender and questioning children; and*

(i) Such other matters as required by the Board.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 48. This act becomes effective:

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

2. On October 1, 2017, for all other purposes.



CHAPTER.....

AN ACT relating to children; requiring a court to enter an order setting forth certain findings that enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security upon a determination that evidence exists to support such findings; authorizing a court to appoint or extend the appointment of a guardian of the person for a ward or proposed ward seeking such status in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal law authorizes the issuance of an immigrant visa to a special immigrant upon satisfactory proof that the applicant is entitled to status as a special immigrant. (8 U.S.C. § 1204) Existing federal law defines the term “special immigrant” to include a juvenile immigrant who is present in the United States and: (1) has been declared dependent on a juvenile court or has been legally committed to, or placed under the custody of, an agency or department of a state or an individual or entity appointed by a state or juvenile court; (2) whose reunification with one or both of his or her parents is not viable due to abuse, neglect, abandonment or a similar basis found under state law; (3) for whom it has been determined in administrative or judicial proceedings that it would not be in his or her best interest to be returned to the previous country of nationality or last habitual residence of the child or his or her parents; and (4) who is granted status as a special immigrant juvenile by the Secretary of Homeland Security through the United States Citizenship and Immigration Services. (8 U.S.C. § 1101(a)(27)(J)) Existing federal regulations: (1) provide that a person is eligible for classification as a special immigrant if, in addition to satisfying other requirements, the person is less than 21 years of age and is unmarried; and (2) define the term “juvenile court” as a court located in the United States having jurisdiction under state law to make judicial determinations about the custody and care of juveniles. (8 C.F.R. § 204.11)

Section 1 of this bill authorizes the district court to make the factual findings necessary to enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security at any time during certain proceedings. **Section 1** sets forth the factual findings necessary to enable a child to apply for such status and: (1) requires the court to issue an order setting forth such findings upon a determination by the court that evidence exists to support such findings; and (2) prohibits the court from making any additional findings regarding the asserted, purported or perceived motivation of the child seeking status as a special immigrant juvenile or of the person requesting that the court make such findings. **Section 1** also provides that any records containing information concerning the immigration status of such a child that are not otherwise confidential must be sealed and made available for inspection only by certain persons. **Section 1** further requires the Supreme Court to adopt any rules and procedures necessary to implement the provisions of the section.

Section 2 of this bill provides that if a person includes in a petition filed or motion made in a guardianship proceeding a request that the court make the



findings necessary to enable a child to apply for status as a special immigrant juvenile, the court may, in certain circumstances, appoint or extend the appointment of a guardian of the person for a ward or proposed ward seeking such status. **Section 3** of this bill provides that such a guardianship is terminated on the date on which the ward reaches 21 years of age unless the ward petitions the court to terminate the guardianship before he or she reaches 21 years of age and the court grants the petition.

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

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

Section 1. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district court has jurisdiction to make judicial determinations regarding the custody and care of juveniles within the meaning of the federal Immigration and Nationality Act, 8 U.S.C. §§ 1101 et seq., and the regulations adopted pursuant thereto, and therefore may make the factual findings necessary to enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security, as described in 8 U.S.C. § 1101(a)(27)(J).

2. The factual findings set forth in subsection 3 may be made by the district court at any time during a proceeding held pursuant to chapter 62B, 125, 159 or 432B of NRS.

3. A person may include in a petition filed or motion made pursuant to chapter 62B, 125, 159 or 432B of NRS a request that the court make the following findings to enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services:

(a) The child has been declared dependent on the court or has been legally committed to, or placed under the custody of, a state agency or department or a person appointed by the court;

(b) The reunification of the child with one or both of his or her parents was determined not to be viable because of abandonment, abuse or neglect or a similar basis under the laws of this State; and

(c) It is not in the best interests of the child to be returned to the previous country of nationality or last habitual residence of the child or his or her parents.

4. If the court determines that there is evidence to support the findings set forth in subsection 3, including, without limitation, a



declaration by the child who is the subject of the petition, the court shall issue an order setting forth such findings. The court shall include in the order the date on which the:

(a) Dependency, commitment or custody of the child was ordered; and

(b) Reunification of the child with one or both of his or her parents was determined not to be viable.

5. The court shall not:

(a) Make any additional findings regarding the asserted, purported or perceived motivation of the child seeking status as a special immigrant juvenile or the person requesting that the court make the findings set forth in subsection 3; or

(b) Include or reference any such asserted, purported or perceived motivation of any such person as a part of its findings pursuant to this section.

6. In any proceeding held regarding a petition filed pursuant to subsection 3, any records containing information concerning the immigration status of a child that are not otherwise confidential pursuant to any provision of law must be sealed and made available for inspection only by:

(a) The court;

(b) The child who is the subject of the proceeding and his or her attorney and guardian; and

(c) Any party to the proceeding and his or her attorney.

7. The Supreme Court shall adopt any rules and procedures necessary to implement the provisions of this section.

8. As used in this section:

(a) "Abandonment" has the meaning ascribed to "abandonment of a child" in NRS 128.012.

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

(c) "Child" means an unmarried person who is less than 21 years of age.

(d) "Special immigrant juvenile" means a person described in 8 U.S.C. § 1101(a)(27)(J).

Sec. 2. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person includes a request that the court make the findings set forth in subsection 3 of section 1 of this act in a petition filed or motion made pursuant to this chapter, the court may appoint or extend the appointment of a guardian of the person for a ward or proposed ward seeking status as a special immigrant juvenile with the United States Citizenship and



Immigration Services of the Department of Homeland Security if the ward or proposed ward:

(a) Is an unmarried person who is 18 years of age or older but less than 21 years of age; and

(b) Consents to the appointment or the extension of the appointment.

2. The appointment or the extension of the appointment of a guardian of the person pursuant to subsection 1 does not authorize the guardian to abrogate any rights that the ward or proposed ward may have pursuant to the laws of this State, including, without limitation, the right to make decisions regarding his or her medical treatment, education or residence, without the express consent of the ward or proposed ward.

Sec. 3. NRS 159.191 is hereby amended to read as follows:

159.191 1. ~~1A~~ ***Except as otherwise provided in subsection 2, a guardianship of the person is terminated:***

(a) By the death of the ward;

(b) Upon the ward's change of domicile to a place outside this state and the transfer of jurisdiction to the court having jurisdiction in the new domicile;

(c) Upon order of the court, if the court determines that the guardianship no longer is necessary; or

(d) If the ward is a minor:

(1) On the date on which the ward reaches 18 years of age; or

(2) On the date on which the ward graduates from high school or becomes 19 years of age, whichever occurs sooner, if:

(I) The ward will be older than 18 years of age upon graduation from high school; and

(II) The ward and the guardian consent to continue the guardianship and the consent is filed with the court at least 14 days before the date on which the ward will become 18 years of age.

2. If a court appoints or extends the appointment of a guardian of the person pursuant to section 2 of this act, the guardianship is terminated on the date on which the ward reaches 21 years of age, unless the ward petitions the court to terminate the guardianship before he or she reaches 21 years of age pursuant to NRS 159.1905 and the court grants the petition.

3. A guardianship of the estate is terminated:

(a) If the court removes the guardian or accepts the resignation of the guardian and does not appoint a successor guardian;

(b) If the court determines that the guardianship is not necessary and orders the guardianship terminated; or



(c) By the death of the ward, subject to the provisions of NRS 159.193.

~~3-1~~ 4. If the guardianship is of the person and estate, the court may order the guardianship terminated as to the person, the estate, or the person and estate.

~~4-1~~ 5. The guardian shall notify the court, all interested parties, the trustee, and the named executor or appointed personal representative of the estate of the ward of the death of the ward within 30 days after the death.

~~5-1~~ 6. Immediately upon the death of the ward:

(a) The guardian of the estate shall have no authority to act for the ward except to wind up the affairs of the guardianship pursuant to NRS 159.193, and to distribute the property of the ward as provided in NRS 159.195 and 159.197; and

(b) No person has standing to file a petition pursuant to NRS 159.078.

Sec. 4. 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, 41.071, 49.095, 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, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 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, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,



349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 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, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 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.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 1 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 the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. 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 a readily available medium 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.



CHAPTER.....

AN ACT relating to parentage; revising requirements for consent by a person who intends to be a parent of a child born by assisted reproduction; revising the requirements for obtaining a court order designating the contents of the birth certificate of a child who is the result of a gestational carrier arrangement; prohibiting the adoption of certain children from this State except upon a district court order; eliminating certain residence requirements relating to petitioners for the adoption of a child; establishing certain requirements for the development and distribution of a declaration for the voluntary acknowledgment of parentage; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Health to develop and distribute to certain agencies a declaration for the voluntary acknowledgment of paternity. (NRS 440.283) **Section 11** of this bill similarly requires: (1) the Board to develop a declaration for the voluntary acknowledgment of parentage and distribute the declarations to each hospital and obstetric center in Nevada; and (2) those hospitals and obstetric centers to give notice to persons who wish to acknowledge parentage of the rights, responsibilities and legal consequences of signing such a declaration. **Sections 1, 2, 9, 10, 12 and 13** of this bill make conforming changes, adding references to the acknowledgment of parentage to existing provisions which contain references to acknowledgments of paternity.

Existing law requires consent by a person who intends to be a parent of a child born by assisted reproduction to be in a signed record. (NRS 126.680) **Section 3** of this bill requires such consent to be in a signed declaration for the voluntary acknowledgment of parentage.

Section 4 of this bill revises the requirements for the intended parent or parents of a child who is the result of a gestational carrier arrangement to obtain an order designating the contents of the birth certificate of the child.

Section 5 of this bill prohibits the adoption of certain children of whom Nevada is or was the home state except upon an order of a district court of this State.

Existing law prohibits, except in the case of certain agency adoptions, the grant of a petition for adoption of a child unless the petitioners have resided in Nevada for a period of 6 months before the granting of the petition. (NRS 127.060) **Sections 7 and 8** of this bill eliminate this prohibition.

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. NRS 126.053 is hereby amended to read as follows:

126.053 1. After the expiration of the period described in subsection 2, a declaration for the voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283 *or a declaration for the voluntary acknowledgment of parentage developed by the State Board of Health pursuant to section 11 of this act* shall be deemed to have the same effect as a judgment or order of a court determining the existence of the relationship of parent and child if the declaration is signed in this or any other state by the ~~mother and father~~ *parents* of the child. A declaration for the voluntary acknowledgment of paternity *or a declaration for the voluntary acknowledgment of parentage* that is signed pursuant to this subsection is not required to be ratified by a court of this State before the declaration is deemed to have the same effect as a judgment or order of a court determining the existence of the relationship of parent and child.

2. A person who signs an acknowledgment of paternity *or an acknowledgment of parentage* in this State may rescind the acknowledgment:

(a) Within 60 days after the acknowledgment is signed by both persons; or

(b) Before the date on which an administrative or judicial proceeding relating to the child begins if that person is a party to the proceeding,

↳ whichever occurs earlier.

3. After the expiration of the period during which an acknowledgment may be rescinded pursuant to subsection 2, the acknowledgment may not be challenged except upon the grounds of fraud, duress or material mistake of fact. The burden of proof is on the person challenging the acknowledgment to establish that the acknowledgment was signed because of fraud, duress or material mistake of fact.

4. Except upon a showing of good cause, a person's obligation for the support of a child must not be suspended during a hearing to challenge a voluntary acknowledgment of paternity ~~H~~ *or a voluntary acknowledgment of parentage*.

Sec. 2. NRS 126.161 is hereby amended to read as follows:

126.161 1. A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the existence or nonexistence of the relationship of parent and child is determinative for all purposes.



2. If such a judgment or order of this State is at variance with the child's birth certificate, the judgment or order must direct that a new birth certificate be issued as provided in NRS 440.270 to 440.340, inclusive ~~†~~, *and section 11 of this act.*

3. If the child is a minor, such a judgment or order of this State must provide for the child's support as required by chapter 125B of NRS and must include an order directing the withholding or assignment of income for the payment of the support unless:

(a) One of the parties demonstrates and good cause is found by the court, or pursuant to the expedited process, for the postponement of the withholding or assignment; or

(b) All parties otherwise agree in writing.

4. Such a judgment or order of this State may:

(a) Contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child.

(b) Direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The court may limit the father's liability for past support of the child to the proportion of the expenses already incurred which the court deems just.

5. A court that enters such a judgment or order shall ensure that the social security numbers of the mother and father are:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

6. As used in this section, "expedited process" means a voluntary acknowledgment of paternity ~~†~~ *developed by the State Board of Health pursuant to NRS 440.283, a voluntary acknowledgment of parentage developed by the State Board of Health pursuant to section 11 of this act*, judicial procedure or an administrative procedure established by this or another state, as that term is defined in NRS 130.10179, to facilitate the collection of an obligation for the support of a child.

Sec. 3. NRS 126.680 is hereby amended to read as follows:

126.680 1. Consent by a person who intends to be a parent of a child born by assisted reproduction must be in a ~~signed record.~~ *declaration for the voluntary acknowledgment of parentage, signed pursuant to NRS 126.053.*



2. Failure of a person to sign a ~~consent~~ *declaration for the voluntary acknowledgment of parentage* required by subsection 1, before or after the birth of the child, does not preclude a finding of parentage if the woman and the person, during the first 2 years of the child's life, resided together in the same household with the child and openly held out the child as their own.

Sec. 4. NRS 126.720 is hereby amended to read as follows:

126.720 1. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750:

(a) The intended parent or parents shall be considered the parent or parents of the resulting child immediately upon the birth of the child;

(b) The resulting child shall be considered the child of the intended parent or parents immediately upon the birth of the child;

(c) Parental rights vest in the intended parent or parents immediately upon the birth of the resulting child;

(d) Sole legal and physical custody of the resulting child vest with the intended parent or parents immediately upon the birth of the child; and

(e) Neither the gestational carrier nor her legal spouse or domestic partner, if any, shall be considered the parent of the resulting child.

2. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750 and if, because of a laboratory error, the resulting child is not genetically related to the intended parent or either of the intended parents or any donor who donated to the intended parent or parents, the intended parent or parents shall be considered the parent or parents of the child, unless a determination to the contrary is made by a court of competent jurisdiction in an action which may only be brought by one or more genetic parents of the resulting child within 60 days after the birth of the child.

3. The parties to a gestational carrier arrangement shall assume the rights and obligations of subsections 1 and 2 if:

(a) The gestational carrier satisfies the eligibility requirements set forth in subsection 1 of NRS 126.740;

(b) The intended parent or parents satisfy the requirement set forth in subsection 2 of NRS 126.740; and

(c) The gestational carrier arrangement occurs pursuant to a gestational agreement which meets the requirements set forth in NRS 126.750.

4. Before or after the birth of the resulting child, the intended parent or parents or the prospective gestational carrier or gestational carrier may commence a proceeding in any district court in this



State to obtain an order designating the content of the birth certificate issued as provided in NRS 440.270 to 440.340, inclusive. If:

- (a) ~~The resulting child is to be born in this State;~~
~~(b)~~ A copy of the gestational agreement is attached to the petition; ~~and~~
~~(c)~~ (b) The requirements of NRS 126.740 and 126.750 are satisfied ~~and~~; and

(c) *Any of the following applies:*

- (1) *The resulting child is anticipated to be born in this State;*
(2) *The resulting child was born in this State;*
(3) *The intended parent or parents reside in this State;*
(4) *The intended parent or parents resided in this State when the gestational agreement was executed;*
(5) *The gestational carrier resides in this State;*
(6) *The gestational agreement was executed in this State;* or
(7) *The medical procedures for assisted reproduction that were performed pursuant to the gestational agreement and resulted in pregnancy were performed in this State,*

↳ the court may issue an order validating the gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child.

Sec. 5. Chapter 127 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Unless the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare 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, 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. 6. NRS 127.005 is hereby amended to read as follows:

127.005 The provisions of NRS 127.010 to 127.1895, inclusive, *and section 5 of this act* govern the adoption of minor children, and the provisions of NRS 127.190, 127.200 and 127.210 and the provisions of NRS 127.010 to 127.1895, inclusive, where not inconsistent with the provisions of NRS 127.190, 127.200 and 127.210, govern the adoption of adults.

Sec. 7. NRS 127.060 is hereby amended to read as follows:

127.060 ~~1.—Except as otherwise provided in subsection 3, the petition for adoption shall not be granted unless the petitioners have resided in the State of Nevada for a period of 6 months prior to the granting of the petition.~~

~~2.1~~ The same petitioners may, in one petition, petition for the adoption of two or more children, if the children be brothers or sisters or brother and sister.

~~3.—The provisions of subsection 1 do not apply if 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.~~

Sec. 8. 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.

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

(a) The full name and age of the petitioners . ~~and, unless the petition is a petition for adoption described in subsection 3 of NRS 127.060, the period the petitioners have resided in the State of Nevada before the filing of the petition.~~

(b) The age of the child sought to be adopted and the period that the child has lived in the home of 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 desire that 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 consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.



(i) Whether the child is known to be an Indian child.

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.

Sec. 9. NRS 130.316 is hereby amended to read as follows:

130.316 1. The physical presence of a nonresident party who is a natural person in a tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage of a child.

2. An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule in NRS 51.065 if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this State.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 20 days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

5. Documentary evidence transmitted from outside this State to a tribunal of this State by telephone, telecopier or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this State shall permit a party or witness residing outside this State to be deposed or to testify under penalty of perjury by telephone, audiovisual means or other electronic means at a designated tribunal or other location. A tribunal of this State shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

7. In a civil proceeding under this chapter, if a party called to testify refuses to answer a question on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against the disclosure of communications between husband and wife does not apply in a proceeding under this chapter.



9. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

10. A voluntary acknowledgment of paternity **H developed by the State Board of Health pursuant to NRS 440.283 or a voluntary acknowledgment of parentage developed by the State Board of Health pursuant to section 11 of this act**, certified as a true copy, is admissible to establish parentage of the child.

Sec. 10. NRS 130.401 is hereby amended to read as follows:

130.401 1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this State with personal jurisdiction over the parties may issue a support order if:

(a) The natural person seeking the order resides outside this State; or

(b) The support-enforcement agency seeking the order is located outside this State.

2. The tribunal may issue a temporary child-support order if the tribunal determines that such an order is appropriate and the natural person ordered to pay is:

(a) A presumed father of the child under subsection 1 of NRS 126.051;

(b) Petitioning to have his paternity adjudicated;

(c) Identified as the father of the child through genetic testing;

(d) An alleged father who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be the father of the child;

(f) An acknowledged father *or acknowledged parent* as provided by NRS 126.053;

(g) The mother of the child; or

(h) A natural person who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to NRS 130.305.

Sec. 11. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Develop a declaration to be signed under penalty of perjury for the voluntary acknowledgment of parentage in this State; and



(b) Distribute the declarations to each hospital or obstetric center in this State.

2. Before providing a declaration for the acknowledgment of parentage to the mother of a child or a person who wishes to acknowledge the parentage of a child, the agencies described in paragraph (b) of subsection 1 shall ensure that the mother and the person who wishes to acknowledge parentage are given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of parentage.

Sec. 12. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the mother and child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the mother and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) The father, mother or, if the father is absent and the mother is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the mother was:

(a) Married at the time of birth, the name of her husband must be entered on the certificate as the father of the child unless:

(1) A court has issued an order establishing that a person other than the mother's husband is the father of the child; or



(2) The mother and a person other than the mother's husband have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 ***H or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to section 11 of this act.***

(b) Widowed at the time of birth but married at the time of conception, the name of her husband at the time of conception must be entered on the certificate as the father of the child unless:

(1) A court has issued an order establishing that a person other than the mother's husband at the time of conception is the father of the child; or

(2) The mother and a person other than the mother's husband at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 ***H or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to section 11 of this act.***

6. If the mother was unmarried at the time of birth, the name of the father may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the father of the child; or

(c) The mother and father of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 ***H or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to section 11 of this act.*** If both the father and mother execute a declaration consenting to the use of the surname of the father as the surname of the child, the name of the father must be entered on the original certificate of birth and the surname of the father must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of the father or mother or the Division of Welfare and Supportive Services of the Department of Health and Human



Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, “court” has the meaning ascribed to it in NRS 125B.004.

Sec. 13. NRS 440.287 is hereby amended to read as follows:

440.287 1. If a mother or a person who has signed a declaration for the voluntary acknowledgment of paternity *developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to section 11 of this act* with the mother rescinds the acknowledgment pursuant to subsection 2 of NRS 126.053, the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged paternity *or parentage, as applicable*, unless a court issues an order establishing that the person who acknowledged paternity *or parentage, as applicable*, is not the father *or parent, as applicable*, of the child.

2. As used in this section, “court” has the meaning ascribed to it in NRS 125B.004.

Sec. 14. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the paternity *or parentage* of a child being established by the:

(a) Mother and father acknowledging paternity of a child by signing a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283; ~~for~~

(b) *Mother and another person acknowledging parentage of the child by signing a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to section 11 of this act; or*

(c) Order of a district court,

↳ the State Registrar, upon the receipt of the declaration or court order, shall prepare a new certificate of birth in the name of the child as shown in the declaration or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and



Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the declaration or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 15. The amendatory provisions of:

1. Section 4 of this act apply to proceedings that are commenced on or after July 1, 2017.

2. Sections 5, 7 and 8 of this act apply to a petition for adoption of a child that is filed on or after July 1, 2017.

Sec. 16. This act becomes effective on July 1, 2017.



Assembly Bill No. 305—Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to education; requiring each public school and private school to display a poster featuring the toll-free telephone number for a child abuse or neglect hotline; authorizing each public school and private school to promote the toll-free telephone number for a child abuse or neglect hotline through social media and other electronic means; requiring the Division of Child and Family Services of the Department of Health and Human Services to design and distribute the poster to the boards of trustees of school districts, the governing bodies of charter schools and the governing bodies of private schools for posting at the schools; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to establish and maintain a center with a toll-free telephone number to receive reports of abuse or neglect of a child in this State, commonly referred to as a child abuse or neglect hotline. (NRS 432B.200) **Section 2** of this bill requires the Division to design and distribute to school districts, charter schools and private schools a poster which prominently displays the toll-free telephone number for the child abuse or neglect hotline and prescribes the requirements for the content of the poster. **Section 1** of this bill requires the board of trustees of each school district and the governing body of each charter school to ensure that every public school conspicuously displays the poster in an area that is frequently and easily accessed by pupils. **Section 1.5** of this bill imposes the same requirement on private schools. **Sections 1 and 1.5** authorize the board of trustees of each school district, the governing body of each charter school and the governing body of each private school to promote the toll-free telephone number for a child abuse or neglect hotline through electronic means, including social media.

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

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school shall ensure that at least one poster created pursuant to NRS 432B.200 which prominently



displays the toll-free telephone number for the center that receives reports of abuse or neglect of a child in this State is posted:

(a) Conspicuously in each public school of the school district or the charter school, as applicable;

(b) In an area that is frequently and easily accessed by pupils; and

(c) At eye level, as practicable, according to the average height of the pupils enrolled in the public school.

2. The board of trustees of each school district and the governing body of each charter school, in addition to the requirements in subsection 1, may promote the toll-free telephone number for the center that receives reports of abuse or neglect of a child in this State through electronic means, including, without limitation, social media. As used in this subsection, "social media" has the meaning ascribed to it in NRS 232.003.

Sec. 1.5. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each private school shall ensure that at least one poster created pursuant to NRS 432B.200 which prominently displays the toll-free telephone number for the center that receives reports of abuse or neglect of a child in this State is posted:

(a) Conspicuously in the private school;

(b) In an area that is frequently and easily accessed by pupils; and

(c) At eye level, as practicable, according to the average height of the pupils enrolled in the private school.

2. The governing body of each private school, in addition to the requirements in subsection 1, may promote the toll-free telephone number for the center that receives reports of abuse or neglect of a child in this State through electronic means, including, without limitation, social media. As used in this subsection, "social media" has the meaning ascribed to it in NRS 232.003.

Sec. 2. NRS 432B.200 is hereby amended to read as follows:

432B.200 *1.* The Division of Child and Family Services shall establish and maintain a center with a toll-free telephone number to receive reports of abuse or neglect of a child in this State 24 hours a day, 7 days a week. Any reports made to this center must be promptly transmitted to the agency which provides child welfare services in the community where the child is located.



2. The Division of Child and Family Services shall design a poster to be displayed in public and private schools as required by sections 1 and 1.5 of this act, which:

(a) Prominently displays in bold type the toll-free telephone number established and maintained pursuant to subsection 1 and, if available, a county or other local child abuse or neglect hotline maintained for the county in which the school is located;

(b) Consists of simple, clear and easy to follow directions written in English, Spanish and in any other language the Division of Child and Family Services determines is appropriate based on the demographic characteristics of this State;

(c) Is at least 11 by 17 inches in size;

(d) Includes text in a type and font that is easy to read;

(e) Contains instructions for accessing the Internet website of the Division of Child and Family Services to obtain more information on reporting abuse or neglect of a child; and

(f) Contains instructions for calling 911 in an emergency.

3. The Division of Child and Family Services shall distribute the poster designed pursuant to subsection 2 to the boards of trustees of school districts, the governing bodies of charter schools and the governing bodies of private schools in a printed format or an electronic format that may be printed.

Sec. 3. This act becomes effective:

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

2. On July 1, 2017, for all other purposes.



Joint Sponsor: Senator Harris

CHAPTER.....

AN ACT relating to guardianships; revising provisions governing the guardianship of minors; authorizing the appointment of a guardian ad litem or an advocate for the best interests of a proposed protected minor in guardianship proceedings; revising the required contents of a citation in guardianship proceedings for a protected minor; revising the procedures for requesting the appointment of a temporary guardian for certain minors; requiring the assignment of child support payments to a guardian for the support of a protected minor; authorizing the award of visitation rights between a protected minor and certain relatives; revising the factors for consideration in guardianship determinations regarding a protected minor; revising provisions for changing the residence of a protected minor to a location outside of this State; revising provisions governing obligations due to or for a protected minor; establishing certain requirements for the filing of a verified account upon the emancipation of a protected minor; providing for the extension or establishment of a guardianship of a minor after the age of majority; establishing certain required showings for certain terminations of guardianships; making various other changes pertaining to guardianships; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth the procedures for the appointment of a guardian for a ward, the powers and duties of a guardian and the termination of a guardianship. (Chapter 159 of NRS) **Sections 2-157** of this bill create a new chapter applicable exclusively to guardianships of minors, incorporating, revising and supplementing those provisions from existing law as they currently relate to minors.

Section 27: (1) authorizes the court to appoint a guardian ad litem or an advocate for the best interests of a proposed protected minor; (2) sets forth the role of the guardian ad litem or advocate as an officer of the court; and (3) sets forth provisions governing the compensation of a guardian ad litem or advocate.

Existing law requires a citation issued pursuant to a petition for the appointment of a guardian to include certain specified information concerning the rights of a proposed ward. (NRS 159.048) **Section 31** adds the requirement that a citation also include notice that: (1) the rights of any person having legal or physical custody of a proposed protected minor may be affected as specified in the petition; and (2) at any time in the proceedings, the court may appoint for the proposed protected minor an attorney, a guardian ad litem and an advocate for the best interests of the proposed protected minor.



Existing law provides that a petitioner may request the appointment of a temporary guardian for a ward who is a minor and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. (NRS 159.052) **Section 36** of this bill revises the procedure by which a petitioner may request the appointment of a temporary guardian for a minor who is in need of immediate medical attention by eliminating the requirement that the petition be supported by a letter signed by a governmental agency in this State which conducts investigations or a police report indicating whether the proposed ward presents a danger to himself or herself or others, or whether the proposed ward is or has been subjected to abuse, neglect or exploitation.

Section 37 of this bill establishes a procedure by which a petitioner may, by verified petition, request the appointment of a temporary guardian for the person of a proposed protected minor, for his or her estate or for both, in circumstances other than when the minor is in need of immediate medical attention. **Section 37** requires the petition to state facts establishing good cause for the appointment of a temporary guardian and which show that: (1) the petitioner has tried in good faith to give notice of the petition as required by statute; (2) the minor would be at risk of immediate physical, emotional or financial harm if such notice were to be provided before the court determines whether to appoint a temporary guardian; or (3) giving such notice is not feasible under the circumstances. **Section 37** eliminates a requirement that the court limit the powers of a temporary guardian for a protected minor to those necessary to respond to the risk which threatens the minor. **Section 37** requires, in the case of an ex parte application, the petition be accompanied by an affidavit which explains the emergency. **Section 37** also provides that, if no parent of a proposed protected minor has had the care, custody and control of the minor for the 6 months immediately preceding the petition, temporary guardianship is presumed to be in the minor's best interest. Finally, **section 37** provides that the court may extend a temporary guardianship beyond an initial period of 10 days for not more than two successive 60-day periods unless extraordinary circumstances necessitate a longer duration for the temporary guardianship.

Section 41 requires the assignment of payments of court-ordered child support to the guardian for the support of a protected minor.

Section 42 authorizes the award of rights of visitation between a protected minor and his or her parents or relatives who are within the fourth degree of consanguinity.

Existing law states that the parents of a minor, if qualified and suitable, are preferred over all others for appointment as guardian for the minor and sets forth certain factors for consideration by the court in determining the qualifications and suitability of any person who is proposed for appointment as guardian. (NRS 159.061) **Section 46** revises these provisions by establishing a presumption that a parent who petitioned for guardianship of a minor is suitable to serve as guardian, except when a countering presumption that a parent is unsuitable to care for the proposed protected minor is created by a showing that: (1) the parent is unable to provide for the basic needs of the minor; (2) the parent poses a significant risk of physical or emotional danger to the minor; or (3) the minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. **Section 46** also adds to the factors for consideration by the court the question of whether the parent or another person has engaged in domestic violence against the proposed protected minor, a parent of the minor or any other person who resides with the minor. **Section 46** provides that, in the event of competing petitions, any finding of unsuitability of a parent must be supported by clear and convincing evidence after a hearing on the merits or an evidentiary hearing. **Section 46** authorizes the court to award temporary guardianship, supported by findings of



suitability, pending a trial or evidentiary hearing. Finally, **section 46** requires the court to always act in the best interests of the proposed protected minor.

Existing law: (1) requires a guardian to petition the court to change the residence of a ward to a location outside of this State; and (2) authorizes a guardian to move or place the ward in a secured residential long-term care facility without filing a petition if the court has previously granted the guardian such authority or the move or placement is pursuant to a written recommendation by a licensed physician, a physician employed by the Department of Veterans Affairs, a licensed social worker or an employee of a county or state office for protective services. (NRS 159.079) **Section 61** requires a guardian to file a petition for guardianship of a protected minor in the state of the minor's new residence not later than 6 months after changing the residence of the minor to a location outside of this State. **Section 61** also requires a guardian to file a petition with the court for authorization to move a protected minor to a secured residential long-term facility in all circumstances.

Section 73 revises provisions governing obligations due to or for a protected minor to provide for the payment of child support to a guardian for the support of the minor and to require a guardian to give notice to the court of the entry of an order for the payment of support for the minor or the approval of any public assistance for the minor.

Section 108 sets forth circumstances under which a guardian may sell, dispose of or authorize the immediate destruction of personal property of a protected minor without notice.

Section 110 provides that a guardian may sell the personal property of a protected minor only after notice of intent to sell is provided to the protected minor and all interested parties by personal delivery or by certified mail.

Section 128 requires a guardian of the estate of a minor to make and file a verified account within 90 days after the emancipation of the minor, unless the court authorizes a longer period.

Existing law sets forth circumstances under which the guardianship of the person or the estate of a ward is terminated. (NRS 159.191) **Section 144** provides that a hearing may be held not later than 90 days before the protected minor reaches the age of majority to determine whether guardianship is needed or requested beyond the age of majority and whether the guardian should be notified of any requirements of the guardianship which require compliance. **Section 144** also provides for the filing of a petition for guardianship pursuant to existing law governing guardianships for adults if the court determines that, upon reaching the age of majority, a protected minor would be deemed an incompetent adult.

Section 145 sets forth certain showings that a parent of a protected minor must make to terminate the guardianship of the minor.

Sections 158-192 of this bill revise the provisions of existing law in chapter 159 of NRS governing guardianships of adults to apply exclusively to guardianships of adults.



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

Section 1. Title 13 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 157, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Care provider” includes any public or private institution located within or outside this State which provides facilities for the care or maintenance of minors.*

Sec. 4. *“Citation” means a document issued by the clerk of the court, as authorized by statute or ordered by the court, requiring a person to appear, directing a person to act or conduct himself or herself in a specified way, or notifying a person of a hearing.*

Sec. 5. *“Court” means any court or judge having jurisdiction of the persons and estates of minors.*

Sec. 6. *“Guardian” means any person appointed under this chapter as guardian of the person, of the estate, or of the person and estate for any other person, and includes an organization under NRS 662.245 and joint appointees. The term includes, without limitation, if the context so requires, a person appointed in another state who serves in the same capacity as a guardian in this State.*

Sec. 7. *“Home state” means the state in which the proposed protected minor was physically present for at least 6 consecutive months, including any temporary absence from the state, immediately before the filing of a petition for the appointment of a guardian.*

Sec. 8. *“Minor” means any person who is:*

- 1. Less than 18 years of age; or*
- 2. Less than 19 years of age if the guardianship is continued until the person reaches the age of 19 years pursuant to section 144 of this act.*

Sec. 9. *1. “Private professional guardian” means a person who receives compensation for services as a guardian to three or more wards who are not related to the guardian by blood or marriage.*



2. *For the purposes of this chapter, the term includes:*
(a) *A person who serves as a private professional guardian and who is required to have a license issued pursuant to chapter 628B of NRS.*

(b) *A person who serves as a private professional guardian but who is exempt pursuant to NRS 159.0595 or 628B.110 or section 45 of this act from the requirement to have a license issued pursuant to chapter 628B of NRS.*

3. *The term does not include:*

(a) *A governmental agency.*

(b) *A public guardian appointed or designated pursuant to the provisions of chapter 253 of NRS.*

Sec. 10. *“Proposed protected minor” means any minor for whom proceedings for the appointment of a guardian have been initiated in this State or, if the context so requires, for whom similar proceedings have been initiated in another state.*

Sec. 11. *“Protected minor” means any minor for whom a guardian has been appointed.*

Sec. 12. *“Secured residential long-term care facility” has the meaning ascribed to it in NRS 159.0255.*

Sec. 13. *“State” has the meaning ascribed to it in NRS 159.0265.*

Sec. 14. *“Ward” means any person for whom a guardian has been appointed.*

Sec. 15. *As used in this chapter, unless the context otherwise requires, when the term “writing” or “written” is used in reference to a will or instrument, the term includes an electronic will as defined in NRS 132.119 and an electronic trust as defined in NRS 163.0015.*

Sec. 16. *Except as otherwise provided in this chapter, the provisions of this chapter do not apply to guardians ad litem.*

Sec. 17. 1. *Except as otherwise provided in this section, by specific statute or as ordered by the court, a petitioner in a guardianship proceeding shall give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to:*

(a) *Any protected minor who is 14 years of age or older.*

(b) *The parent or legal guardian of any protected minor who is less than 14 years of age.*

(c) *All known relatives of the protected minor who are within the second degree of consanguinity.*

(d) *Any other interested person or the person’s attorney who has filed a request for notice in the guardianship proceedings and*



has served a copy of the request upon the guardian. The request for notice must state the interest of the person filing the request and the person's name and address, or that of his or her attorney.

(e) The guardian, if the petitioner is not the guardian.

(f) Any person or care provider who is providing care for the protected minor, except that if the person or care provider is not related to the protected minor, such person or care provider must not receive copies of any inventory or accounting.

(g) The Director of the Department of Health and Human Services if the protected minor has received or is receiving benefits from Medicaid.

(h) Those persons entitled to notice if a proceeding were brought in the protected minor's home state.

2. The petitioner shall give notice not later than 10 days before the date set for the hearing:

(a) By mailing a copy of the notice by certified, registered or ordinary first-class mail to the residence, office or post office address of each person required to be notified pursuant to this section;

(b) By personal service; or

(c) In any other manner ordered by the court, upon a showing of good cause.

3. Except as otherwise provided in this subsection, if none of the persons entitled to notice of a hearing on a petition pursuant to this section can, after due diligence, be served by certified mail or personal service and this fact is proven by affidavit to the satisfaction of the court, service of the notice must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the notice must be published not later than 10 days before the date set for the hearing. If, after the appointment of a guardian, a search for relatives of the protected minor listed in paragraph (c) of subsection 1 fails to find any such relative, the court may waive the notice by publication required by this subsection.

4. For good cause shown, the court may waive the requirement of giving notice.

5. A person entitled to notice pursuant to this section may waive such notice. Such a waiver must be in writing and filed with the court.

6. On or before the date set for the hearing, the petitioner shall file with the court proof of giving notice to each person entitled to notice pursuant to this section.



Sec. 18. *If publication of a notice or citation is required pursuant to this chapter, the court may, for good cause shown:*

- 1. Allow fewer publications to be made within the time for publication; and*
- 2. Extend or shorten the time in which the publications must be made.*

Sec. 19. *If a petition, notice, objection, consent, waiver or other paper may be filed, a true and correct facsimile of it may be filed, if the original is filed within a reasonable time or at such time prescribed by the court.*

Sec. 20. *All notices required to be given by this chapter may be given by the clerk of the court without an order from the court, and when so given, for the time and in the manner required by law, they are legal and valid as though made upon an order from the court. If use of a citation is authorized or required by statute, the citation may be issued by the clerk of the court on the request of a party or the party's attorney without a court order, unless an order is expressly required by statute.*

Sec. 21. *1. The venue for the appointment of a guardian when the proposed protected minor's home state is this State must be the county where the proposed protected minor resides.*

2. If the proper venue may be in two or more counties, the county in which the proceeding is first commenced is the proper county in which to continue the proceedings.

3. Upon the filing of a petition showing that the proper venue is inconvenient, a venue other than that provided in subsection 1 may accept the proceeding.

Sec. 22. *1. If proceedings for the appointment of a guardian for the same proposed protected minor are commenced in more than one county in this State, and the proposed protected minor's home state is this State, the proceedings must be stayed, except in the county where first commenced, until final determination of venue in that county. If the proper venue is finally determined to be in another county, the court shall cause a transcript of the proceedings and all original papers filed therein, all certified by the clerk of the court, to be sent to the clerk of the court of the proper county.*

2. A proceeding is considered commenced by the filing of a petition.

3. The proceedings first legally commenced for the appointment of a guardian of the estate or of the person and estate extend to all the property of the proposed protected minor which is in this State.



Sec. 23. *A court having before it any guardianship matter for a minor whose home state is this State may transfer the matter to another county in the interest of the minor or, if not contrary to the interest of the minor, for the convenience of the guardian. A petition for the transfer, setting forth the reasons therefor, may be filed in the guardianship proceeding. If the court is satisfied that the transfer is in the interest of the minor or, if not contrary to the interest of the minor, for the convenience of the guardian, the court shall make an order of transfer and cause a transcript of the proceedings in the matter, all original papers filed in such proceedings and the original bond filed by the guardian, to be certified by the clerk of the court originally hearing the matter and sent to the clerk of the court of the other county. Upon receipt of the transcript, papers and bond, and the filing of them for record, the court of the other county has complete jurisdiction of the matter, and thereafter all proceedings must be as though they were commenced in that court.*

Sec. 24. 1. *All petitions filed in a guardianship proceeding pursuant to this chapter must bear the title of the court and cause.*

2. *The caption of all petitions and other documents filed in a guardianship proceeding pursuant to this chapter must read, "In The Matter of the Guardianship of..... (the person, the estate, or the person and estate),..... (the legal name of the person), minor."*

Sec. 25. 1. *Except as otherwise provided in NRS 127.045, a proposed protected minor, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.*

2. *To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:*

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed protected minor.

(c) A copy of one of the following forms of identification of the proposed protected minor which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A birth certificate;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.



↪ *If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.*

(d) The date on which the proposed protected minor will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed protected minor will need guardianship after attaining the age of majority.

(e) Whether the proposed protected minor is a resident or nonresident of this State.

(f) The names and addresses of the relatives of the proposed protected minor who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of section 45 of this act. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A birth certificate;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and any available documentation demonstrating the need for a guardianship, including, without limitation, any orders or other



information from a court concerning the custody of the proposed protected minor.

(k) A general description and the probable value of the property of the proposed protected minor and any income to which the proposed protected minor is or will be entitled, if the petition is for the appointment of a guardian of the estate.

(l) The name and address of any person or care provider having the care, custody or control of the proposed protected minor.

(m) If a petitioner is not a parent of the proposed protected minor, a declaration explaining the relationship of the petitioner to the proposed protected minor or to the proposed protected minor's parents and the interest, if any, of that petitioner in the appointment.

(n) Requests for any of the specific powers set forth in sections 117 to 126, inclusive, of this act necessary to enable the guardian to carry out the duties of the guardianship.

(o) If the guardianship is sought as the result of an investigation of a report of abuse or neglect of the proposed protected minor, whether the referral was from a law enforcement agency or a state or county agency.

(p) Whether the proposed protected minor or the proposed guardian is a party to any pending criminal or civil litigation.

(q) Whether the guardianship is sought for the purpose of initiating litigation.

(r) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

Sec. 26. 1. On or after the date of the filing of a petition to appoint a guardian:

(a) The court may appoint an attorney to represent the protected minor or proposed protected minor; and

(b) The attorney must represent the protected minor or proposed protected minor until relieved of that duty by court order.

2. The attorney is entitled to reasonable compensation from the estate of the protected minor or proposed protected minor. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the protected minor or proposed protected minor all or part of the expenses associated with the appointment of the attorney.



3. *An attorney who is appointed pursuant to subsection 1 may not serve as a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor.*

Sec. 27. 1. *The court may appoint a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor who is the subject of guardianship proceedings conducted pursuant to this chapter if the court believes that the minor could benefit from that appointment.*

2. *The court may not appoint an attorney as a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor unless:*

(a) *The court believes that an attorney who represents the protected minor or proposed protected minor is unable to provide information which is required by the court to make a determination on the best interests of the minor;*

(b) *No volunteer is available to serve as an advocate; or*

(c) *Extraordinary circumstances exist in which an attorney may assist the court as an advocate.*

3. *A guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor who is appointed pursuant to subsection 1:*

(a) *Is an officer of the court;*

(b) *Does not represent the protected minor or proposed protected minor;*

(c) *Shall not offer legal advice;*

(d) *Is not a party to the case;*

(e) *Shall advocate for the best interests of the protected minor or proposed protected minor;*

(f) *Shall provide information to the court in accordance with applicable court rule; and*

(g) *Shall serve until relieved of that duty by court order.*

4. *A guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor is entitled to reasonable compensation from the estate of the protected minor or proposed protected minor. If the protected minor or proposed protected minor is indigent, the court may order such compensation to be paid by the county. If the court finds that a person has unnecessarily or unreasonably caused the appointment of a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor, the court may order the person to pay to the estate of the protected minor or proposed protected minor all or part of the expenses associated with the*



appointment of the guardian ad litem or advocate for the best interests of the protected minor or proposed protected minor.

Sec. 28. *1. Upon filing of the petition, or any time thereafter, the court may appoint one or more investigators to:*

(a) Locate persons who perform services needed by the proposed protected minor and other public and private resources available to the proposed protected minor.

(b) Determine any competing interests in the appointment of a guardian.

(c) Investigate allegations or claims which affect a proposed protected minor.

(d) Investigate the suitability of a proposed guardian to provide for the basic needs of a proposed protected minor, including, without limitation, food, clothing, shelter, medical care and education.

(e) Locate relatives of the proposed protected minor who are within the second degree of consanguinity.

2. An investigator may be an employee of the court or a person retained under contract with the court.

3. An investigator shall file with the court and parties a report concerning the scope of the appointment of the guardian and any special powers which a guardian would need to assist the proposed protected minor.

4. If the court finds that a person has unnecessarily or unreasonably caused the investigation, the court may order the person to pay to the court all or part of the expenses associated with the investigation.

Sec. 29. *1. Except as otherwise provided in sections 30, 35, 36 and 37 of this act, upon the filing of a petition under section 25 of this act, the clerk shall issue a citation setting forth a time and place for the hearing and directing the persons or care provider referred to in subsection 2 to appear and show cause why a guardian should not be appointed for the proposed protected minor.*

2. A citation issued under subsection 1 must be served upon:

(a) A proposed protected minor who is 14 years of age or older;

(b) All known relatives of the proposed protected minor who are:

(1) Fourteen years of age or older; and

(2) Within the second degree of consanguinity;

(c) The parents and custodian of the proposed protected minor;



(d) Any person or officer of a care provider having the care, custody or control of the proposed protected minor;

(e) The proposed guardian, if the petitioner is not the proposed guardian; and

(f) The Director of the Department of Health and Human Services if the proposed protected minor has received or is receiving any benefits from Medicaid.

Sec. 30. *1. A copy of the citation issued pursuant to section 29 of this act must be served by:*

(a) Certified mail, with a return receipt requested, on each person required to be served pursuant to section 29 of this act at least 20 days before the hearing; or

(b) Personal service in the manner provided pursuant to N.R.C.P. 4(d) at least 10 days before the date set for the hearing on each person required to be served pursuant to section 29 of this act.

2. If none of the persons on whom the citation is to be served can, after due diligence, be served by certified mail or personal service and this fact is proven, by affidavit, to the satisfaction of the court, service of the citation must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the citation must be published at least 20 days before the date set for the hearing.

3. A citation need not be served on a person or an officer of the care provider who has signed the petition or a written waiver of service of citation or who makes a general appearance.

4. The court may find that notice is sufficient if:

(a) The citation has been served by certified mail, with a return receipt requested, or by personal service on the proposed protected minor, care provider or guardian required to be served pursuant to section 29 of this act; and

(b) At least one relative of the proposed protected minor who is required to be served pursuant to section 29 of this act has been served, as evidenced by the return receipt or the certificate of service. If the court finds that at least one relative of the proposed protected minor has not received notice that is sufficient, the court will require the citation to be published pursuant to subsection 2.

Sec. 31. *The citation issued pursuant to section 29 of this act must state that:*

1. A guardian may be appointed for the proposed protected minor;



2. *The rights of the proposed protected minor and of any person having legal or physical custody of the proposed protected minor may be affected as specified in the petition;*

3. *The proposed protected minor has the right to appear at the hearing and to oppose the petition;*

4. *The proposed protected minor has the right to be represented by an attorney; and*

5. *At any time during proceedings on the citation, the court may appoint for the proposed protected minor:*

(a) An attorney.

(b) A guardian ad litem or an advocate for the best interests of the proposed protected minor pursuant to section 27 of this act.

Sec. 32. *A protected minor or proposed protected minor who is the subject of proceedings held pursuant to this chapter may be represented by an attorney at all stages of the proceedings. If the protected minor or proposed protected minor is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.*

Sec. 33. 1. *A court may find that a petitioner is a vexatious litigant if a person, other than the protected minor:*

(a) Files a petition which is without merit or intended to harass or annoy the guardian; and

(b) Has previously filed pleadings in a guardianship proceeding that were without merit or intended to harass or annoy the guardian.

2. *If a court finds a person is a vexatious litigant pursuant to subsection 1, the court may impose sanctions on the petitioner in an amount sufficient to reimburse the estate of the protected minor for all or part of the expenses incurred by the estate of the protected minor to defend the petition, to respond to the petition and for any other pecuniary losses which are associated with the petition.*

Sec. 34. *Any court of competent jurisdiction may appoint:*

1. *Guardians of the person, of the estate, or of the person and estate for minors whose home state is this State.*

2. *Guardians of the person or of the person and estate for minors who, although not residents of this State, are physically present in this State and whose welfare requires such an appointment.*

3. *Guardians of the estate for nonresident minors who have property within this State.*

4. *Guardians ad litem.*



Sec. 35. *The court may, without issuing a citation, appoint a guardian for the proposed protected minor if the petitioner is a parent who has sole legal and physical custody of the proposed protected minor as evidenced by a valid court order or birth certificate and who is seeking the appointment of a guardian for the minor child of the parent. If the proposed protected minor is a minor who is 14 years of age or older:*

1. The petition must be accompanied by the written consent of the minor to the appointment of the guardian; or

2. The minor must consent to the appointment of the guardian in open court.

Sec. 36. *1. A petitioner may request the court to appoint a temporary guardian for a proposed protected minor who is in need of immediate medical attention which he or she cannot obtain without the appointment of a temporary guardian. To support the request, the petitioner must set forth in a petition and present to the court under oath:*

(a) Documentation which shows that the proposed protected minor needs immediate medical attention and, without the appointment of a temporary guardian, cannot obtain that medical attention. Such documentation must include, without limitation, a copy of the birth certificate of the proposed protected minor or other documentation verifying the age of the proposed protected minor.

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to section 29 of this act by telephone or in writing before the filing of the petition;

(2) The proposed protected minor would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to section 29 of this act before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to section 29 of this act is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed protected minor is in need of immediate medical attention which he or she cannot obtain without the appointment of a temporary guardian; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to section 29 of this



act or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to section 29 of this act, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court was satisfied that giving notice to the persons entitled to notice pursuant to section 29 of this act was not feasible under the circumstances or determined that such notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to section 29 of this act without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, if the court finds by clear and convincing evidence that the protected minor continues to be in need of immediate medical attention which he or she cannot obtain without the extension of the temporary guardianship, the court may, pursuant to subsection 8, extend the temporary guardianship until a general guardian is appointed.

6. If the court appoints a temporary guardian or extends a temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of section 30 of this act have been satisfied;
or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.



8. *The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods.*

Sec. 37. *1. A petitioner may request that the court appoint a temporary guardian for the person or the estate, or both, of a proposed protected minor by filing a verified petition.*

2. The petition must state facts which establish good cause for the appointment of a temporary guardian and which show that:

(a) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to section 29 of this act by telephone or in writing before the filing of the petition;

(b) The proposed protected minor would be exposed to an immediate risk of physical, emotional or financial harm if the petitioner were to provide notice to the persons entitled to notice pursuant to section 29 of this act before the court determines whether to appoint a temporary guardian; or

(c) Giving notice to the persons entitled to notice pursuant to section 29 of this act is not feasible under the circumstances.

3. A petition which seeks an ex parte appointment of a temporary guardian must be accompanied by an affidavit which explains the emergency that requires a temporary guardian to be appointed before a hearing.

4. If no parent of the proposed protected minor has had the care, custody and control of the minor for the 6 months immediately preceding the petition, temporary guardianship of the person of the minor is presumed to be in the best interest of the minor.

5. The court may, upon that petition or other showing as it may require, appoint a temporary guardian of the person or the estate, or both, of the proposed protected minor.

6. Except as otherwise provided in subsection 7, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to section 29 of this act, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

7. If, before the appointment of a temporary guardian, the court was satisfied that giving notice to the persons entitled to notice pursuant to section 29 of this act was not feasible under the circumstances or determined that such notice was not required pursuant to paragraph (b) or (c) of subsection 2, the petitioner



shall notify the persons entitled to notice pursuant to section 29 of this act without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

8. Not later than 10 days after the date of an ex parte appointment of a temporary guardian pursuant to subsection 5, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 9, if the court finds by clear and convincing evidence that the protected minor continues to be in need of a temporary guardian, the court may, pursuant to subsection 10, extend the temporary guardianship until a general guardian is appointed.

9. The court may not extend a temporary guardianship pursuant to subsection 8 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of section 30 of this act have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

10. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, unless extraordinary circumstances necessitate a longer duration for the temporary guardianship.

11. If for any reason a guardian who is appointed for a protected minor cannot perform the duties of a guardian, the court may, upon a petition filed to request temporary guardianship for the minor, appoint a temporary guardian to exercise the powers of a guardian until another guardian is appointed for the minor.

Sec. 38. 1. *A proposed protected minor who is found in this State must attend the hearing for the appointment of a guardian unless:*

(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State specifically states the condition of the proposed protected minor, the reasons why the proposed protected minor is unable to appear in court and whether the proposed protected minor's attendance at the hearing would be detrimental to the physical or mental health of the proposed protected minor; or

(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the



proposed protected minor, the reasons why the proposed protected minor is unable to appear in court and whether the proposed protected minor's attendance at the hearing would be detrimental to the physical or mental health of the proposed protected minor.

2. A proposed protected minor found in this State who cannot attend the hearing for the appointment of a guardian as set forth in a certificate pursuant to subsection 1 may appear by videoconference.

3. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.

4. If the proposed protected minor is not in this State, the proposed protected minor must attend the hearing only if the court determines that the attendance of the proposed protected minor is necessary in the interests of justice.

Sec. 39. *1. If the court finds the proposed protected minor not in need of a guardian, the court shall dismiss the petition.*

2. If the court finds that appointment of a guardian is required, the court shall appoint a guardian of the proposed protected minor's person, estate, or person and estate.

Sec. 40. *1. The petitioner has the burden of proving by clear and convincing evidence that the appointment of a guardian of the person, of the estate, or of the person and estate is necessary.*

2. If it appears to the court that the allegations of the petition are sufficient and that a guardian should be appointed for the proposed protected minor, the court shall enter an order appointing a guardian. The order must:

(a) Specify whether the guardian appointed is guardian of the person, of the estate, or of the person and estate;

(b) Specify whether the proposed protected minor is a resident or nonresident of this State;

(c) Specify the amount of the bond to be executed and filed by the guardian;

(d) Designate the names and addresses, so far as may be determined, of:

(1) The relatives of the proposed protected minor upon whom notice must be served pursuant to section 29 of this act; and

(2) Any other interested person; and

(e) Specify whether the proposed protected minor will require a guardianship after reaching 18 years of age.

3. A notice of entry of the court order must be sent to:



(a) The relatives of the proposed protected minor upon whom notice must be served pursuant to section 29 of this act; and

(b) Any other interested person.

Sec. 41. *If a court order is in effect for payment for the support of a proposed protected minor, upon entry of an order appointing a guardian for the minor, the court shall order the assignment of the payment to the guardian for the support of that minor.*

Sec. 42. *In an order appointing a guardian or in any order thereafter, the court may award rights of visitation between a protected minor and his or her parents or relatives who are within the fourth degree of consanguinity.*

Sec. 43. 1. *Where the appointment of a guardian is sought for two or more proposed protected minors who are children of a common parent, it is not necessary that separate petitions, bonds and other papers be filed with respect to each proposed protected minor or protected minors.*

2. If a guardian is appointed for such proposed protected minors, the guardian:

(a) Shall keep separate accounts of the estate of each protected minor;

(b) May make investments for each protected minor;

(c) May compromise and settle claims against one or more protected minors; and

(d) May sell, lease, mortgage or otherwise manage the property of one or more protected minors.

3. The guardianship may be terminated with respect to less than all the protected minors in the same manner as provided by law with respect to a guardianship of a single protected minor.

Sec. 44. *As a condition of the appointment of a guardian, the court may require the guardian to complete any available training concerning guardianships that the court determines appropriate.*

Sec. 45. 1. *In order for a person to serve as a private professional guardian, the person must be:*

(a) Qualified to serve as a guardian pursuant to section 46 of this act; and

(b) A guardian who has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3.

2. In order for an entity to serve as a private professional guardian, the entity must:



(a) Have a license issued pursuant to chapter 628B of NRS unless the entity is not required to have such a license pursuant to subsection 3; and

(b) Have a guardian who has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3 involved in the day-to-day operation or management of the entity.

3. For a person or entity to serve as a private professional guardian, the person or entity is not required to have a license issued pursuant to chapter 628B of NRS if the person or entity is exempt from the requirement to have such a license pursuant to NRS 628B.110 and the person or entity:

(a) Is a banking corporation as defined in NRS 657.016;

(b) Is an organization permitted to act as a fiduciary pursuant to NRS 662.245;

(c) Is a trust company as defined in NRS 669.070;

(d) Is acting in the performance of his or her duties as an attorney at law;

(e) Acts as a trustee under a deed of trust; or

(f) Acts as a fiduciary under a court trust.

4. As used in this section:

(a) "Certified guardian" means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

(c) "Person" means a natural person.

Sec. 46. 1. The parents of a proposed protected minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the person or estate or person and estate of the proposed protected minor. The appointment of a parent as guardian for the person or estate of a proposed protected minor must not conflict with a valid order for custody of the proposed protected minor.

2. Except as otherwise provided in subsection 4, if a parent of a proposed protected minor files a petition seeking appointment as guardian for the proposed protected minor, the parent is presumed to be suitable to serve as guardian for the proposed protected minor.

3. In determining whether the parents of a proposed protected minor, or either parent, or any other person who seeks appointment as guardian for the proposed protected minor is



qualified and suitable, the court shall consider, if applicable and without limitation:

(a) Which parent has physical custody of the proposed protected minor;

(b) The ability of the parents, parent or other person to provide for the basic needs of the proposed protected minor, including, without limitation, food, shelter, clothing and medical care, taking into consideration any special needs of the proposed protected minor;

(c) Whether the parents, parent or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(d) Whether the parents, parent or other person has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult;

(e) Whether the parents, parent or other person has been convicted in this State or any other jurisdiction of a felony; and

(f) Whether the parents, parent or other person has engaged in one or more acts of domestic violence against the proposed protected minor, a parent of the proposed protected minor or any other person who resides with the proposed protected minor.

4. A parent of a proposed protected minor is presumed to be unsuitable to care for the proposed protected minor if:

(a) The parent is unable to provide for any or all of the basic needs of the proposed protected minor, including, without limitation:

- (1) Food;*
- (2) Shelter;*
- (3) Clothing;*
- (4) Medical care; and*
- (5) Education;*

(b) Because of action or inaction, the parent poses a significant safety risk of either physical or emotional danger to the proposed protected minor; or

(c) The proposed protected minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. The presumption created by this paragraph is a rebuttable presumption.

5. Subject to the preference set forth in subsection 1 and except as otherwise provided in subsection 7, the court shall



appoint as guardian the qualified person who is most suitable and is willing to serve.

6. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsections 2, 3 and 4, give consideration, among other factors, to:

(a) Any nomination of a guardian for the proposed protected minor contained in a will or other written instrument executed by a parent of the proposed protected minor.

(b) Any request made by the proposed protected minor, if he or she is 14 years of age or older, for the appointment of a person as guardian for the proposed protected minor.

(c) The relationship by blood or adoption of the proposed guardian to the proposed protected minor. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

(1) Parent.

(2) Adult sibling.

(3) Grandparent.

(4) Uncle or aunt.

(d) Any recommendation made by a master of the court or special master pursuant to section 47 of this act.

(e) Any recommendation made by:

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the proposed protected minor.

(f) Any request for the appointment of any other interested person that the court deems appropriate.

7. The court may award temporary guardianship pursuant to this section, supported by findings of suitability, pending a trial or evidentiary hearing if that appointment is supported by findings.

8. Notwithstanding the presumption set forth in subsection 4, in the event of competing petitions for the appointment of guardianship of a proposed protected minor, any finding of unsuitability of a parent of the proposed protected minor must be found by clear and convincing evidence after a hearing on the merits or an evidentiary hearing.

9. In determining whether to appoint a guardian of the person or estate of a proposed protected minor and who should be



appointed, the court must always act in the best interests of the proposed protected minor.

10. As used in this section, “agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

Sec. 47. 1. *If the court determines that a minor may be in need of a guardian, the court may order the appointment of a master of the court or a special master from among the members of the State Bar of Nevada to conduct a hearing to identify the person most qualified and suitable to serve as guardian for the proposed protected minor.*

2. Not later than 5 calendar days after the date of the hearing, the master of the court or special master shall prepare and submit to the court a recommendation regarding which person is most qualified and suitable to serve as guardian for the proposed protected minor.

Sec. 48. *If the court or a master of the court or special master appointed pursuant to section 47 of this act finds that a parent or other relative, teacher, friend or neighbor of a proposed protected minor or any other interested person:*

1. Has a personal interest in the well-being of the proposed protected minor; or

2. Possesses information that is relevant to the determination of who should serve as guardian for the proposed protected minor,
↳ the court or a master of the court or special master appointed pursuant to section 47 of this act may allow the person to testify at any hearing held pursuant to this chapter to determine the person most qualified and suitable to serve as guardian for the proposed protected minor.

Sec. 49. *A parent of a minor may by will nominate a guardian. The person nominated must file a petition and obtain an appointment from the court before exercising the powers of a guardian.*

Sec. 50. 1. *Except as otherwise provided by law, every guardian shall, before entering upon his or her duties as guardian, execute and file in the guardianship proceeding a bond, with sufficient surety or sureties, in such amount as the court determines necessary for the protection of the protected minor and the estate of the protected minor, and conditioned upon the faithful discharge by the guardian of his or her authority and duties according to law. The bond must be approved by the clerk. Sureties must be jointly and severally liable with the guardian and with each other.*



2. *If a banking corporation, as defined in NRS 657.016, doing business in this State, is appointed guardian of the estate of a protected minor, no bond is required of the guardian, unless specifically required by the court.*

3. *Joint guardians may unite in a bond to the protected minor or protected minors, or each may give a separate bond.*

4. *If there are no assets of the protected minor, no bond is required of the guardian.*

5. *If a person has been nominated to be guardian in a will, power of attorney or other written instrument that has been acknowledged before two disinterested witnesses or acknowledged before a notary public and the will, power of attorney or other written instrument provides that no bond is to be required of the guardian, the court may direct letters of guardianship to issue to the guardian after the guardian:*

(a) Takes and subscribes the oath of office; and

(b) Files the appropriate documents which contain the full legal name and address of the guardian.

6. *In lieu of executing and filing a bond, the guardian may request that access to certain assets be blocked. The court may grant the request and order letters of guardianship to issue to the guardian if sufficient evidence is filed with the court to establish that such assets are being held in a manner that prevents the guardian from accessing the assets without a specific court order.*

Sec. 51. 1. *The court may at any time, for good cause and after notice to the guardian, increase or decrease the amount of the bond required of a guardian.*

2. *The court may at any time, if the bond or the sureties are determined to be insufficient or for other good cause, require a guardian to execute and file a new or additional bond. The court may exonerate the sureties on a former bond from any liabilities thereunder arising from the acts or omissions of their principal after such exoneration.*

Sec. 52. *Every bond given by a guardian must be filed and preserved in the office of the clerk of the district court of the county in which the guardianship proceeding is conducted. In case of the breach of any condition of such bond, an action may be maintained in behalf of the protected minor or protected minors jointly if all are interested, or of any person interested in the estate, and such bond is not void on the first recovery. If the action on the bond is in behalf of one protected minor on a bond given to more than one protected minor, the other protected minors*



mentioned in the bond need not be united in or made parties to such action.

Sec. 53. *No action may be maintained against the sureties on any bond given by a guardian unless it is commenced within 3 years after the time the guardian is discharged, unless at the time of such discharge the person entitled to bring the action is under any legal disability to sue, in which case the action may be brought at any time within 3 years after the disability is removed.*

Sec. 54. *1. Every guardian, before entering upon his or her duties as guardian and before letters of guardianship may issue, shall:*

(a) Take and subscribe the official oath which must:

(1) Be endorsed on the letters of guardianship; and

(2) State that the guardian will well and faithfully perform the duties of guardian according to law.

(b) File in the proceeding the appropriate documents which include, without limitation, the full legal name of the guardian and the residence and post office addresses of the guardian.

(c) Except as otherwise provided in subsection 2, make and file in the proceeding a verified acknowledgment of the duties and responsibilities of a guardian. The acknowledgment must set forth:

(1) A summary of the duties, functions and responsibilities of a guardian, including, without limitation, the duty to:

(I) Act in the best interest of the protected minor at all times.

(II) Provide the protected minor with medical, surgical, dental, psychiatric, psychological, hygienic or other care and treatment as needed, with adequate food and clothing and with safe and appropriate housing.

(III) Protect, preserve and manage the income, assets and estate of the protected minor and utilize the income, assets and estate of the protected minor solely for the benefit of the protected minor.

(IV) Maintain the assets of the protected minor in the name of the protected minor or the name of the guardianship. The assets of the protected minor must not be commingled with the assets of any third party.

(V) Notify the court, all interested parties, the trustee, and named executor or appointed personal representative of the estate of the protected minor of the death of the protected minor within 30 days after the death.



In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of the court at my office on..... (month)..... (day),..... (year).

.....
Clerk

(SEAL)

.....
Deputy Clerk

Sec. 57. *If, at the time of the appointment of the guardian or thereafter, the estate of a protected minor consists of personal property having a value not exceeding by more than \$10,000 the aggregate amount of unpaid expenses of administration of the guardianship estate and claims against the estate, the guardian of the estate, with prior approval of the court by order, may pay those expenses and claims from the estate and deliver all the remaining personal property to such person as the court may designate in the order, to be held, invested or used as ordered by the court. The recipient of the property so delivered shall give a receipt therefor to the guardian. The receipt is a release and acquittance to the guardian as to the property so delivered. The guardian shall file in the proceeding proper receipts or other evidence satisfactory to the court showing the delivery, and the guardian is released from his or her trust and the bond of the guardian is exonerated.*

Sec. 58. *1. The court may grant a summary administration if, at any time, it appears to the court that after payment of all claims and expenses of the guardianship the value of the protected minor's property does not exceed \$10,000.*

2. If the court grants a summary administration, the court may:

(a) Authorize the guardian of the estate who is authorized to manage the protected minor's property to convert the property to cash and sell any of the property, with or without notice, as the court may direct. After the payment of all claims and the expenses of the guardianship, the guardian shall deposit the money in savings accounts or invest the money as provided in section 84 of this act, and hold the investment and all interest, issues, dividends and profits for the benefit of the protected minor. The court may dispense with annual accountings and all other proceedings required by this chapter.

(b) Terminate the guardianship of the estate and direct the guardian to deliver the protected minor's property to the custodial



parent or parents, guardian or custodian of the protected minor to hold, invest or use as the court may order.

3. Whether the court grants a summary administration at the time the guardianship is established or at any other time, the guardian shall file an inventory and record of value with the court.

4. If, at any time, the net value of the estate of the protected minor exceeds \$10,000:

(a) The guardian shall file an amended inventory and accounting with the court;

(b) The guardian shall file annual accountings; and

(c) The court may require the guardian to post a bond.

Sec. 59. A guardian of the person and estate has the authority and shall perform the duties as provided by law for a guardian of the person and a guardian of the estate.

Sec. 60. 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Except as otherwise provided in this paragraph, make or change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the protected minor which includes the designation of a beneficiary. The guardian is not required to petition the court for an order authorizing the guardian to utilize an asset which has a designated beneficiary, including the closure or discontinuance of the asset, for the benefit of a protected minor if:

(1) The asset is the only liquid asset available with which to pay for the proper care, maintenance, education and support of the protected minor;

(2) The asset, or the aggregate amount of all the assets if there is more than one type of asset, has a value that does not exceed \$5,000; or

(3) The asset is a bank account, investment fund or insurance policy and is required to be closed or discontinued in order for the protected minor to qualify for a federal program of public assistance.

(b) Create for the benefit of the protected minor or others a revocable or irrevocable trust of the property of the estate.

(c) Except as otherwise provided in this paragraph, exercise the right of the protected minor to revoke or modify a revocable trust or to surrender the right to revoke or modify a revocable trust. The court shall not authorize or require the guardian to



exercise the right to revoke or modify a revocable trust if the instrument governing the trust:

(1) Evidences an intent of the protected minor to reserve the right of revocation or modification exclusively to the protected minor;

(2) Provides expressly that a guardian may not revoke or modify the trust; or

(3) Otherwise evidences an intent that would be inconsistent with authorizing or requiring the guardian to exercise the right to revoke or modify the trust.

2. Any other interested person may also petition the court for an order authorizing or directing the guardian to take any action described in subsection 1.

3. The court may authorize the guardian to take any action described in subsection 1 if, after notice to any person who is adversely affected by the proposed action and an opportunity for a hearing, the court finds by clear and convincing evidence that:

(a) A reasonably prudent person or the protected minor would take the proposed action and that a person has committed or is about to commit any act, practice or course of conduct which operates or would operate as a fraud or act of exploitation upon the protected minor or estate of the protected minor and that person:

(1) Is designated as a beneficiary in or otherwise stands to gain from an instrument which was executed by or on behalf of the protected minor; or

(2) Will benefit from the lack of such an instrument; or

(b) The proposed action is otherwise in the best interests of the protected minor for any other reason not listed in this section.

4. The petition must contain, to the extent known by the petitioner:

(a) The name, date of birth and current address of the protected minor;

(b) A concise statement as to the condition of the protected minor's estate; and

(c) A concise statement as to the necessity for the proposed action.

5. As used in this section:

(a) "Exploitation" means any act taken by a person who has the trust and confidence of a protected minor to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the protected minor with the intention of permanently depriving



the protected minor of the ownership, use, benefit or possession of the protected minor's money, assets or property.

(2) Convert money, assets or property of the protected minor with the intention of permanently depriving the protected minor of the ownership, use, benefit or possession of the protected minor's money, assets or property.

↳ As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another.

(b) "Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive the protected minor of the protected minor's rights or property or to otherwise injure the protected minor.

(c) "Interested person" has the meaning ascribed to it in NRS 132.185 and also includes a named beneficiary under a trust or other instrument if the validity of the trust or other instrument may be in question.

Sec. 61. *1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the protected minor, and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care, maintenance, education and support of the protected minor, including, without limitation, the following:*

(a) Supplying the protected minor with food, clothing, shelter and all incidental necessities, including locating an appropriate residence for the protected minor.

(b) Authorizing medical, surgical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the protected minor.

(c) Seeing that the protected minor is properly trained and educated and that the protected minor has the opportunity to learn a trade, occupation or profession.

2. In the performance of the duties enumerated in subsection 1 by a guardian of the person, due regard must be given to the extent of the estate of the protected minor. A guardian of the person may be required to incur expenses on behalf of the protected minor if the estate of the protected minor is insufficient to reimburse the guardian.

3. A guardian of the person is the protected minor's personal representative for purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations. The guardian of the person has authority



to obtain information from any government agency, medical provider, business, creditor or third party who may have information pertaining to the protected minor's health care or health insurance.

4. Except as otherwise provided in subsection 6, a guardian of the person may establish and change the residence of the protected minor at any place within this State without the permission of the court. The guardian shall select the least restrictive appropriate residence which is available and necessary to meet the needs of the protected minor and which is financially feasible.

5. Except as otherwise provided in subsection 6, a guardian of the person shall petition the court for an order authorizing the guardian to change the residence of the protected minor to a location outside of this State. The guardian must show that changing the residence of the protected minor to a location outside of this State is in the best interest of the protected minor or that there is no appropriate residence available for the protected minor in this State. The court shall retain jurisdiction over the guardianship unless the guardian files for termination of the guardianship pursuant to section 143 or 144 of this act or the jurisdiction of the guardianship is transferred to the other state. Not later than 6 months after changing the residence of a protected minor to a location outside of this State, the guardian shall file a petition for guardianship in the state of the protected minor's residence.

6. A guardian of the person must file a petition with the court requesting authorization to move a protected minor to or place a protected minor in a secured residential long-term care facility.

7. This section does not relieve a parent or other person of any duty required by law to provide for the care, support and maintenance of any dependent.

Sec. 62. *1. Except as otherwise provided in subsection 2, a guardian shall not consent to:*

(a) The experimental medical, biomedical or behavioral treatment of a protected minor;

(b) The sterilization of a protected minor; or

(c) The participation of a protected minor in any biomedical or behavioral experiment.

2. The guardian may consent to and commence any treatment or experiment described in subsection 1 if the guardian applies to and obtains from the court authority to consent to and commence the treatment or experiment.



3. *The court may authorize the guardian to consent to and commence any treatment or experiment described in subsection 1 only if the treatment or experiment:*

(a) Is of direct benefit to, and intended to preserve the life of or prevent serious impairment to the mental or physical health of, the protected minor; or

(b) Is intended to assist the protected minor to develop or regain the protected minor's abilities.

Sec. 63. *1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the protected minor and the exercise of authority and performance of duties by the guardian:*

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days after changing the residence of a protected minor; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Be served, without limitation, on the attorney for the protected minor, if any.

3. The court may prescribe the form and contents for filing a report described in subsection 1.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

Sec. 64. *A guardian of the estate shall:*

1. Protect, preserve, manage and dispose of the estate of the protected minor according to law and for the best interests of the protected minor.

2. Apply the estate of the protected minor for the proper care, maintenance, education and support of the protected minor having due regard for other income or property available to support the protected minor.

3. Have such other authority and perform such other duties as are provided by law.

Sec. 65. *1. Not later than 60 days after the date of the appointment of a guardian of the estate or, if necessary, such further time as the court may allow, the guardian shall make and*



file in the guardianship proceeding a verified inventory of all of the property of the protected minor which comes to the possession or knowledge of the guardian.

2. A temporary guardian of the estate shall file an inventory with the court by not later than the date on which the temporary guardian files a final accounting as required pursuant to section 128 of this act.

3. The guardian shall take and subscribe an oath, which must be endorsed or attached to the inventory, before any person authorized to administer oaths, that the inventory contains a true statement of:

(a) All of the estate of the protected minor which has come into the possession of the guardian;

(b) All of the money that belongs to the protected minor; and

(c) All of the just claims of the protected minor against the guardian.

4. Whenever any property of the protected minor not mentioned in the inventory comes to the possession or knowledge of a guardian of the estate, the guardian shall:

(a) Make and file in the proceeding a verified supplemental inventory not later than 30 days after the date the property comes to the possession or knowledge of the guardian; or

(b) Include the property in the next accounting.

5. The court may order which of the two methods described in subsection 4 the guardian shall follow.

6. The court may order all or any part of the property of the protected minor appraised as provided in sections 67 and 155 of this act.

7. If the guardian neglects or refuses to file the inventory within the time required pursuant to subsection 1, the court may, for good cause shown and upon such notice as the court deems appropriate:

(a) Revoke the letters of guardianship and the guardian is liable on the bond for any loss or injury to the estate caused by the neglect of the guardian; or

(b) Enter a judgment for any loss or injury to the estate caused by the neglect of the guardian.

Sec. 66. *1. Except as otherwise provided in subsection 2, the guardian of an estate shall cause an appraisal or valuation of any asset of a guardianship estate to be conducted by a disinterested appraiser, certified public accountant or expert in valuation and file the appraisal or valuation with the court.*

2. In lieu of an appraisal, the guardian may file:



(a) A verified record of value of an asset where the value of the asset can be determined with reasonable certainty, including, without limitation:

(1) Money, deposits in banks, bonds, policies of life insurance or securities for money, when equal in value to cash; and

(2) Personal property, including, without limitation, household goods, if the combined value of the personal property does not exceed \$5,000.

(b) A statement of the assessed value of real property as determined by the county assessor for tax purposes, except that if the real property is to be sold, the guardian must file an appraisal.

Sec. 67. *1. Before appraising or valuing any asset of the guardianship estate, each appraiser, certified public accountant or expert in valuation shall certify that the appraiser, accountant or expert will truthfully, honestly and impartially appraise or value the property according to the best of his or her knowledge and ability. The certification must be included in the appraisal or valuation and filed with the court.*

2. The appraisal or valuation must list each asset that has a value of more than \$100 separately with a statement of the value of the asset opposite the asset.

3. An appraiser, certified public accountant or expert in valuation who performs an appraisal or valuation of a guardianship estate is entitled to reasonable compensation for the appraisal or valuation and may be paid by the guardian out of the estate at any time after the appraisal or valuation is completed.

4. An appraiser, certified public accountant or expert in valuation who directly or indirectly purchases any asset of an estate without full disclosure to and approval by the court is guilty of a misdemeanor. A sale made in violation of the provisions of this subsection is void, and the asset sold may be recovered by the guardian, protected minor or proposed protected minor.

Sec. 68. *1. Not later than 60 days after the date of the appointment of a guardian of the estate, the guardian shall record, or cause to be recorded, in the office of the recorder of each county in which real property of the protected minor is located, a copy, certified by the clerk of the court, of the letters of guardianship.*

2. The guardian shall attach, or cause to be attached, to the copy of the letters of guardianship recorded pursuant to subsection 1 a cover sheet containing:

(a) The name, address and telephone number of the guardian;



(b) The assessor's parcel number and the address of the real property of the protected minor; and

(c) If the estate of the protected minor includes a manufactured home or mobile home, the location and serial number of the manufactured home or mobile home.

3. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "Mobile home" has the meaning ascribed to it in NRS 489.120.

Sec. 69. *1. A guardian of the estate shall take possession of:*

(a) All of the property of substantial value of the protected minor;

(b) Rents, income, issues and profits from the property, whether accruing before or after the appointment of the guardian; and

(c) The proceeds from the sale, mortgage, lease or other disposition of the property.

2. The guardian may allow the protected minor to have possession and control of the personal property and funds as are appropriate to the needs and capacities of the protected minor.

3. The title to all property of the protected minor is in the protected minor and not in the guardian.

4. A guardian shall secure originals, when available, or copies of any:

(a) Contract executed by the protected minor;

(b) Revocable or irrevocable trust in which the protected minor has a vested interest as a beneficiary; and

(c) Writing evidencing a present or future vested interest in any real or intangible property.

Sec. 70. *1. A guardian shall present a copy of the court order appointing the guardian and letters of guardianship to a bank or other financial institution that holds any account or other assets of the protected minor before the guardian may access the account or other assets.*

2. The bank or other financial institution shall accept the copy of the court order appointing the guardian and letters of guardianship as proof of guardianship and allow the guardian access to the account or other assets of the protected minor, subject to any limitations set forth in the court order.



3. *Unless the bank or other financial institution is a party to the guardianship proceeding, the bank or other financial institution is not entitled to a copy of any:*

(a) Confidential information concerning the medical condition or the placement of the protected minor; or

(b) Inventory or accounting of the estate of the protected minor.

Sec. 71. *1. The guardian may retain assets for the anticipated expense of the protected minor's funeral and the disposal of his or her remains. Of the amount so retained, \$3,000 is exempt from all claims, including those of this State.*

2. The guardian may place assets so retained in a pooled account or trust. If the assets are invested in a savings account or other financial account, the assets are not subject to disposition as unclaimed property during the lifetime of the protected minor.

3. Assets so retained may be disbursed for the protected minor's funeral or the disposal of his or her remains without prior authorization of the court. An amount not so disbursed becomes part of the protected minor's estate.

Sec. 72. *Upon the filing of a petition in the guardianship proceeding by the guardian, the protected minor or any other interested person, alleging that any person is indebted to the protected minor, has or is suspected of having concealed, embezzled, converted or disposed of any property of the protected minor or has possession or knowledge of any such property or of any writing relating to such property, the court may require the person to appear and answer under oath concerning the matter.*

Sec. 73. *1. A guardian of the estate:*

(a) Shall demand all debts and other choses in action due to the protected minor; and

(b) With prior approval of the court, may sue for and receive all debts and other choses in action due to the protected minor.

2. A guardian of the estate, with prior approval of the court by order, may compound or compromise any debt or other chose in action due to the protected minor and give a release and discharge to the debtor or other obligor.

3. A guardian of the person:

(a) May obtain an order which requires one or both parents of the protected minor to pay the guardian an amount established pursuant to NRS 125B.070 and 125B.080 for the support of the protected minor.

(b) Shall give notice to the court of the entry of an order for the payment of the support of the protected minor or the approval



of any public assistance for the protected minor not later than 30 days after the entry of the order or the approval of public assistance. The guardian shall file a copy of the order of support or document which evidences approval of public assistance with the notice which is filed with the court.

Sec. 74. *1. A guardian of the estate shall appear for and represent the protected minor in all actions, suits or proceedings to which the protected minor is a party, unless the court finds that the interests of the guardian conflict with the interests of the protected minor or it is otherwise appropriate to appoint a guardian ad litem in the action, suit or proceeding.*

2. Upon final resolution of the action, suit or proceeding, the guardian of the estate or the guardian ad litem shall notify the court of the outcome of the action, suit or proceeding.

3. If the person of the protected minor would be affected by the outcome of any action, suit or proceeding, the guardian of the person, if any, should be joined to represent the protected minor in the action, suit or proceeding.

Sec. 75. *Any contract, except to the extent of the reasonable value of necessaries, and any transaction with respect to the property of a protected minor made by the protected minor are voidable by the guardian of the estate.*

Sec. 76. *A guardian of the estate is not personally liable on any written or oral contract entered into for or on behalf of the protected minor where the guardian is acting within his or her authority as such guardian. Any action, suit or proceeding on any such contract must be brought against the guardian in his or her fiduciary capacity only, and any judgment or decree obtained in such action, suit or proceeding must be satisfied only from property of the protected minor.*

Sec. 77. *A guardian of the estate shall pay from the guardianship estate pursuant to sections 78, 79 and 80 of this act all just claims against the protected minor, the estate or the guardian as such, whether accruing before or after the appointment of the guardian and whether arising in contract, in tort or otherwise.*

Sec. 78. *1. Other than claims for attorney's fees that are subject to the provisions of subsection 3, a guardian of the estate may pay from the guardianship estate the following claims without complying with the provisions of this section and sections 79 and 80 of this act:*

(a) The guardian's claims against the protected minor or the estate; and



(b) Any claims accruing after the appointment of the guardian which arise from contracts entered into by the guardian on behalf of the protected minor.

2. The guardian shall report all claims and the payment of claims made pursuant to subsection 1 in the account that the guardian makes and files in the guardianship proceeding following each payment.

3. Claims for attorney's fees which are associated with the commencement and administration of the guardianship of the estate:

(a) May be made at the time of the appointment of the guardian of the estate or any time thereafter; and

(b) May not be paid from the guardianship estate unless the payment is made in compliance with the provisions of this section and sections 79 and 80 of this act.

Sec. 79. Except as otherwise provided in section 78 of this act, all claims against the protected minor, the guardianship estate or the guardian of the estate as such must be presented to the guardian of the estate. Each such claim must be in writing, must describe the nature and the amount of the claim, if ascertainable, and must be accompanied by the affidavit of the claimant, or someone on behalf of the claimant, who has personal knowledge of the fact. The affidavit must state that within the knowledge of the affiant the amount claimed is justly due, no payments have been made thereon which are not credited and there is no counterclaim thereto, except as stated in the affidavit. If such claim is founded on a written instrument, the original or a copy thereof with all endorsements must be attached to the claim. The original instrument must be exhibited to the guardian or the court, upon demand, unless it is lost or destroyed, in which case the fact of its loss or destruction must be stated in the claim.

Sec. 80. 1. A guardian of the estate shall examine each claim presented to the guardian for payment. If the guardian is satisfied that the claim is appropriate and just, the guardian shall:

(a) Endorse upon the claim the words "examined and allowed" and the date;

(b) Officially subscribe the notation; and

(c) Pay the claim from the guardianship estate.

2. If the guardian is not satisfied that the claim is just, the guardian shall:

(a) Endorse upon the claim the words "examined and rejected" and the date;

(b) Officially subscribe the notation; and



(c) Not later than 60 days after the date the claim was presented to the guardian, notify the claimant by personal service or by mailing a notice by registered or certified mail that the claim was rejected.

Sec. 81. *1. If, not later than 60 days after the date the claim was presented to the guardian, a rejected claim is returned to the claimant or the guardian of the estate fails to approve or reject and return a claim, the claimant, before the claim is barred by the statute of limitations, may:*

(a) File a petition for approval of the rejected claim in the guardianship proceeding for summary determination by the court; or

(b) Commence an action or suit on the claim against the guardian in the guardian's fiduciary capacity and any judgment or decree obtained must be satisfied only from property of the protected minor.

2. If a claimant files a request for approval of a rejected claim or a like claim in the guardianship proceeding for summary determination, the claimant shall serve notice that he or she has filed such a request on the guardian.

3. Not later than 20 days after the date of service, the guardian may serve notice of objection to summary determination on the claimant. If the guardian serves the claimant with notice and files a copy of the notice with the court, the court shall not enter a summary determination and the claimant may commence an action or suit on the claim against the guardian in the guardian's fiduciary capacity as provided in subsection 1.

4. If the guardian fails to serve the claimant with notice of objection to summary determination or file a copy of the notice with the court, the court shall:

(a) Hear the matter and determine the claim or like claim in a summary manner; and

(b) Enter an order allowing or rejecting the claim, either in whole or in part. No appeal may be taken from the order.

Sec. 82. *1. Before taking any of the following actions, the guardian of the estate shall petition the court for an order authorizing the guardian to:*

(a) Invest the property of the protected minor pursuant to section 84 of this act.

(b) Borrow money for the protected minor pursuant to section 85 of this act.

(c) Except as otherwise provided in section 61 of this act, enter into contracts for the protected minor or complete the



performance of contracts of the protected minor pursuant to section 86 of this act.

(d) Make gifts from the protected minor's estate pursuant to section 87 of this act.

(e) Sell, lease or place in trust any property of the protected minor pursuant to section 88 of this act.

(f) Exchange or partition the protected minor's property pursuant to section 126 of this act.

(g) Exercise or release the power of the protected minor as a donee of a power of appointment.

(h) Exercise the right of the protected minor to take under or against a will.

(i) Transfer to a trust created by the protected minor any property unintentionally omitted from the trust.

(j) Submit a revocable trust to the jurisdiction of the court if:

(1) The protected minor is the grantor and sole beneficiary of the income of the trust; or

(2) The trust was created by the court.

(k) Pay any claim by the Department of Health and Human Services to recover benefits for Medicaid correctly paid to or on behalf of the protected minor.

(l) Transfer money in a protected minor's blocked account to the Nevada Higher Education Prepaid Tuition Trust Fund created pursuant to NRS 353B.140.

2. Before taking any of the following actions, unless the guardian has been otherwise ordered by the court to petition the court for permission to take specified actions or make specified decisions in addition to those described in subsection 1, the guardian may petition the court for an order authorizing the guardian to:

(a) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the protected minor's property.

(b) Take any other action which the guardian deems would be in the best interests of the protected minor.

3. The petition must be signed by the guardian and contain:

(a) The name, age, residence and address of the protected minor.

(b) A concise statement as to the condition of the protected minor's estate.

(c) A concise statement as to the advantage to the protected minor of or the necessity for the proposed action.



(d) The terms and conditions of any proposed sale, lease, partition, trust, exchange or investment, and a specific description of any property involved.

4. Any of the matters set forth in subsection 1 may be consolidated in one petition, and the court may enter one order authorizing or directing the guardian to do one or more of those acts.

5. A petition filed pursuant to paragraphs (b) and (d) of subsection 1 may be consolidated in and filed with the petition for the appointment of the guardian, and if the guardian is appointed, the court may enter additional orders authorizing the guardian to continue the business of the protected minor, enter contracts for the protected minor or complete contracts of the protected minor.

Sec. 83. *1. Upon the filing of any petition under section 60 or 82 of this act, or any account, notice must be given in the manner prescribed by section 17 of this act.*

2. The notice must:

(a) Give the name of the protected minor.

(b) Give the name of the petitioner.

(c) Give the date, time and place of the hearing.

(d) State the nature of the petition.

(e) Refer to the petition for further particulars, and notify all persons interested to appear at the time and place mentioned in the notice and show cause why the court order should not be made.

Sec. 84. *1. Upon approval of the court by order, a guardian of the estate may:*

(a) Invest the property of the protected minor, make loans and accept security therefor, in the manner and to the extent authorized by the court.

(b) Exercise options of the protected minor to purchase or exchange securities or other property.

2. A guardian of the estate may, without securing the prior approval of the court, invest the property of the protected minor in the following:

(a) Savings accounts in any bank, credit union or savings and loan association in this State, to the extent that the deposits are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

(b) Interest-bearing obligations of or fully guaranteed by the United States.



(c) Interest-bearing obligations of the United States Postal Service.

(d) Interest-bearing obligations of the Federal National Mortgage Association.

(e) Interest-bearing general obligations of this State.

(f) Interest-bearing general obligations of any county, city or school district of this State.

(g) Money market mutual funds which are invested only in those instruments listed in paragraphs (a) to (f), inclusive.

3. A guardian of the estate for two or more wards may invest the property of two or more of the wards in property in which each ward whose property is so invested has an undivided interest. The guardian shall keep a separate record showing the interest of each ward in the investment and in the income, profits or proceeds therefrom.

4. A guardian of the estate may access or manage a guardianship account via the Internet on a secured website established by the bank, credit union or broker holding the account.

Sec. 85. *1. A guardian of the estate, with prior approval of the court by order, may borrow money for the account of the protected minor when necessary:*

(a) To pay claims against the protected minor, the guardianship estate or the guardian of the estate as such.

(b) To provide for the proper care, maintenance, education and support of the protected minor.

(c) For any other purpose that is in the best interests of the protected minor.

2. If the court determines that the borrowing is necessary or proper, the court shall make an order approving the borrowing and may authorize one or more separate loans. The order must prescribe the maximum amount of each loan, the maximum rate of interest and the date of final maturity of each loan, and may authorize the guardian to secure any loan by mortgage, deed of trust, pledge or other security transaction authorized by the laws of this State. The order must describe the property, if any, to be given as security for each loan.

Sec. 86. *If a protected minor for whom a guardian of the estate is appointed was, at the time of the appointment, a party to a contract which has not been fully performed, and which was made by the minor while not under any legal disability other than being under the age of majority, the guardian of the estate, with prior approval of the court by order, may complete the performance of*



such contract. If such contract requires the conveyance of any real or personal property, or any interest in such property, the court may authorize the guardian to convey the interest and estate of the protected minor in the property, and the effect of such conveyance is the same as though made by the protected minor while not under legal disability. If the contract requires a sale, no notice of sale is required under this section unless otherwise ordered by the court.

Sec. 87. *1. A guardian of the estate, with prior approval of the court by order, may, from the estate of the protected minor which is not necessary for the proper care, maintenance, education and support of the protected minor, make reasonable gifts directly, or into a trust, on behalf of the protected minor.*

2. Any petition filed by a guardian pursuant to this section must state whether:

(a) The purpose of the guardian in seeking approval to make the gift is to dispose of assets to make the ward eligible for Medicaid; and

(b) Making the gift will cause the ward to become eligible for Medicaid.

Sec. 88. *A guardian of the estate, with prior approval of the court by order, may sell, lease or place in trust any of the property of the protected minor:*

1. For the purpose of paying claims against the protected minor, the guardianship estate or the guardian of the estate.

2. For the purpose of providing for the proper care, maintenance, education and support of the protected minor.

3. For the purpose of investing the proceeds.

4. To obtain income through rentals or royalties.

5. For any other purpose that is in the best interests of the protected minor.

Sec. 89. *Any interest of a protected minor in real or personal property, including interests in contracts and choses in action, may be sold pursuant to this chapter.*

Sec. 90. *1. All sales of real property of a protected minor must be:*

(a) Reported to the court; and

(b) Confirmed by the court before the title to the real property passes to the purchaser.

2. The report and a petition for confirmation of the sale must be filed with the court not later than 30 days after the date of each sale.



3. *The court shall set the date of the hearing and give notice of the hearing in the manner required pursuant to section 83 of this act or as the court may order.*

4. *An interested person may file written objections to the confirmation of the sale. If such objections are filed, the court shall conduct a hearing regarding those objections during which the interested person may offer witnesses in support of the objections.*

5. *Before the court confirms a sale, the court must find that notice of the sale was given in the manner required pursuant to sections 98, 99 and 100 of this act, unless the sale was exempt from notice pursuant to section 86 of this act.*

Sec. 91. *If the guardian neglects or refuses to sell any real property of the estate when it is necessary or in the best interests of the protected minor, an interested person may petition the court for an order requiring the guardian to sell the property. The court shall set the petition for a hearing, and the petitioner shall serve notice on the guardian at least 10 days before the hearing.*

Sec. 92. *If real property of the estate of a protected minor is sold that is subject to a mortgage or other lien which is a valid claim against the estate, the money from the sale must be applied in the following order:*

1. *To pay the necessary expenses of the sale.*

2. *To satisfy the mortgage or other lien, including, without limitation, payment of interest and any other lawful costs and charges. If the mortgagee or other lienholder cannot be found, the money from the sale may be paid as ordered by the court and the mortgage or other lien shall be deemed to be satisfied.*

3. *To the estate of the protected minor, unless the court orders otherwise.*

Sec. 93. *At a sale of real property that is subject to a mortgage or lien, the holder of the mortgage or lien may become the purchaser. The receipt for the amount owed to the holder from the proceeds of the sale is a payment pro tanto.*

Sec. 94. 1. *In the manner required by this chapter for the sale of like property, a guardian may sell:*

(a) *The equity of the estate in any real property that is subject to a mortgage or lien; and*

(b) *The property that is subject to the mortgage or lien.*

2. *If a claim has been filed upon the debt secured by the mortgage or lien, the court shall not confirm the sale unless the holder of the claim files a signed and acknowledged document which releases the estate from all liability upon the claim.*



Sec. 95. 1. *A guardian may enter into a written contract with any bona fide agent, broker or multiple agents or brokers to secure a purchaser for any real property of the estate. Such a contract may grant an exclusive right to sell the property to the agent, broker or multiple agents or brokers.*

2. The guardian shall provide for the payment of a commission upon the sale of the real property which:

(a) Must be paid from the proceeds of the sale;

(b) Must be fixed in an amount not to exceed:

(1) Ten percent for unimproved real property; or

(2) Seven percent for improved real property; and

(c) Must be authorized by the court by confirmation of the sale.

3. Upon confirmation of the sale by the court, the contract for the sale becomes binding and enforceable against the estate.

4. A guardian may not be held personally liable and the estate is not liable for the payment of any commission set forth in a contract entered into with an agent or broker pursuant to this section until the sale is confirmed by the court, and then is liable only for the amount set forth in the contract.

Sec. 96. 1. *When an offer to purchase real property of a guardianship estate is presented to the court for confirmation:*

(a) Other persons may submit higher bids to the court; and

(b) The court may confirm the highest bid.

2. Upon confirmation of a sale of real property by the court, the commission for the sale must be divided between the listing agent or broker and the agent or broker who secured the purchaser to whom the sale was confirmed, if any, in accordance with the contract with the listing agent or broker.

Sec. 97. 1. *If a protected minor owns real property jointly with one or more other persons, the interest owned by the protected minor may be sold to one or more joint owners of the property only if:*

(a) The guardian files a petition with the court to confirm the sale pursuant to section 90 of this act; and

(b) The court confirms the sale.

2. Except as otherwise provided in subsection 3, the court shall confirm the sale only if:

(a) The net amount of the proceeds from the sale to the estate of the protected minor is not less than 90 percent of the fair market value of the portion of the property to be sold; and



(b) Upon confirmation, the estate of the protected minor will be released from all liability for any mortgage or lien on the property.

3. Upon good cause shown, the court may waive the requirement set forth in paragraph (a) of subsection 2.

Sec. 98. *1. Except as otherwise provided in this section and except for a sale pursuant to section 86 or 97 of this act, a guardian may sell the real property of a protected minor only after notice of the sale is published in:*

(a) A newspaper that is published in the county in which the property, or some portion of the property, is located; or

(b) If a newspaper is not published in that county:

(1) In a newspaper of general circulation in the county; or

(2) In such other newspaper as the court orders.

2. Except as otherwise provided in this section and except for a sale of real property pursuant to section 86 or 97 of this act:

(a) The notice of a public auction for the sale of real property must be published not less than three times before the date of the sale, over a period of 14 days and 7 days apart.

(b) The notice of a private sale must be published not less than three times before the date on which offers will be accepted, over a period of 14 days and 7 days apart.

3. For good cause shown, the court may order fewer publications and shorten the time of notice, but must not shorten the time of notice to less than 8 days.

4. The court may waive the requirement of publication pursuant to this section if:

(a) The guardian is the sole devisee or heir of the estate; or

(b) All devisees or heirs of the estate consent to the waiver in writing.

5. Publication for the sale of real property is not required pursuant to this section if the property to be sold is reasonably believed to have a value of \$10,000 or less. In lieu of publication, the guardian shall post notice of the sale in three of the most public places in the county in which the property, or some portion of the property, is located for at least 14 days before:

(a) The date of the sale at public auction; or

(b) The date on which offers will be accepted for a private sale.

6. Any notice published or posted pursuant to this section must include, without limitation:

(a) For a public auction:

(1) A description of the real property which reasonably identifies the property to be sold; and



- (2) *The date, time and location of the auction.*
- (b) *For a private sale:*
- (1) *A description of the real property which reasonably identifies the property to be sold; and*
- (2) *The date, time and location that offers will be accepted.*

Sec. 99. 1. *Except for a sale pursuant to section 86 or 97 of this act, a public auction for the sale of real property must be held:*

- (a) *In the county in which the property is located or, if the real property is located in two or more counties, in either county;*
- (b) *Between the hours of 9 a.m. and 5 p.m.; and*
- (c) *On the date specified in the notice, unless the sale is postponed.*

2. *If, on or before the date and time set for the public auction, the guardian determines that the auction should be postponed:*

- (a) *The auction may be postponed for not more than 3 months after the date first set for the auction; and*
- (b) *Notice of the postponement must be given by a public declaration at the place first set for the sale on the date and time that was set for the sale.*

Sec. 100. 1. *Except for the sale of real property pursuant to section 86 or 97 of this act, a sale of real property of a guardianship estate at a private sale:*

- (a) *Must not occur before the date stated in the notice.*
- (b) *Except as otherwise provided in this paragraph, must not occur sooner than 14 days after the date of the first publication or posting of the notice. For good cause shown, the court may shorten the time in which the sale may occur to not sooner than 8 days after the date of the first publication or posting of the notice. If the court so orders, the notice of the sale and the sale may be made to correspond with the court order.*

(c) *Must occur not later than 1 year after the date stated in the notice.*

2. *The offers made in a private sale:*

- (a) *Must be in writing; and*
- (b) *May be delivered to the place designated in the notice or to the guardian at any time:*
- (1) *After the date of the first publication or posting of the notice; and*

(2) *Before the date on which the sale is to occur.*

Sec. 101. 1. *Except as otherwise provided in subsection 2, the court shall not confirm a sale of real property of a guardianship estate at a private sale unless:*



(a) The court is satisfied that the amount offered represents the fair market value of the property to be sold; and

(b) Except for a sale of real property pursuant to section 86 of this act, the real property has been appraised within 1 year before the date of the sale. If the real property has not been appraised within this period, a new appraisal must be conducted pursuant to sections 66 and 67 of this act at any time before the sale or confirmation by the court of the sale.

2. The court may waive the requirement of an appraisal and allow the guardian to rely on the assessed value of the real property for purposes of taxation in obtaining confirmation by the court of the sale.

Sec. 102. *1. At the hearing to confirm the sale of real property, the court shall:*

(a) Consider whether the sale is necessary or in the best interest of the estate of the protected minor; and

(b) Examine the return on the investment and the evidence submitted in relation to the sale.

2. The court shall confirm the sale and order conveyances to be executed if it appears to the court that:

(a) Good reason existed for the sale;

(b) The sale was conducted in a legal and fair manner;

(c) The amount of the offer or bid is not disproportionate to the value of the property; and

(d) It is unlikely that an offer or bid would be made which exceeds the original offer or bid:

(1) By at least 5 percent if the offer or bid is less than \$100,000; or

(2) By at least \$5,000 if the offer or bid is \$100,000 or more.

3. The court shall not confirm the sale if the conditions in this section are not satisfied.

4. If the court does not confirm the sale, the court:

(a) May order a new sale;

(b) May conduct a public auction in open court; or

(c) May accept a written offer or bid from a responsible person and confirm the sale to the person if the written offer complies with the laws of this State and exceeds the original bid:

(1) By at least 5 percent if the bid is less than \$100,000; or

(2) By at least \$5,000 if the bid is \$100,000 or more.

5. If the court does not confirm the sale and orders a new sale:



(a) Notice must be given in the manner set forth in section 98 of this act; and

(b) The sale must be conducted in all other respects as though no previous sale has taken place.

6. If a higher offer or bid is received by the court during the hearing to confirm the sale, the court may continue the hearing rather than accept the offer or bid as set forth in paragraph (c) of subsection 4 if the court determines that the person who made the original offer or bid was not notified of the hearing and that the person who made the original offer or bid may wish to increase his or her bid. This subsection does not grant a right to a person to have a continuance granted and may not be used as a ground to set aside an order confirming a sale.

7. Except as otherwise provided in this subsection, if a higher offer or bid is received by the court during the hearing to confirm the sale and the court does not accept that offer or bid, each successive bid must be for not less than:

(a) An additional \$5,000, if the original offer is for \$100,000 or more; or

(b) An additional \$250 if the original offer is less than \$100,000.

↳ Upon the request of the guardian during the hearing to confirm the sale, the court may set other incremental bid amounts.

Sec. 103. *1. If the court confirms a sale of real property of a guardianship estate, the guardian shall execute a conveyance of the property to the purchaser.*

2. The conveyance must include a reference to the court order confirming the sale, and a certified copy of the court order must be recorded in the office of the recorder of the county in which the property, or any portion of the property, is located.

3. A conveyance conveys all the right, title and interest of the protected minor in the property on the date of the sale, and if, before the date of the sale, by operation of law or otherwise, the protected minor has acquired any right, title or interest in the property other than or in addition to that of the protected minor at the time of the sale, that right, title or interest also passes by the conveyance.

Sec. 104. *1. If a sale of real property is made upon credit, the guardian shall take:*

(a) The note or notes of the purchaser for the unpaid portion of the sale; and

(b) A mortgage on the property to secure the payment of the notes.



2. *The mortgage may contain a provision for release of any part of the property if the court approves the provision.*

Sec. 105. 1. *After confirmation of the sale of real property, if the purchaser neglects or refuses to comply with the terms of the sale, the court may set aside the order of confirmation and order the property to be resold:*

(a) *On motion of the guardian; and*

(b) *After notice is given to the purchaser.*

2. *If the amount realized on the resale of the property is insufficient to cover the bid and the expenses of the previous sale, the original purchaser is liable to the estate of the protected minor for the deficiency.*

Sec. 106. *A guardian who fraudulently sells any real property of a protected minor in a manner inconsistent with the provisions of this chapter is liable for double the value of the property sold, as liquidated damages, to be recovered in an action by or on behalf of the protected minor.*

Sec. 107. *The periods of limitation prescribed in NRS 11.260 apply to all actions:*

1. *For the recovery of real property sold by a guardian in accordance with the provisions of this chapter; and*

2. *To set aside a sale of real property.*

Sec. 108. 1. *A guardian may sell, dispose of or authorize the immediate destruction of personal property of the protected minor without notice, and title to the property passes without confirmation by the court if:*

(a) *The property will depreciate in value if not disposed of promptly;*

(b) *The property will incur loss or expense by being kept;*

(c) *The property has been contaminated by vermin or biological or chemical agents and the expenses related to the decontamination of the property cause salvage to be impractical;*

(d) *The property constitutes an immediate threat to the public health or safety; or*

(e) *The handling, transfer or storage of the property might endanger public health or safety or exacerbate contamination.*

2. *The guardian is responsible for the actual value of the personal property unless the guardian obtains confirmation by the court of the sale.*

Sec. 109. *A guardian may sell any security of the protected minor if:*

1. *The guardian petitions the court for confirmation of the sale;*



2. *The clerk sets the date of the hearing;*
3. *The guardian gives notice in the manner required pursuant to section 17 of this act unless, for good cause shown, the court shortens the period within which notice must be given or dispenses with notice; and*
4. *The court confirms the sale.*

Sec. 110. *Except as otherwise provided in sections 108 and 109 of this act, a guardian may sell the personal property of the protected minor only after notice of the intent to sell is provided to the protected minor and all interested parties, by personal delivery or by certified mail, not less than 30 days before the sale.*

Sec. 111. *1. The guardian may sell the personal property of a protected minor by public sale at:*

- (a) The residence of the protected minor; or*
- (b) Any other location designated by the guardian.*

2. The guardian may sell the personal property by public sale only if the property is made available for inspection at the time of the sale or photographs of the personal property are posted on an appropriate auction website on the Internet.

3. Personal property may be sold at a public or private sale for cash or upon credit.

Sec. 112. *The following interests of the estate of the protected minor may be sold in the same manner as other personal property:*

- 1. An interest in personal property that has been pledged to the protected minor; and*
- 2. Choses in action.*

Sec. 113. *A guardian of the estate may lease any real property of the protected minor or any interest in real property:*

1. Without securing prior court approval, where the tenancy is from month to month or for a term not to exceed 1 year and the reasonable fixed rental for the property or the protected minor's proportionate interest in such rental does not exceed \$250 per month.

2. With prior approval of the court by order, for such period of time as may be authorized by the court, not exceeding any time limitation prescribed by law, and upon such terms and conditions as the court may approve. Such lease may extend beyond the period of minority of a protected minor.

Sec. 114. *The court may authorize the guardian to enter into a written contract with one or more licensed real estate brokers to secure a lessee of the protected minor's property, which contract may provide for the payment of a commission, not exceeding 5*



percent of the fixed rental for the first 2 years, to be paid out of the proceeds of any such lease.

Sec. 115. *1. Petitions to secure court approval of any lease:*

(a) Must include the parcel number assigned to the property to be leased and the physical address of the property, if any; and

(b) Must set forth the proposed fixed rental, the duration of the lease and a brief description of the duties of the proposed lessor and lessee.

2. Upon the hearing of a petition pursuant to subsection 1, if the court is satisfied that the lease is for the best interests of the protected minor and the estate of the protected minor, the court shall enter an order authorizing the guardian to enter into the lease.

Sec. 116. *A guardian of the estate, with prior approval of the court by order, may enter into agreements providing for the rental or bailment of the protected minor's personal property. All proceedings to obtain such a court order must be the same as required for the lease of real property.*

Sec. 117. *1. If the property to be leased consists of mining claims, an interest in the mining claims, property worked as a mine or lands containing oil, gas, steam, gravel or any minerals, the court may authorize the guardian to enter into a lease which provides for payment by the lessee of a royalty, in money or in kind, in lieu of a fixed rental. The court may also authorize the guardian to enter into a lease which provides for a pooling agreement or authorizes the lessee to enter into pooling or other cooperative agreements with lessees, operators or owners of other lands and minerals for the purpose of bringing about the cooperative development and operation of any mine, oil field or other unit of which the protected minor's property is a part.*

2. If the proposed lease contains an option to purchase, and the property to be sold under the option consists of mining claims, property worked as a mine, or interests in oil, gas, steam, gravel or any mineral, which has a speculative or undefined market value, the court may authorize the guardian to enter into such a lease and sales agreement or give an option to purchase without requiring the property to be sold at public auction or by private sale in the manner required by this chapter for sales of other real property.

3. If the petition filed pursuant to this section requests authority to enter into a lease with an option to purchase, in addition to the notice required by section 17 of this act, the guardian shall publish a copy of the notice at least twice, the first



publication to be at least 10 days before the date set for the hearing and the second publication to be not earlier than 7 days after the date of the first publication. The notice must be published in:

(a) A newspaper that is published in the county where the property is located; or

(b) If no newspaper is published in the county where the property is located, a newspaper of general circulation in that county which is designated by the court.

Sec. 118. *1. To enter into an agreement to sell or to give an option to purchase a mining claim or real property worked as a mine which belongs to the estate of the protected minor, the guardian or an interested person shall file a petition with the court that:*

(a) Describes the property or claim;

(b) States the terms and general conditions of the agreement;

(c) Shows any advantage that may accrue to the estate of the protected minor from entering into the agreement; and

(d) Requests confirmation by the court of the agreement.

2. The court shall set the date of the hearing on the petition.

3. The petitioner shall give notice in the manner provided in section 17 of this act.

Sec. 119. *1. At the time appointed and if the court finds that due notice of the hearing concerning an agreement has been given, the court shall hear a petition filed pursuant to section 118 of this act and any objection to the petition that is filed or presented.*

2. After the hearing, if the court is satisfied that the agreement will be to the advantage of the estate of the protected minor, the court:

(a) Shall order the guardian to enter into the agreement; and

(b) May prescribe in the order the terms and conditions of the agreement.

3. A certified copy of the court order must be recorded in the office of the county recorder of each county in which the property affected by the agreement, or any portion of the property, is located.

Sec. 120. *1. If the court orders the guardian to enter into the agreement pursuant to section 119 of this act, the court shall order the guardian to provide an additional bond and specify the amount of the bond in the court order.*



2. *The guardian is not entitled to receive any of the proceeds from the agreement until the guardian provides the bond and the court approves the bond.*

3. *When the court order is entered, the guardian shall execute, acknowledge and deliver an agreement which:*

(a) Contains the conditions specified in the court order;

(b) States that the agreement or option is approved by court order; and

(c) Provides the date of the court order.

Sec. 121. *1. If the purchaser or option holder neglects or refuses to comply with the terms of the agreement approved by the court pursuant to section 119 of this act, the guardian may petition the court to cancel the agreement. The court shall cancel the agreement after notice is given to the purchaser or option holder.*

2. The cancellation of an agreement pursuant to this section does not affect any liability created by the agreement.

Sec. 122. *1. If the purchaser or option holder complies with the terms of an agreement approved by the court pursuant to section 119 of this act and has made all payments according to the terms of the agreement, the guardian shall:*

(a) Make a return to the court of the proceedings; and

(b) Petition the court for confirmation of the proceedings.

2. Notice must be given to the purchaser or option holder regarding the petition for confirmation.

3. The court:

(a) Shall hold a hearing regarding the petition for confirmation; and

(b) May order or deny confirmation of the proceedings and execution of the conveyances in the same manner and with the same effect as when the court orders or denies a confirmation of a sale of real property.

Sec. 123. *1. A guardian of the estate, with prior approval of the court, may accept an offer for the purchase of the interest or estate of the protected minor, in real or personal property or both real and personal property, where it appears from the petition and the court determines that:*

(a) The interest or estate of the protected minor in such property is an interest in a partnership, joint venture or closely held corporation, in which the offeror or offerors own the remaining interests in the partnership, joint venture or closely held corporation, or are offering to purchase such remaining interests.



(b) The interest or estate of the protected minor in such property is an undivided interest in property in which the offeror or offerors own the remaining interests in such property or are offering to purchase such remaining interests.

(c) The interest or estate of the protected minor to be sold or granted is an easement in or creates a servitude upon the protected minor's property.

2. A guardian of the estate, with prior approval of the court, may accept an offer to surrender the interest or estate of the protected minor in real or personal property or both real and personal property, where it appears from the petition and the court determines that:

(a) The interest or estate of the protected minor is contingent or dubious.

(b) The interest or estate of the protected minor in such property is a servitude upon the property of another.

Sec. 124. *1. A guardian of the estate may petition the court for advice and instructions in any matter concerning:*

(a) The administration of the protected minor's estate;

(b) The priority of paying claims;

(c) The propriety of making any proposed disbursement of funds;

(d) Exercising for or on behalf of the protected minor:

(1) Any options or other rights under any policy of insurance or annuity; and

(2) The right to take under a will, trust or other devise;

(e) The propriety of exercising any right exercisable by owners of property; and

(f) Matters of a similar nature.

2. Any act done by a guardian of the estate after securing court approval or instructions with reference to the matters set forth in subsection 1 is binding upon the protected minor or those claiming through the protected minor, and the guardian is not personally liable for performing any such act.

3. If any interested person may be adversely affected by the proposed act of the guardian, the court shall direct the issuance of a citation to that interested person, to be served upon the person at least 20 days before the hearing on the petition. The citation must be served in the same manner that summons is served in a civil action and must direct the interested person to appear and show cause why the proposed act of the guardian should not be authorized or approved. All interested persons so served are bound



by the order of the court which is final and conclusive, subject to any right of appeal.

Sec. 125. *1. A guardian of the estate shall record a certified copy of any court order authorizing the sale, mortgage, lease, surrender or conveyance of real property in the office of the county recorder of the county in which any portion of the land is located.*

2. To carry out effectively any transaction affecting the protected minor's property as authorized by this chapter, the court may authorize the guardian to execute any promissory note, mortgage, deed of trust, deed, lease, security agreement or other legal document or instrument which is reasonably necessary to carry out such transaction.

Sec. 126. *1. A guardian of the estate, with prior approval of the court by order, where it appears from the petition and the court determines that the best interests of the protected minor are served by such action, may:*

(a) Accept an offer to exchange all or any interest of the protected minor in real or personal property or both real and personal property for real or personal property or both real and personal property of another, and pay or receive any cash or other consideration to equalize the values on such exchange; or

(b) Effect a voluntary partition of real or personal property or both real and personal property in which the protected owner owns an undivided interest.

2. Upon hearing the petition, the court shall inquire into the value of the property to be exchanged or partitioned, the rental or income therefrom, and the use for which the property is best suited.

Sec. 127. *Every guardianship established pursuant to this chapter must be reviewed by the court annually.*

Sec. 128. *A guardian of the estate shall make and file a verified account in the guardianship proceeding:*

1. Annually, not later than 60 days after the anniversary date of the appointment of the guardian, unless the court orders such an account to be made and filed at a different interval upon a showing of good cause and with the appropriate protection of the interests of the protected minor.

2. Upon filing a petition to resign and before the resignation is accepted by the court.

3. Within 30 days after the date of his or her removal, unless the court authorizes a longer period.



4. *Within 90 days after the date of termination of the guardianship or the emancipation or death of the protected minor, unless the court authorizes a longer period.*

5. *At any other time as required by law or as the court may order.*

Sec. 129. *1. An account made and filed by a guardian of the estate must include, without limitation, the following information:*

(a) The period covered by the account.

(b) All cash receipts and disbursements during the period covered by the account.

(c) All claims filed and the action taken regarding the account.

(d) Any changes in the protected minor's property due to sales, exchanges, investments, acquisitions, gifts, mortgages or other transactions which have increased, decreased or altered the protected minor's property holdings as reported in the original inventory or the preceding account.

(e) Any other information the guardian considers necessary to show the condition of the affairs of the protected minor.

2. *If the account is for the estates of two or more wards, it must show the interest of each ward in the receipts, disbursements and property.*

3. *Receipts or vouchers for all expenditures must be retained by the guardian for examination by the court or an interested person. Unless ordered by the court, the guardian is not required to file such receipts or vouchers with the court.*

4. *On the court's own motion or on ex parte application by an interested person which demonstrates good cause, the court may:*

(a) Order production of the receipts or vouchers that support the account; and

(b) Examine or audit the receipts or vouchers that support the account.

5. *If a receipt or voucher is lost or for good reason cannot be produced on settlement of an account, payment may be proved by the oath of at least one competent witness. The guardian must be allowed expenditures if it is proven that:*

(a) The receipt or voucher for any disbursement has been lost or destroyed so that it is impossible to obtain a duplicate of the receipt or voucher; and

(b) Expenses were paid in good faith and were valid charges against the estate.



Sec. 130. *1. Any interested person may appear at the hearing and object to the account or file written objections to the account before the hearing.*

2. If there are no objections to the account or if the court overrules any objections, the court may enter an order allowing and confirming the account.

3. Except as otherwise provided in this subsection, the order settling and allowing the account is a final order and is conclusive against all persons interested in the guardianship proceeding, including, without limitation, heirs and assigns. The order is not final against a protected minor who requests an examination of any account after the protected minor's legal disability is removed.

4. If the court finds that an interested person who objected to the account did not object in good faith or in furtherance of the best interests of the protected minor, the court may order the interested person to pay to the estate of the protected minor all or part of the expenses associated with the objection.

Sec. 131. *1. Subject to the discretion and approval of the court and except as otherwise provided in subsection 4, a guardian must be allowed:*

(a) Reasonable compensation for the guardian's services;

(b) Necessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian; and

(c) Reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services.

2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court may consider:

(a) The nature of the guardianship;

(b) The type, duration and complexity of the services required; and

(c) Any other relevant factors.

3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the protected minor. In evaluating the ability of a protected minor to pay such compensation and expenses, the court may consider:

(a) The nature, extent and liquidity of the protected minor's assets;

(b) The disposable net income of the protected minor;

(c) Any foreseeable expenses; and



(d) Any other factors that are relevant to the duties of the guardian pursuant to section 61 or 64 of this act.

4. A private professional guardian is not allowed compensation or expenses for services incurred by the private professional guardian as a result of a petition to have him or her removed as guardian if the court removes the private professional guardian pursuant to the provisions of paragraph (b), (d), (e), (f) or (h) of subsection 1 of section 133 of this act.

Sec. 132. *If a protected minor resides with a care provider that is an institution or facility, the care provider shall furnish to the guardian an itemized accounting of all financial activity pertaining to the protected minor:*

- 1. On a quarterly basis; and*
- 2. At any other time, upon the request of the guardian.*

Sec. 133. *1. The court may remove a guardian if the court determines that:*

(a) The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to section 46 of this act;

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the protected minor;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the protected minor or the estate of the protected minor; or

(2) There was a substantial likelihood that the negligence would result in injury to the protected minor or the estate of the protected minor;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The best interests of the protected minor will be served by the appointment of another person as guardian; or

(h) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to section 45 of this act.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.



Sec. 134. A guardian who, after appointment:

1. *Is convicted of a gross misdemeanor or felony in any state;*
2. *Files for or receives protection as an individual or as a principal of any entity under the federal bankruptcy laws;*
3. *Has a driver's license suspended, revoked or cancelled for nonpayment of child support;*
4. *Is suspended for misconduct or disbarred from:*
 - (a) *The practice of law;*
 - (b) *The practice of accounting; or*
 - (c) *Any other profession which:*
 - (1) *Involves or may involve the management or sale of money, investments, securities or real property; or*
 - (2) *Requires licensure in this State or any other state; or*
5. *Has a judgment entered against him or her for misappropriation of funds or assets from any person or entity in any state,*
↳ *shall immediately inform the court of the circumstances of those events. The court may remove the guardian and appoint a successor guardian, unless the court finds that it is in the best interest of the protected minor to allow the guardian to continue in his or her appointment.*

Sec. 135. 1. The following persons may petition the court to have a guardian removed:

- (a) *The protected minor;*
- (b) *Any relative who is within the second degree of consanguinity to the protected minor;*
- (c) *A public guardian; or*
- (d) *Any other interested person.*
2. *The petition must:*
 - (a) *State with particularity the reasons for removing the guardian; and*
 - (b) *Show cause for the removal.*
3. *If the court denies the petition for removal, the petitioner shall not file a subsequent petition unless a material change of circumstances warrants a subsequent petition.*
4. *If the court finds that the petitioner did not file a petition for removal in good faith or in furtherance of the best interests of the protected minor, the court may:*
 - (a) *Disallow the petitioner from petitioning the court for attorney's fees from the estate of the protected minor; and*
 - (b) *Impose sanctions on the petitioner in an amount sufficient to reimburse the estate of the protected minor for all or part of the expenses incurred by the estate of the protected minor in*



responding to the petition and for any other pecuniary losses which are associated with the petition.

Sec. 136. *1. If a petition to have a guardian removed is filed with the court, the court shall issue a citation to the petitioner. The petitioner shall serve the citation on the guardian and on all other interested persons.*

2. The citation must require the guardian to appear and show cause why the court should not remove the guardian.

3. If it appears that the protected minor or estate may suffer loss or injury during the time required for service of the citation on the guardian, on the court's own motion or on petition, the court may:

(a) Suspend the powers of the guardian by issuing a 30-day temporary restraining order or an injunction;

(b) Compel the guardian to surrender the protected minor to a temporary guardian for not more than 30 days; and

(c) Compel the guardian to surrender the assets of the estate to a temporary guardian or to the public guardian until the date set for the hearing.

Sec. 137. *If a petition to remove a guardian is deemed sufficient and the guardian fails to appear before the court, the court may take any or all of the following actions:*

1. Hold the guardian in contempt of court.

2. Require the guardian to appear at a date and time set by the court.

3. Issue a bench warrant for the arrest and appearance of the guardian.

4. Find that the guardian caused harm to the protected minor or the estate of the protected minor and issue an order accordingly.

Sec. 138. *1. Notwithstanding any other provision of law, except as otherwise provided in subsection 3, the court shall not remove the guardian or appoint another person as guardian unless the court finds that removal of the guardian or appointment of another person as guardian is in the best interests of the protected minor.*

2. For the purposes of this section in determining the best interests of the protected minor, the court shall consider, without limitation:

(a) The ability of the present guardian to provide for the basic needs of the protected minor, including, without limitation, food, shelter, clothing and medical care;



(b) The safety of the home in which the protected minor is residing;

(c) The length of time that the protected minor has been in the care of the present guardian;

(d) The current well-being of the protected minor, including whether the protected minor is prospering in the environment being provided by the present guardian;

(e) The emotional bond existing between the present guardian and the protected minor;

(f) If the person petitioning the court to replace the present guardian was previously removed from the care, custody or guardianship of the protected minor:

(1) The level of participation before the petition was filed by the petitioner in the welfare of the protected minor; and

(2) If applicable, whether the petitioner has received instruction in parenting, participated in a program of rehabilitation or undergone counseling for any problem or conduct that the court, in appointing the present guardian, considered as an indication of the previous unfitness of the petitioner; and

(g) The mental and physical health of the present guardian.

3. The court may remove the guardian of a protected minor or appoint another person as guardian if the guardian files a petition to resign his or her position as guardian.

Sec. 139. *1. When a guardian dies or is removed by order of the court, the court, upon the court's own motion or upon a petition filed by any interested person, may appoint another guardian in the same manner and subject to the same requirements as are provided by law for an original appointment of a guardian.*

2. If a guardian of the person is appointed for a protected minor pursuant to this section, the protected minor must be served with the petition. If the protected minor does not object to the appointment, the protected minor is not required to attend the hearing.

Sec. 140. *1. A guardian of the person, of the estate, or of the person and the estate, may file with the court a petition tendering the resignation of the guardian.*

2. If the guardian files a petition to resign, the court shall serve notice upon any person entitled to notice pursuant to section 29 of this act.



Sec. 141. 1. *Before the court approves the resignation of a guardian of the person and discharges the guardian, the court shall appoint a successor guardian.*

2. If a protected minor has more than one guardian, the court may approve the resignation of one of the guardians if the remaining guardian or guardians are qualified to act alone.

Sec. 142. 1. *Before the court approves the resignation of a guardian of the estate and discharges the guardian, the court shall require the guardian to submit, on the date set for the hearing, an accounting of the estate through the end of the term.*

2. If the guardian fails to file such an accounting, the court may impose sanctions upon the guardian.

3. If an estate has more than one guardian, the court may accept the resignation of one of the guardians if the remaining guardian or guardians are qualified to act alone. The court may waive the requirement of filing the accounting if the remaining guardian or guardians are:

- (a) Required to file the annual accounting, if applicable; and*
- (b) Responsible for any discrepancies in the accounting.*

4. Upon approval of the accounting, if any is required, and appointment of a successor guardian, the court may approve the resignation of a guardian and order the discharge of his or her duties.

Sec. 143. 1. *A protected minor, the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:*

- (a) The name and address of the petitioner.*
- (b) The relationship of the petitioner to the protected minor.*
- (c) The name, age and address of the protected minor, if the protected minor is not the petitioner, or the date of death of the protected minor if the protected minor is deceased.*

(d) The name and address of the guardian, if the guardian is not the petitioner.

(e) The reason for termination or modification.

(f) Whether the termination or modification is sought for a guardianship of the person, of the estate, or of the person and estate.

(g) A general description and the value of the remaining property of the protected minor and the proposed disposition of that property.

2. Upon the filing of the petition, the court may appoint an attorney to represent the protected minor if:

- (a) The protected minor is unable to retain an attorney; and*



(b) The court determines that the appointment is necessary to protect the interests of the protected minor.

3. The petitioner has the burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship of the person, of the estate, or of the person and estate is in the best interests of the protected minor.

4. The court shall issue a citation requiring all interested persons to appear and show cause why termination or modification of the guardianship should not be granted. The court shall serve the citation on the guardian and the petitioner. The petitioner shall serve the citation on all interested persons.

5. If the court finds that the petitioner did not file a petition for termination or modification in good faith or in furtherance of the best interests of the protected minor, the court may:

(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the protected minor; and

(b) Impose sanctions on the petitioner in an amount sufficient to reimburse the estate of the protected minor for all or part of the expenses and for any other pecuniary losses which are incurred by the estate of the protected minor and associated with the petition.

Sec. 144. *1. A guardianship of the person, of the estate, or of the person and estate is terminated:*

(a) By the death of the protected minor;

(b) Upon the protected minor's change of domicile to a place outside this State and the transfer of jurisdiction to the court having jurisdiction in the new domicile;

(c) Upon order of the court, if the court determines that the guardianship no longer is necessary;

(d) On the date on which the protected minor reaches 18 years of age; or

(e) On the date on which the protected minor graduates from high school or becomes 19 years of age, whichever occurs sooner, if:

(1) The protected minor will be older than 18 years of age upon graduation from high school; and

(2) The protected minor and the guardian consent to continue the guardianship and the consent is filed with the court at least 14 days before the date on which the protected minor will become 18 years of age.

2. A guardianship of the estate is terminated:

(a) If the court removes the guardian or accepts the resignation of the guardian and does not appoint a successor guardian;



(b) If the court determines that the guardianship is not necessary and orders the guardianship terminated; or

(c) By the death of the protected minor, subject to the provisions of section 147 of this act.

3. If the guardianship is of the person and estate, the court may order the guardianship terminated as to the person, the estate, or the person and estate.

4. The guardian shall notify the court, all interested parties, the trustee, and the named executor or appointed personal representative of the estate of the protected minor of the death of the protected minor within 30 days after the death.

5. Immediately upon the death or emancipation of the protected minor:

(a) The guardian of the estate shall have no authority to act for the protected minor except to wind up the affairs of the guardianship pursuant to section 147 of this act, and to distribute the property of the protected minor as provided in sections 148 and 149 of this act; and

(b) No person has standing to file a petition pursuant to section 60 of this act.

6. A hearing may be held not later than 90 days before a protected minor reaches the age of majority to determine whether:

(a) Guardianship is needed beyond the age of majority;

(b) The protected minor desires an additional year of guardianship beyond the age of majority; and

(c) The guardian should be notified of any requirements of the guardianship which require compliance before termination of the guardianship.

7. If, at a hearing conducted pursuant to subsection 6, a court makes a determination that, upon reaching the age of majority, a protected minor would be deemed incompetent, as defined in NRS 159.019, a petition may be filed in accordance with the provisions of chapter 159 of NRS to seek guardianship for the protected minor pursuant to that chapter to take effect when the protected minor reaches the age of majority. The protected minor has the right to be represented by counsel if guardianship is sought pursuant to this subsection.

Sec. 145. *1. If, before a protected minor is emancipated, a parent of the protected minor petitions the court for the termination of a guardianship of the protected minor, the parent has the burden of proof to show by clear and convincing evidence that:*



(a) There has been a material change of circumstances since the time the guardianship was created. The parent must show that, as part of the change of circumstances, the parent has been restored to suitability as described in section 46 of this act.

(b) Except as otherwise provided in subsection 2, the welfare of the protected minor would be substantially enhanced by the termination of the guardianship and the placement of the protected minor with the parent.

2. If the parent consented to the guardianship when it was created, the parent is required to make only that showing set forth in paragraph (a) of subsection 1.

Sec. 146. *1. If a temporary guardianship is terminated and a petition for a general guardianship has not been filed:*

(a) The temporary guardian shall immediately turn over all of the protected minor's property to the protected minor; or

(b) If the temporary guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate, the temporary guardian shall seek approval from the court to maintain possession of all or a portion of the protected minor's property.

2. If a temporary guardianship is terminated and a petition for general guardianship has been filed, the temporary guardian of the estate may:

(a) Continue possessing the protected minor's property; and

(b) Perform the duties of guardian for not more than 90 days after the temporary guardianship is terminated or until the court appoints another temporary or general guardian.

3. If the death of a protected minor causes the termination of a temporary guardianship before the hearing on a general guardianship:

(a) The temporary guardian of the estate may:

(1) Continue possessing the protected minor's property; and

(2) Except as otherwise provided in this paragraph, perform the duties of guardian for not more than 90 days after the date of the termination of the temporary guardianship or until the court appoints a personal representative of the estate, if any. If the temporary guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate and it will take longer than 90 days after the date of the termination of the temporary guardianship to receive such certification, the temporary guardian must seek approval



from the court to maintain possession of all or a portion of the protected minor's property until certification is received.

(b) If no personal representative has been appointed pursuant to chapter 138 or 139 of NRS, the temporary guardian shall pay all of the final expenses and outstanding debts of the protected minor to the extent possible using the assets in the possession of the temporary guardian.

Sec. 147. *1. The guardian of the estate is entitled to retain possession of the protected minor's property already in the control of the guardian and is authorized to perform the duties of the guardian to wind up the affairs of the guardianship:*

(a) Except as otherwise provided in paragraph (b), (c) or (d), for not more than 180 days or a period that is reasonable and necessary as determined by the court after the termination of the guardianship;

(b) Except as otherwise provided in paragraph (d), for not more than 90 days after the date of the appointment of a personal representative of the estate of a deceased protected minor;

(c) Except as otherwise provided in paragraph (d), for not more than 90 days after the date of the appointment of a successor trustee of a trust of the deceased protected minor and upon request by the trustee; or

(d) Upon approval of the court, for more than 180 days or 90 days, as applicable, if the guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate.

2. To wind up the affairs of the guardianship, the guardian shall:

(a) Pay all expenses of administration of the guardianship estate, including those incurred in winding up the affairs of the guardianship.

(b) Complete the performance of any contractual obligations incurred by the guardianship estate.

(c) With prior approval of the court, continue any activity that:

(1) The guardian believes is appropriate and necessary; or

(2) Was commenced before the termination of the guardianship.

(d) If the guardianship is terminated for a reason other than the death of the protected minor, examine and allow and pay, or reject, all claims presented to the guardian before the termination of the guardianship for obligations incurred before the termination.



3. *If the assets are transferred to a personal representative or a successor trustee as provided for in paragraphs (b) and (c) of subsection 1, the court may authorize the guardian to retain sufficient assets to pay any anticipated expenses and taxes of the guardianship estate.*

Sec. 148. *1. If the guardianship is terminated by reason of the death of the protected minor:*

(a) Except as otherwise provided in section 149 of this act, the guardian shall report to the personal representative claims which are presented to the guardian, or which have been presented to the guardian but have not been paid, except those incurred in paying the expenses of administration of the guardianship estate and in winding up the affairs of the guardianship estate.

(b) Claims which have been allowed by the guardian, but not paid, must be paid by the personal representative in the course of probate in the priority provided by law for payment of claims against a decedent, and shall have the same effect and priority as a judgment against a decedent.

(c) Claims which have been presented and not allowed or rejected must be acted upon by the personal representative in the same manner as other claims against a decedent.

2. The personal representative must be substituted as the party in interest for the guardian in any action commenced or which may be commenced by the creditor pursuant to section 79 of this act, including summary determination, on any claim rejected by the guardian.

Sec. 149. *1. After the winding up of the affairs of the guardianship, the guardian shall deliver physical possession of all of the protected minor's property to the protected minor, the personal representative or the successor guardian, as the case may be, and obtain a receipt of the delivery of the property.*

2. Before the guardian delivers physical possession of the protected minor's property to the personal representative and upon sufficient evidence of prior title, the guardian may petition the court to have the title to the property modified, on a pro rata basis, to reflect the manner in which title was held before the guardianship was established so that the property is distributed to the intended beneficiary or former joint owner of the property.

3. If the guardianship has terminated by reason of the death of the protected minor, the court, by order, may authorize the guardian to handle the deceased protected minor's property in the same manner as authorized by NRS 146.070 or 146.080, if the gross value of the property, less encumbrances, and less fees, costs



and expenses that are approved by the court, remaining in the hands of the guardian does not exceed the amount authorized pursuant to NRS 146.070 or 146.080.

Sec. 150. *1. Upon the filing of receipts and vouchers showing compliance with the orders of the court in winding up the affairs of the guardianship, the court shall enter an order discharging the guardian and exonerating the bond of the guardian.*

2. A guardian is not relieved of liability for his or her term as guardian until an order of discharge is entered and filed with the court.

Sec. 151. *A guardian shall maintain all records and documents for each protected minor whom the guardian has authority over for a period of not less than 7 years after the court terminates the guardianship and shall maintain all financial records related to the guardianship for a period of not less than 7 years after the date of the last financial transaction.*

Sec. 152. *1. Where a guardian of the estate for a nonresident has not been appointed in this State, but the nonresident has a foreign guardian and a person within this State is indebted to such nonresident or such nonresident has property within this State that is capable of being removed and which is on deposit with or in the possession of a resident of this State, and such property is not subject to a mortgage, pledge, lien or other encumbrance restricting removal of the property from this State, the person in possession of the property may deliver such property or the person indebted may pay such debt, to the foreign guardian. The delivery of such property or the payment of such debt is, to the extent of such delivery or payment, a release and discharge with respect to such property or debt.*

2. The court may require such foreign guardian to post a bond in the same manner as required of a resident guardian and may enter such orders as are necessary to protect secured creditors of the protected minor and unsecured creditors of the protected minor who are residents of this State.

Sec. 153. *1. Except as otherwise provided in this section or NRS 127.045, a parent, without the approval of a court, may appoint in writing a short-term guardianship for an unmarried minor child if the parent has legal custody of the minor child.*

2. The appointment of a short-term guardianship is effective for a minor who is 14 years of age or older only if the minor provides written consent to the guardianship.



3. *The appointment of a short-term guardian does not affect the rights of the other parent of the minor.*

4. *A parent shall not appoint a short-term guardian for a minor child if the minor child has another parent:*

(a) *Whose parental rights have not been terminated;*

(b) *Whose whereabouts are known; and*

(c) *Who is willing and able to make and carry out daily child care decisions concerning the minor,*

↳ *unless the other parent of the minor child provides written consent to the appointment.*

5. *The written instrument appointing a short-term guardian becomes effective immediately upon execution and must include, without limitation:*

(a) *The date on which the guardian is appointed;*

(b) *The name of the parent who appointed the guardian, the name of the minor child for whom the guardian is appointed and the name of the person who is appointed as the guardian; and*

(c) *The signature of the parent and the guardian in the presence of a notary public acknowledging the appointment of the guardian. The parent and guardian are not required to sign and acknowledge the instrument in the presence of the other.*

6. *The short-term guardian appointed pursuant to this section serves as guardian of the minor for 6 months, unless the written instrument appointing the guardian specifies a shorter term or specifies that the guardianship is to terminate upon the happening of an event that occurs sooner than 6 months.*

7. *Only one written instrument appointing a short-term guardian for the minor child may be effective at any given time.*

8. *The appointment of a short-term guardian pursuant to this section:*

(a) *May be terminated by an instrument in writing signed by either parent if that parent has not been deprived of the legal custody of the minor.*

(b) *Is terminated by any order of a court of competent jurisdiction that appoints a guardian.*

Sec. 154. 1. *A member of the Armed Forces of the United States, a reserve component thereof or the National Guard may, by written instrument and without the approval of a court, appoint any competent adult residing in this State as the guardian of the person of a minor child who is a dependent of that member. The instrument must be:*



(a) Executed by both parents if living, not divorced and having legal custody of the child, otherwise by the parent having legal custody; and

(b) Acknowledged in the same manner as a deed.

↳ If both parents do not execute the instrument, the executing parent shall send by certified mail, return receipt requested, to the other parent at his or her last known address, a copy of the instrument and a notice of the provisions of subsection 3.

2. The instrument must contain a provision setting forth the:

(a) Branch of the Armed Forces;

(b) Unit of current assignment;

(c) Current rank or grade; and

(d) Social security number or service number,

↳ of the parent who is the member.

3. The appointment of a guardian pursuant to this section:

(a) May be terminated by a written instrument signed by either parent of the child if that parent has not been deprived of his or her parental rights to the child; and

(b) Is terminated by any order of a court.

Sec. 155. 1. If a guardian, interested person, protected minor or proposed protected minor petitions the court upon oath alleging:

(a) That a person has or is suspected to have concealed, converted to his or her own use, conveyed away or otherwise disposed of any money, good, chattel or effect of the protected minor or proposed protected minor; or

(b) That the person has in his or her possession or knowledge any deed, conveyance, bond, contract or other writing which contains evidence of, or tends to disclose the right, title or interest of the protected minor or proposed protected minor in or to, any real or personal property, or any claim or demand,

↳ the judge may cause the person to be cited to appear before the district court to answer, upon oath, upon the matter of the petition.

2. If the person cited does not reside in the county where letters of guardianship have been issued pursuant to section 56 of this act, the person may be cited and examined before the district court of the county where the person resides, or before the court that issued the citation. Each party to the petition may produce witnesses, and such witnesses may be examined by either party.

Sec. 156. 1. If the court finds, after examination of a person cited pursuant to section 155 of this act, that the person has committed an act:



(a) Set forth in paragraph (a) of subsection 1 of section 155 of this act, the court may order the person to return the asset or the value of the asset to the guardian of the estate; or

(b) Set forth in paragraph (b) of subsection 1 of section 155 of this act, the court may order the person to return the asset or provide information concerning the location of the asset to the guardian of the estate.

2. The court may hold a person who is cited pursuant to section 155 of this act in contempt of court and deal with the person accordingly if the person:

(a) Refuses to appear and submit to examination or to testify regarding the matter complained of in the petition; or

(b) Fails to comply with an order of the court issued pursuant to subsection 1.

3. An order of the court pursuant to subsection 1 is prima facie evidence of the right of the proposed protected minor or the estate of the protected minor to the asset described in the order in any action that may be brought for the recovery thereof, and any judgment recovered therein must be double the value of the asset, and damages in addition thereof equal to the value of such property.

4. If the person who is cited pursuant to section 155 of this act appears and, upon consideration of the petition, the court finds that the person is not liable or responsible to the proposed protected minor or the estate of the protected minor, the court may order:

(a) The proposed protected minor or the estate of the protected minor to pay the attorney's fees and costs of the respondent; or

(b) If the court finds that the petitioner unnecessarily or unreasonably filed the petition, the petitioner personally to pay the attorney's fees and costs of the respondent.

Sec. 157. *In addition to any order from which an appeal is expressly authorized pursuant to this chapter, an appeal may be taken 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 within 30 days after its notice of entry from an order:*

1. Granting or revoking letters of guardianship.

2. Directing or authorizing the sale or conveyance, or confirming the sale, of property of the estate of a protected minor.

3. Settling an account.

4. Ordering or authorizing a guardian to act pursuant to section 82 of this act.



5. *Ordering or authorizing the payment of a debt, claim, devise, guardian's fees or attorney's fees.*

6. *Determining ownership interests in property.*

7. *Granting or denying a petition to enforce the liability of a surety.*

8. *Granting or denying a petition for modification or termination of a guardianship.*

9. *Granting or denying a petition for removal of a guardian or appointment of a successor guardian.*

Sec. 158. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

“Protected minor” has the meaning ascribed to it in section 11 of this act.

Sec. 159. NRS 159.013 is hereby amended to read as follows:

159.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 159.014 to 159.027, inclusive, *and section 158 of this act* have the meanings ascribed to them in those sections.

Sec. 160. NRS 159.014 is hereby amended to read as follows:

159.014 “Care provider” includes any public or private institution located within or outside this state which provides facilities for the care or maintenance of incompetents ~~†~~ *or* persons of limited capacity. ~~†or minors.†~~

Sec. 161. NRS 159.015 is hereby amended to read as follows:

159.015 “Court” means any court or judge having jurisdiction of the persons and estates of ~~†minors,†~~ incompetent persons ~~†~~ or persons of limited capacity.

Sec. 162. NRS 159.023 is hereby amended to read as follows:

159.023 “Minor” means any person who is:

1. Less than 18 years of age; or

2. Less than 19 years of age if ~~†the†~~ guardianship *of the person* is continued until the person reaches the age of 19 years pursuant to ~~†NRS 159.191.†~~ *section 144 of this act.*

Sec. 163. NRS 159.024 is hereby amended to read as follows:

159.024 1. “Private professional guardian” means a person who receives compensation for services as a guardian to three or more wards who are not related to the guardian by blood or marriage.

2. For the purposes of this chapter, the term includes:

(a) A person who serves as a private professional guardian and who is required to have a license issued pursuant to chapter 628B of NRS.



(b) A person who serves as a private professional guardian but who is exempt pursuant to NRS 159.0595 or 628B.110 *or section 45 of this act* from the requirement to have a license issued pursuant to chapter 628B of NRS.

3. The term does not include:

(a) A governmental agency.

(b) A public guardian appointed or designated pursuant to the provisions of chapter 253 of NRS.

4. As used in this section, “ward” includes a protected minor.

Sec. 164. NRS 159.025 is hereby amended to read as follows:

159.025 “Proposed ward” means any person , *other than a minor*, for whom proceedings for the appointment of a guardian have been initiated in this State or, if the context so requires, for whom similar proceedings have been initiated in another state.

Sec. 165. NRS 159.027 is hereby amended to read as follows:

159.027 “Ward” means any person , *other than a minor*, for whom a guardian has been appointed.

Sec. 166. NRS 159.034 is hereby amended to read as follows:

159.034 1. Except as otherwise provided in this section, by specific statute or as ordered by the court, a petitioner in a guardianship proceeding shall give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to:

~~(a) Any minor ward who is 14 years of age or older.~~

~~—(b) The parent or legal guardian of any minor ward who is less than 14 years of age.~~

~~—(c) The spouse of the ward and all other known relatives of the ward who are within the second degree of consanguinity.~~

~~(d)~~ (b) Any other interested person or the person’s attorney who has filed a request for notice in the guardianship proceedings and has served a copy of the request upon the guardian. The request for notice must state the interest of the person filing the request and the person’s name and address, or that of his or her attorney.

~~(e)~~ (c) The guardian, if the petitioner is not the guardian.

~~(f)~~ (d) Any person or care provider who is providing care for the ward, except that if the person or care provider is not related to the ward, such person or care provider must not receive copies of any inventory or accounting.

~~(g)~~ (e) Any office of the Department of Veterans Affairs in this State if the ward is receiving any payments or benefits through the Department of Veterans Affairs.

~~(h)~~ (f) The Director of the Department of Health and Human Services if the ward has received or is receiving benefits from Medicaid.



~~(f)~~ (g) Those persons entitled to notice if a proceeding were brought in the ward's home state.

2. The petitioner shall give notice not later than 10 days before the date set for the hearing:

(a) By mailing a copy of the notice by certified, registered or ordinary first-class mail to the residence, office or post office address of each person required to be notified pursuant to this section;

(b) By personal service; or

(c) In any other manner ordered by the court, upon a showing of good cause.

3. Except as otherwise provided in this subsection, if none of the persons entitled to notice of a hearing on a petition pursuant to this section can, after due diligence, be served by certified mail or personal service and this fact is proven by affidavit to the satisfaction of the court, service of the notice must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the notice must be published not later than 10 days before the date set for the hearing. If, after the appointment of a guardian, a search for relatives of the ward listed in paragraph ~~(e)~~ (a) of subsection 1 fails to find any such relative, the court may waive the notice by publication required by this subsection.

4. For good cause shown, the court may waive the requirement of giving notice.

5. A person entitled to notice pursuant to this section may waive such notice. Such a waiver must be in writing and filed with the court.

6. On or before the date set for the hearing, the petitioner shall file with the court proof of giving notice to each person entitled to notice pursuant to this section.

Sec. 167. NRS 159.037 is hereby amended to read as follows:

159.037 1. The venue for the appointment of a guardian when the *proposed* ward's home state is this State must be the county where the proposed ward resides.

2. If the proper venue may be in two or more counties, the county in which the proceeding is first commenced is the proper county in which to continue the proceedings.

3. Upon the filing of a petition showing that the proper venue is inconvenient, a venue other than that provided in subsection 1 may accept the proceeding.

Sec. 168. NRS 159.039 is hereby amended to read as follows:

159.039 1. If proceedings for the appointment of a guardian for the same proposed ward are commenced in more than one



county in this State, and the *proposed* ward's home state is this State, they shall be stayed, except in the county where first commenced, until final determination of venue in that county. If the proper venue is finally determined to be in another county, the court shall cause a transcript of the proceedings and all original papers filed therein, all certified by the clerk of the court, to be sent to the clerk of the court of the proper county.

2. A proceeding is considered commenced by the filing of a petition.

3. The proceedings first legally commenced for the appointment of a guardian of the estate or of the person and estate extends to all the property of the proposed ward which is in this state.

Sec. 169. NRS 159.041 is hereby amended to read as follows:

159.041 A court having before it any guardianship matter for a ward *or proposed ward* whose home state is this State may transfer the matter to another county in the interest of the ward *or proposed ward* or, if not contrary to the interest of the ward ~~†~~ *or proposed ward*, for the convenience of the guardian. A petition for the transfer, setting forth the reasons therefor, may be filed in the guardianship proceeding. If the court is satisfied that the transfer is in the interest of the ward *or proposed ward* or, if not contrary to the interest of the ward ~~†~~ *or proposed ward*, for the convenience of the guardian, the court shall make an order of transfer and cause a transcript of the proceedings in the matter, all original papers filed in such proceedings and the original bond filed by the guardian, to be certified by the clerk of the court originally hearing the matter and sent to the clerk of the court of the other county. Upon receipt of the transcript, papers and bond, and the filing of them for record, the court of the other county has complete jurisdiction of the matter, and thereafter all proceedings shall be as though they were commenced in that court.

Sec. 170. NRS 159.043 is hereby amended to read as follows:

159.043 1. All petitions filed in ~~any~~ *a* guardianship proceeding *pursuant to this chapter* must bear the title of the court and cause.

2. The caption of all petitions and other documents filed in a guardianship proceeding *pursuant to this chapter* must read, "In The Matter of the Guardianship of (the person, the estate, or the person and estate), (the legal name of the person), ~~†..... (adult or minor).†~~ *adult.*"



Sec. 171. NRS 159.044 is hereby amended to read as follows:
159.044 1. ~~Except as otherwise provided in NRS 127.045, a~~

A proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed ward.

(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

➔ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

~~(d) If the proposed ward is a minor, the date on which the proposed ward will attain the age of majority and:~~

~~— (1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and~~

~~— (2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.~~

~~(e)~~ Whether the proposed ward is a resident or nonresident of this State.

~~(f)~~ (e) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

~~(g)~~ (f) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595 ~~or section 45 of this act~~. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage. †



~~(h)~~ *As used in this paragraph, “ward” includes a protected minor.*

(g) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

- (1) A social security number;
- (2) A taxpayer identification number;
- (3) A valid driver’s license number;
- (4) A valid identification card number; or
- (5) A valid passport number.

~~(h)~~ **(h)** Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

~~(i)~~ **(i)** A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. ~~If the proposed ward is an adult, the~~ **The** documentation must include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:

- (I) The need for a guardian;
- (II) Whether the proposed ward presents a danger to himself or herself or others;
- (III) Whether the proposed ward’s attendance at a hearing would be detrimental to the proposed ward;
- (IV) Whether the proposed ward would comprehend the reason for a hearing or contribute to the proceeding; and
- (V) Whether the proposed ward is capable of living independently with or without assistance; and

(2) If the proposed ward is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the ward.

~~(j)~~ **(j)** Whether the appointment of a general or a special guardian is sought.

~~(k)~~ **(k)** A general description and the probable value of the property of the proposed ward and any income to which the



proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

~~(m)~~ (l) The name and address of any person or care provider having the care, custody or control of the proposed ward.

~~(n)~~ (m) If the petitioner is not the spouse or natural child of the proposed ward, a declaration explaining the relationship of the petitioner to the proposed ward or to the proposed ward's family or friends, if any, and the interest, if any, of the petitioner in the appointment.

~~(o)~~ (n) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

~~(p)~~ (o) If the guardianship is sought as the result of an investigation of a report of abuse, neglect, exploitation, isolation or abandonment of the proposed ward, whether the referral was from a law enforcement agency or a state or county agency.

~~(q)~~ (p) Whether the proposed ward or the proposed guardian is a party to any pending criminal or civil litigation.

~~(r)~~ (q) Whether the guardianship is sought for the purpose of initiating litigation.

~~(s)~~ (r) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

~~(t)~~ (s) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed ~~adult~~ ward must provide the court with an assessment of the needs of the proposed ~~adult~~ ward completed by a licensed physician which identifies the limitations of capacity of the proposed ~~adult~~ ward and how such limitations affect the ability of the proposed ~~adult~~ ward to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed ~~adult~~ ward must be filed.

Sec. 172. NRS 159.047 is hereby amended to read as follows:

159.047 1. Except as otherwise provided in NRS 159.0475 , **159.0523** and ~~159.049 to~~ 159.0525, ~~inclusive,~~ upon the filing of a petition under NRS 159.044, the clerk shall issue a citation setting



forth a time and place for the hearing and directing the persons or care provider referred to in subsection 2 to appear and show cause why a guardian should not be appointed for the proposed ward.

2. A citation issued under subsection 1 must be served upon:

- (a) ~~[A]~~ The proposed ward ; ~~[who is 14 years of age or older];~~
- (b) The spouse of the proposed ward and all other known relatives of the proposed ward who are:
 - (1) Fourteen years of age or older; and
 - (2) Within the second degree of consanguinity;
- (c) The parents and custodian of the proposed ward;
- (d) Any person or officer of a care provider having the care, custody or control of the proposed ward;
- (e) The proposed guardian, if the petitioner is not the proposed guardian;
- (f) Any office of the Department of Veterans Affairs in this State if the proposed ward is receiving any payments or benefits through the Department of Veterans Affairs; and
- (g) The Director of the Department of Health and Human Services if the proposed ward has received or is receiving any benefits from Medicaid.

Sec. 173. NRS 159.0485 is hereby amended to read as follows:

159.0485 1. At the first hearing for the appointment of a guardian for a proposed ~~[adult]~~ ward, the court shall advise the proposed ~~[adult]~~ ward who is in attendance at the hearing or who is appearing by videoconference at the hearing of his or her right to counsel and determine whether the proposed ~~[adult]~~ ward wishes to be represented by counsel in the guardianship proceeding. If the proposed ~~[adult]~~ ward is not in attendance at the hearing because the proposed ~~[adult]~~ ward has been excused pursuant to NRS 159.0535 and is not appearing by videoconference at the hearing, the proposed ~~[adult]~~ ward must be advised of his or her right to counsel pursuant to subsection 2 of NRS 159.0535.

2. If ~~[an adult]~~ a ward or proposed ~~[adult]~~ ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding and whether or not the ~~[adult]~~ ward or proposed ~~[adult]~~ ward lacks or appears to lack capacity, the court shall, at or before the time of the next hearing, appoint an attorney who works for legal aid services, if available, or a private attorney to represent the ~~[adult]~~ ward or proposed ~~[adult]~~ ward. The appointed attorney shall represent the ~~[adult]~~ ward or proposed ~~[adult]~~ ward until relieved of the duty by court order.



3. Subject to the discretion and approval of the court, the attorney for the ~~adult~~ ward or proposed ~~adult~~ ward is entitled to reasonable compensation and expenses. Unless the court determines that the ~~adult~~ ward or proposed ~~adult~~ ward does not have the ability to pay such compensation and expenses or the court shifts the responsibility of payment to a third party, the compensation and expenses must be paid from the estate of the ~~adult~~ ward or proposed ~~adult~~ ward, unless the compensation and expenses are provided for or paid by another person or entity. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the ~~adult~~ ward or proposed ~~adult~~ ward all or part of the expenses associated with the appointment of the attorney.

Sec. 174. NRS 159.0487 is hereby amended to read as follows:

159.0487 Any court of competent jurisdiction may appoint:

1. Guardians of the person, of the estate, or of the person and estate for incompetents ~~for minors~~ whose home state is this State.
2. Guardians of the person or of the person and estate for incompetents ~~for minors~~ who, although not residents of this State, are physically present in this State and whose welfare requires such an appointment.
3. Guardians of the estate for nonresident incompetents ~~for nonresident minors~~ who have property within this State.
4. Special guardians.
5. Guardians ad litem.

Sec. 175. NRS 159.0523 is hereby amended to read as follows:

159.0523 1. A petitioner may request the court to appoint a temporary guardian for a *proposed* ward ~~who is an adult and~~ who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows the proposed ward faces a substantial and immediate risk of physical harm or needs immediate medical attention and lacks capacity to respond to the risk of harm or obtain the necessary medical attention. Such documentation must include, without limitation, a certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:



(1) That the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(2) Whether the proposed ward presents a danger to himself or herself or others; and

(3) Whether the proposed ward is or has been subjected to abuse, neglect, exploitation, isolation or abandonment; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.



5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection 8 if:

(a) The court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; and

(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.

Sec. 176. NRS 159.0535 is hereby amended to read as follows:

159.0535 1. A proposed ward who is found in this State must attend the hearing for the appointment of a guardian unless:

(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State or who is employed by the Department of Veterans Affairs specifically states the condition of the proposed ward, the reasons why the proposed ward is unable to appear in court and whether the proposed ward's attendance at the hearing would be detrimental to the physical or mental health of the proposed ward; or

(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed ward, the reasons why the proposed ward is unable to appear in court and whether the proposed ward's attendance at the hearing



would be detrimental to the physical or mental health of the proposed ward.

2. A proposed ward found in this State who cannot attend the hearing for the appointment of a general or special guardian as set forth in a certificate pursuant to subsection 1 may appear by videoconference. If the proposed ward ~~is an adult and~~ cannot attend by videoconference, the person who signs the certificate described in subsection 1 or any other person the court finds qualified shall:

(a) Inform the proposed ~~adult~~ ward that the petitioner is requesting that the court appoint a guardian for the proposed ~~adult~~ ward;

(b) Ask the proposed ~~adult~~ ward for a response to the guardianship petition;

(c) Inform the proposed ~~adult~~ ward of his or her right to counsel and ask whether the proposed ~~adult~~ ward wishes to be represented by counsel in the guardianship proceeding; and

(d) Ask the preferences of the proposed ~~adult~~ ward for the appointment of a particular person as the guardian of the proposed ~~adult~~ ward.

3. ~~If the proposed ward is an adult, the~~ *The* person who informs the proposed ~~adult~~ ward of the rights of the proposed ~~adult~~ ward pursuant to subsection 2 shall state in a certificate signed by that person:

(a) That the proposed ~~adult~~ ward has been advised of his or her right to counsel and asked whether he or she wishes to be represented by counsel in the guardianship proceeding;

(b) The responses of the proposed ~~adult~~ ward to the questions asked pursuant to subsection 2; and

(c) Any conditions that the person believes may have limited the responses by the proposed ~~adult~~ ward.

4. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.

5. If the proposed ward is not in this State, the proposed ward must attend the hearing only if the court determines that the attendance of the proposed ward is necessary in the interests of justice.

Sec. 177. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds the proposed ward competent and not in need of a guardian, the court shall dismiss the petition.



2. If the court finds the proposed ward to be of limited capacity and in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that appointment of a general guardian is required, the court shall appoint a general guardian of the *proposed* ward's person, estate, or person and estate.

Sec. 178. NRS 159.055 is hereby amended to read as follows:

159.055 1. The petitioner has the burden of proving by clear and convincing evidence that the appointment of a guardian of the person, of the estate, or of the person and estate is necessary.

2. If it appears to the court that the allegations of the petition are sufficient and that a guardian should be appointed for the proposed ward, the court shall enter an order appointing a guardian. The order must:

(a) Specify whether the guardian appointed is guardian of the person, of the estate, of the person and estate or a special guardian;

(b) Specify whether the *proposed* ward is a resident or nonresident of this State;

(c) Specify the amount of the bond to be executed and filed by the guardian; and

(d) Designate the names and addresses, so far as may be determined, of:

(1) The relatives of the proposed ward upon whom notice must be served pursuant to NRS 159.047; and

(2) Any other interested person.

3. A notice of entry of the court order must be sent to:

(a) The relatives of the proposed ward upon whom notice must be served pursuant to NRS 159.047; and

(b) Any other interested person.

Sec. 179. NRS 159.0595 is hereby amended to read as follows:

159.0595 1. In order for a person to serve as a private professional guardian, the person must be:

(a) Qualified to serve as a guardian pursuant to NRS 159.0613 ; ~~if the ward is an adult or NRS 159.061 if the ward is a minor;~~ and

(b) A guardian who has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3.

2. In order for an entity to serve as a private professional guardian, the entity must:

(a) Be qualified to serve as a guardian pursuant to NRS 159.0613 ; ~~if the ward is an adult;~~



(b) Have a license issued pursuant to chapter 628B of NRS unless the entity is not required to have such a license pursuant to subsection 3; and

(c) Have a guardian who has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3 involved in the day-to-day operation or management of the entity.

3. In order for a person or entity to serve as a private professional guardian, the person or entity is not required to have a license issued pursuant to chapter 628B of NRS if the person or entity is exempt from the requirement to have such a license pursuant to NRS 628B.110 and the person or entity:

(a) Is a banking corporation as defined in NRS 657.016;

(b) Is an organization permitted to act as a fiduciary pursuant to NRS 662.245;

(c) Is a trust company as defined in NRS 669.070;

(d) Is acting in the performance of his or her duties as an attorney at law;

(e) Acts as a trustee under a deed of trust; or

(f) Acts as a fiduciary under a court trust.

4. As used in this section:

(a) “Certified guardian” means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) “Entity” includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

(c) “Person” means a natural person.

Sec. 180. NRS 159.0613 is hereby amended to read as follows:

159.0613 1. Except as otherwise provided in subsection 3, in a proceeding to appoint a guardian for ~~{an adult,}~~ *a ward or proposed ward*, the court shall give preference to a nominated person or relative, in that order of preference:

(a) Whether or not the nominated person or relative is a resident of this State; and

(b) If the court determines that the nominated person or relative is qualified and suitable to be appointed as guardian for the ~~{adult,}~~ *ward or proposed ward*.

2. In determining whether any nominated person, relative or other person listed in subsection 4 is qualified and suitable to be appointed as guardian for ~~{an adult,}~~ *a ward or proposed ward*, the court shall consider, if applicable and without limitation:

(a) The ability of the nominated person, relative or other person to provide for the basic needs of the ~~{adult,}~~ *ward or proposed ward*,



including, without limitation, food, shelter, clothing and medical care;

(b) Whether the nominated person, relative or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(c) Whether the nominated person, relative or other person has been judicially determined to have committed abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult, unless the court finds that it is in the best interests of the ward to appoint the person as guardian for the ~~adult~~ *ward or proposed ward*;

(d) Whether the nominated person, relative or other person is incompetent or has a disability; and

(e) Whether the nominated person, relative or other person has been convicted in this State or any other jurisdiction of a felony, unless the court determines that any such conviction should not disqualify the person from serving as guardian for the ~~adult~~ *ward or proposed ward*.

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for ~~an adult~~ *a ward or proposed ward*, the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

(a) A person whom the ~~adult~~ *ward or proposed ward* nominated for the appointment as guardian for the ~~adult~~ *ward or proposed ward* in a will, trust or other written instrument that is part of the ~~adult's~~ *ward's or proposed ward's* established estate plan and was executed by the ~~adult~~ *ward or proposed ward* while competent.

(b) A person whom the ~~adult~~ *ward or proposed ward* requested for the appointment as guardian for the ~~adult~~ *ward or proposed ward* in a written instrument that is not part of the ~~adult's~~ *ward's or proposed ward's* established estate plan and was executed by the ~~adult~~ *ward or proposed ward* while competent.

4. Subject to the preferences set forth in subsections 1 and 3, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsection 2, give consideration, among other factors, to:

(a) Any nomination or request for the appointment as guardian by the ~~adult~~ *ward or proposed ward*.



(b) Any nomination or request for the appointment as guardian by a relative.

(c) The relationship by blood, adoption, marriage or domestic partnership of the proposed guardian to the ~~adult~~ **ward or proposed ward**. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider any relative in the following order of preference:

(1) A spouse or domestic partner.

(2) A child.

(3) A parent.

(4) Any relative with whom the ~~adult~~ **ward or proposed ward** has resided for more than 6 months before the filing of the petition or any relative who has a power of attorney executed by the ~~adult~~ **ward or proposed ward** while competent.

(5) Any relative currently acting as agent.

(6) A sibling.

(7) A grandparent or grandchild.

(8) An uncle, aunt, niece, nephew or cousin.

(9) Any other person recognized to be in a familial relationship with the ~~adult~~ **ward or proposed ward**.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

(e) Any request for the appointment of any other interested person that the court deems appropriate, including, without limitation, a person who is not a relative and who has a power of attorney executed by the ~~adult~~ **ward or proposed ward** while competent.

5. The court may appoint as guardian any nominated person, relative or other person listed in subsection 4 who is not a resident of this State. The court shall not give preference to a resident of this State over a nonresident if the court determines that:

(a) The nonresident is more qualified and suitable to serve as guardian; and

(b) The distance from the proposed guardian's place of residence and the ~~adult's~~ **ward's or proposed ward's** place of residence will not affect the quality of the guardianship or the ability of the proposed guardian to make decisions and respond quickly to the needs of the ~~adult~~ **ward or proposed ward** because:

(1) A person or care provider in this State is providing continuing care and supervision for the ~~adult~~ **ward or proposed ward**;



(2) The ~~adult~~ *ward or proposed ward* is in a secured residential long-term care facility in this State; or

(3) Within 30 days after the appointment of the proposed guardian, the proposed guardian will move to this State or the ~~adult~~ *ward or proposed ward* will move to the proposed guardian's state of residence.

6. If the court appoints a nonresident as guardian for the ~~adult~~ *ward or proposed ward*:

(a) The jurisdictional requirements of NRS 159.1991 to 159.2029, inclusive, must be met;

(b) The court shall order the guardian to designate a registered agent in this State in the same manner as a represented entity pursuant to chapter 77 of NRS; and

(c) The court may require the guardian to complete any available training concerning guardianships pursuant to NRS 159.0592, in this State or in the state of residence of the guardian, regarding:

(1) The legal duties and responsibilities of the guardian pursuant to this chapter;

(2) The preparation of records and the filing of annual reports regarding the finances and well-being of the ~~adult~~ *ward or proposed ward* required pursuant to NRS 159.073;

(3) The rights of the ~~adult~~ *ward or proposed ward*;

(4) The availability of local resources to aid the ~~adult~~ *ward or proposed ward*; and

(5) Any other matter the court deems necessary or prudent.

7. If the court finds that there is not any suitable nominated person, relative or other person listed in subsection 4 to appoint as guardian, the court may appoint as guardian:

(a) The public guardian of the county where the ~~adult~~ *ward or proposed ward* resides if:

(1) There is a public guardian in the county where the ~~adult~~ *ward or proposed ward* resides; and

(2) The ~~adult~~ *ward or proposed ward* qualifies for a public guardian pursuant to chapter 253 of NRS;

(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the ~~adult~~ *ward or proposed ward* will be served appropriately by the appointment of a private fiduciary; or

(c) A private professional guardian who meets the requirements of NRS 159.0595 ~~or~~ *section 45 of this act*.

8. A person is not qualified to be appointed as guardian for ~~an adult~~ *a ward or proposed ward* if the person has been suspended



for misconduct or disbarred from any of the professions listed in this subsection, but the disqualification applies only during the period of the suspension or disbarment. This subsection applies to:

- (a) The practice of law;
- (b) The practice of accounting; or
- (c) Any other profession that:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state in which the person practices his or her profession.

9. As used in this section:

~~(a) “Adult” means a person who is a ward or a proposed ward and who is not a minor.~~

~~(b) “Domestic partner” means a person in a domestic partnership.~~

~~(c) “Domestic partnership” means:~~

(1) A domestic partnership as defined in NRS 122A.040; or

(2) A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

~~(d) “Nominated person” means a person, whether or not a relative, whom ~~an adult~~ a ward or proposed ward:~~

(1) Nominates for the appointment as guardian for the ~~adult~~ ward or proposed ward in a will, trust or other written instrument that is part of the ~~adult’s~~ ward’s or proposed ward’s established estate plan and was executed by the ~~adult~~ ward or proposed ward while competent.

(2) Requests for the appointment as guardian for the ~~adult~~ ward or proposed ward in a written instrument that is not part of the ~~adult’s~~ ward’s or proposed ward’s established estate plan and was executed by the ~~adult~~ ward or proposed ward while competent.

~~(e) (d) “Relative” means a person who is 18 years of age or older and who is related to the ~~adult~~ ward or proposed ward by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.~~

Sec. 181. NRS 159.062 is hereby amended to read as follows:

159.062 A parent or spouse of an incompetent ~~minor~~ or person of limited capacity may by will nominate a guardian. The person nominated must file a petition and obtain an appointment from the court before exercising the powers of a guardian.



Sec. 182. NRS 159.069 is hereby amended to read as follows:

159.069 Every bond given by a guardian shall be filed and preserved in the office of the clerk of the district court of the county in which the guardianship proceeding is conducted. In case of the breach of any condition of such bond, an action may be maintained in behalf of the ward or wards jointly if all are interested, or of any person interested in the estate, and such bond shall not be void on the first recovery. If the action on the bond is in behalf of one ward on a bond given to more than one ward, the other wards mentioned in the bond need not be united in or made parties to such action. *As used in this section, "ward" includes a protected minor.*

Sec. 183. NRS 159.075 is hereby amended to read as follows:

159.075 When a guardian has taken the official oath and filed a bond as provided in this chapter, the court shall order letters of guardianship to issue to the guardian. Letters of guardianship may be in the following form:

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

On (month) (day) (year) the Judicial District Court, County, State of Nevada, appointed (name of guardian) (guardian of the person or estate or person and estate or special guardian) for (name of ward) ~~1a(n), (minor or adult)~~, *an adult*, that the named guardian has qualified and has the authority and shall perform the duties of (guardian of the person or estate or person and estate or special guardian) for the named ward as provided by law.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of the court at my office on (month) (day) (year).

.....
Clerk

(SEAL)

.....
Deputy Clerk



Sec. 184. NRS 159.076 is hereby amended to read as follows:

159.076 1. The court may grant a summary administration if, at any time, it appears to the court that after payment of all claims and expenses of the guardianship the value of the ward's property does not exceed \$10,000.

2. If the court grants a summary administration, the court may ~~†~~

~~—(a) Authorize† authorize~~ the guardian of the estate or special guardian who is authorized to manage the ward's property to convert the property to cash and sell any of the property, with or without notice, as the court may direct. After the payment of all claims and the expenses of the guardianship, the guardian shall deposit the money in savings accounts or invest the money as provided in NRS 159.117, and hold the investment and all interest, issues, dividends and profits for the benefit of the ward. The court may dispense with annual accountings and all other proceedings required by this chapter.

~~[(b) If the ward is a minor, terminate the guardianship of the estate and direct the guardian to deliver the ward's property to the custodial parent or parents, guardian or custodian of the minor to hold, invest or use as the court may order.]~~

3. Whether the court grants a summary administration at the time the guardianship is established or at any other time, the guardian shall file an inventory and record of value with the court.

4. If, at any time, the net value of the estate of the ward exceeds \$10,000:

(a) The guardian shall file an amended inventory and accounting with the court;

(b) The guardian shall file annual accountings; and

(c) The court may require the guardian to post a bond.

Sec. 185. NRS 159.113 is hereby amended to read as follows:

159.113 1. Before taking any of the following actions, the guardian of the estate shall petition the court for an order authorizing the guardian to:

(a) Invest the property of the ward pursuant to NRS 159.117.

(b) Continue the business of the ward pursuant to NRS 159.119.

(c) Borrow money for the ward pursuant to NRS 159.121.

(d) Except as otherwise provided in NRS 159.079, enter into contracts for the ward or complete the performance of contracts of the ward pursuant to NRS 159.123.

(e) Make gifts from the ward's estate or make expenditures for the ward's relatives pursuant to NRS 159.125.



(f) Sell, lease or place in trust any property of the ward pursuant to NRS 159.127.

(g) Exchange or partition the ward's property pursuant to NRS 159.175.

(h) Release the power of the ward as trustee, personal representative or custodian for a minor or guardian.

(i) Exercise or release the power of the ward as a donee of a power of appointment.

(j) Exercise the right of the ward to take under or against a will.

(k) Transfer to a trust created by the ward any property unintentionally omitted from the trust.

(l) Submit a revocable trust to the jurisdiction of the court if:

(1) The ward or the spouse of the ward, or both, are the grantors and sole beneficiaries of the income of the trust; or

(2) The trust was created by the court.

(m) Pay any claim by the Department of Health and Human Services to recover benefits for Medicaid correctly paid to or on behalf of the ward.

~~(n) Transfer money in a minor ward's blocked account to the Nevada Higher Education Prepaid Tuition Trust Fund created pursuant to NRS 353B.140.~~

2. Before taking any of the following actions, unless the guardian has been otherwise ordered by the court to petition the court for permission to take specified actions or make specified decisions in addition to those described in subsection 1, the guardian may petition the court for an order authorizing the guardian to:

(a) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.

(b) Take any other action which the guardian deems would be in the best interests of the ward.

3. The petition must be signed by the guardian and contain:

(a) The name, age, residence and address of the ward.

(b) A concise statement as to the condition of the ward's estate.

(c) A concise statement as to the advantage to the ward of or the necessity for the proposed action.

(d) The terms and conditions of any proposed sale, lease, partition, trust, exchange or investment, and a specific description of any property involved.

4. Any of the matters set forth in subsection 1 may be consolidated in one petition, and the court may enter one order authorizing or directing the guardian to do one or more of those acts.

5. A petition filed pursuant to paragraphs (b) and (d) of subsection 1 may be consolidated in and filed with the petition for



the appointment of the guardian, and if the guardian is appointed, the court may enter additional orders authorizing the guardian to continue the business of the ward, enter contracts for the ward or complete contracts of the ward.

Sec. 186. NRS 159.117 is hereby amended to read as follows:

159.117 1. Upon approval of the court by order, a guardian of the estate may:

(a) Invest the property of the ward, make loans and accept security therefor, in the manner and to the extent authorized by the court.

(b) Exercise options of the ward to purchase or exchange securities or other property.

2. A guardian of the estate may, without securing the prior approval of the court, invest the property of the ward in the following:

(a) Savings accounts in any bank, credit union or savings and loan association in this State, to the extent that the deposits are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

(b) Interest-bearing obligations of or fully guaranteed by the United States.

(c) Interest-bearing obligations of the United States Postal Service.

(d) Interest-bearing obligations of the Federal National Mortgage Association.

(e) Interest-bearing general obligations of this State.

(f) Interest-bearing general obligations of any county, city or school district of this State.

(g) Money market mutual funds which are invested only in those instruments listed in paragraphs (a) to (f), inclusive.

3. A guardian of the estate for two or more wards may invest the property of two or more of the wards in property in which each ward whose property is so invested has an undivided interest. The guardian shall keep a separate record showing the interest of each ward in the investment and in the income, profits or proceeds therefrom. *As used in this subsection, "ward" includes a protected minor.*

4. Upon approval of the court, for a period authorized by the court, a guardian of the estate may maintain the assets of the ward in the manner in which the ward had invested the assets before the ward's incapacity.



5. A guardian of the estate may access or manage a guardianship account via the Internet on a secured website established by the bank, credit union or broker holding the account.

Sec. 187. NRS 159.157 is hereby amended to read as follows:

159.157 A guardian of the estate may lease any real property of the ward or any interest in real property:

1. Without securing prior court approval, where the tenancy is from month to month or for a term not to exceed 1 year and the reasonable fixed rental for the property or the ward's proportionate interest in such rental does not exceed \$250 per month.

2. With prior approval of the court by order, for such period of time as may be authorized by the court, not exceeding any time limitation prescribed by law, and upon such terms and conditions as the court may approve. ~~[Such lease may extend beyond the period of minority of a minor ward.]~~

Sec. 188. NRS 159.179 is hereby amended to read as follows:

159.179 1. An account made and filed by a guardian of the estate or special guardian who is authorized to manage the ward's property must include, without limitation, the following information:

(a) The period covered by the account.

(b) All cash receipts and disbursements during the period covered by the account.

(c) All claims filed and the action taken regarding the account.

(d) Any changes in the ward's property due to sales, exchanges, investments, acquisitions, gifts, mortgages or other transactions which have increased, decreased or altered the ward's property holdings as reported in the original inventory or the preceding account.

(e) Any other information the guardian considers necessary to show the condition of the affairs of the ward.

2. If the account is for the estates of two or more wards, it must show the interest of each ward in the receipts, disbursements and property. *As used in this subsection, "ward" includes a protected minor.*

3. Receipts or vouchers for all expenditures must be retained by the guardian for examination by the court or an interested person. Unless ordered by the court, the guardian is not required to file such receipts or vouchers with the court.

4. On the court's own motion or on ex parte application by an interested person which demonstrates good cause, the court may:

(a) Order production of the receipts or vouchers that support the account; and



(b) Examine or audit the receipts or vouchers that support the account.

5. If a receipt or voucher is lost or for good reason cannot be produced on settlement of an account, payment may be proved by the oath of at least one competent witness. The guardian must be allowed expenditures if it is proven that:

(a) The receipt or voucher for any disbursement has been lost or destroyed so that it is impossible to obtain a duplicate of the receipt or voucher; and

(b) Expenses were paid in good faith and were valid charges against the estate.

Sec. 189. NRS 159.185 is hereby amended to read as follows:

159.185 1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to NRS 159.0613 ; ~~if the ward is an adult or NRS 159.061 if the ward is a minor;~~

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the ward;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the ward or the estate of the ward; or

(2) There was a substantial likelihood that the negligence would result in injury to the ward or the estate of the ward;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The best interests of the ward will be served by the appointment of another person as guardian; or

(h) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595 ~~H~~ **or section 45 of this act.**

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.



Sec. 190. NRS 159.191 is hereby amended to read as follows:
159.191 1. A guardianship of the person is terminated:

(a) By the death of the ward;
(b) Upon the ward's change of domicile to a place outside this state and the transfer of jurisdiction to the court having jurisdiction in the new domicile; *or*

(c) Upon order of the court, if the court determines that the guardianship no longer is necessary. ~~;~~ ~~or~~

~~—(d) If the ward is a minor:~~

~~—(1) On the date on which the ward reaches 18 years of age; or~~

~~—(2) On the date on which the ward graduates from high school or becomes 19 years of age, whichever occurs sooner, if:~~

~~—(I) The ward will be older than 18 years of age upon graduation from high school; and~~

~~—(II) The ward and the guardian consent to continue the guardianship and the consent is filed with the court at least 14 days before the date on which the ward will become 18 years of age.]~~

2. A guardianship of the estate is terminated:

(a) If the court removes the guardian or accepts the resignation of the guardian and does not appoint a successor guardian;

(b) If the court determines that the guardianship is not necessary and orders the guardianship terminated; or

(c) By the death of the ward, subject to the provisions of NRS 159.193.

3. If the guardianship is of the person and estate, the court may order the guardianship terminated as to the person, the estate, or the person and estate.

4. The guardian shall notify the court, all interested parties, the trustee, and the named executor or appointed personal representative of the estate of the ward of the death of the ward within 30 days after the death.

5. Immediately upon the death of the ward:

(a) The guardian of the estate shall have no authority to act for the ward except to wind up the affairs of the guardianship pursuant to NRS 159.193, and to distribute the property of the ward as provided in NRS 159.195 and 159.197; and

(b) No person has standing to file a petition pursuant to NRS 159.078.

Sec. 191. NRS 159.204 is hereby amended to read as follows:

159.204 1. To transfer jurisdiction of a guardianship or conservatorship to this State, the guardian, conservator or other interested party must petition the court of this State for guardianship



pursuant to NRS 159.1991 to 159.2029, inclusive, to accept guardianship in this State. The petition must include a certified copy of the other state's provisional order of transfer and proof that the ward is physically present in, or is reasonably expected to move permanently to, this State.

2. The court shall issue a provisional order granting a petition filed under subsection 1, unless:

(a) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the ward; or

(b) The guardian or petitioner is not qualified for appointment as a guardian in this State pursuant to NRS 159.0613 . ~~if the ward is an adult or NRS 159.061 if the ward is a minor.~~

3. The court shall issue a final order granting guardianship upon filing of a final order issued by the other state terminating proceedings in that state and transferring the proceedings to this State.

4. Not later than 90 days after the issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the laws of this State.

5. In granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the ward's incapacity and the appointment of the guardian or conservator.

Sec. 192. NRS 159.315 is hereby amended to read as follows:

159.315 1. If the court finds, after examination of a person cited pursuant to NRS 159.305, that the person has committed an act:

(a) Set forth in paragraph (a) of subsection 1 of NRS 159.305, the court may order the person to return the asset or the value of the asset to the guardian of the estate; or

(b) Set forth in paragraph (b) of subsection 1 of NRS 159.305, the court may order the person to return the asset or provide information concerning the location of the asset to the guardian of the estate.

2. The court may hold a person who is cited pursuant to NRS 159.305 in contempt of court and deal with the person accordingly if the person:

(a) Refuses to appear and submit to examination or to testify regarding the matter complained of in the petition; or

(b) Fails to comply with an order of the court issued pursuant to subsection 1.



3. An order of the court pursuant to subsection 1 is prima facie evidence of the right of the proposed ward or the estate of the ward to the asset described in the order in any action that may be brought for the recovery thereof, and any judgment recovered therein must be double the value of the asset, and damages in addition thereof equal to the value of such property.

4. If the person who is cited pursuant to NRS 159.305 appears and, upon consideration of the petition, the court finds that the person is not liable or responsible to the *proposed ward or the* estate of the ~~ward or proposed~~ ward, the court may order:

(a) The *proposed ward or the* estate of the ward ~~for proposed ward~~ to pay the attorney's fees and costs of the respondent; or

(b) If the court finds that the petitioner unnecessarily or unreasonably filed the petition, the petitioner personally to pay the attorney's fees and costs of the respondent.

Sec. 193. NRS 160.090 is hereby amended to read as follows:

160.090 1. Before making an appointment under the provisions of this chapter, the court shall establish to its satisfaction that the person whose appointment as guardian is sought is a fit and proper person to be appointed.

2. Upon the appointment being made, the guardian shall, except as otherwise provided in this section, execute and file a bond to be approved by the court in an amount not less than the value of the personal property of the estate plus the anticipated annual income. Thereafter, the amount of the bond must be equal to the total value of the personal estate plus the annual income. The bond must be in the form and be conditioned as required of guardians appointed pursuant to the provisions of chapter 159 of NRS ~~H~~ *or sections 2 to 157, inclusive, of this act.* The premiums on all such bonds must be paid from the estate.

3. If a banking corporation as defined in NRS 657.016, or a trust company, as defined by NRS 669.070, doing business in this state is appointed guardian of the estate of a ward, no bond is required of the guardian unless the court by specific order requires a bond. If the Director of the Department of Veterans Services is appointed guardian, no bond is required.

4. If the court orders that the estate and income, or a part thereof, be deposited in a banking corporation, as defined in NRS 657.016, or trust company, as defined by NRS 669.070, doing business in this state and that such estate and income, or any part thereof, must not be withdrawn without authorization of the court, then the amount of the guardian's bond must be reduced in an amount equal to the amount of the estate and income on deposit



with the banking corporation, and the surety on the bonds must be exonerated from any loss to the estate in connection with the deposit.

5. Where a bond is tendered by a guardian with personal sureties, the sureties shall file with the court a certificate under oath which describes the property owned, both real and personal, and contains a statement that they are each worth the sum named in the bond as the penalty thereof over and above all their debts and liabilities and exclusive of property exempt from execution.

Sec. 194. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., 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, ~~425~~ 425 or 432B of NRS, *or sections 2 to 157, 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 441A.510 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. 195. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;

(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;

(f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;

(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to ~~chapter 159 of NRS~~ **sections 2 to 157, inclusive, of this act** or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS,



if the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.

Sec. 196. NRS 143.030 is hereby amended to read as follows:

143.030 1. A personal representative shall take into possession all the estate of the decedent, real and personal, except that exempted as provided in this title, and shall collect all receivables due the decedent or the estate.

2. For the purpose of bringing actions to quiet title or for partition of the estate, the possession of the personal representative shall be deemed the possession of the heirs or devisees. The possession of heirs or devisees is subject, however, to the possession of the personal representative for all other purposes.

3. A personal representative shall not take into possession any assets held by a guardian of the decedent pursuant to chapter 159 of NRS *or sections 2 to 157, inclusive, of this act* until the



guardianship is terminated according to the provisions of NRS 159.1905 or 159.191 *or section 143 or 144 of this act* and the guardian is ordered to distribute the assets to the personal representative.

Sec. 197. 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 ~~† 159.205 or 159.215;†~~ *or section 153 or 154 of this act.*

(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.

(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.

Sec. 198. 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, 41.071, 49.095, 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, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 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, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,



453A.610, 453A.700, 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, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 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.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 25 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 the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. 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 a readily available medium 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. 199. NRS 253.150 is hereby amended to read as follows:

253.150 1. The board of county commissioners of each county shall establish the office of public guardian.

2. The board of county commissioners shall:

(a) Appoint a public guardian, who serves at the pleasure of the board, for a term of 4 years from the day of appointment;

(b) Designate an elected or appointed county officer as ex officio public guardian;

(c) Pursuant to the mechanism set forth in NRS 244.1507, designate another county officer to execute the powers and duties of the public guardian;

(d) Except in a county whose population is 100,000 or more, contract with a private professional guardian to act as public guardian; or

(e) Contract with the board of county commissioners of a neighboring county in the same judicial district to designate as public guardian the public guardian of the neighboring county.

3. The compensation of a public guardian appointed or designated pursuant to subsection 2 must be fixed by the board of county commissioners and paid out of the county general fund.



4. As used in this section, “private professional guardian” has the meaning ascribed to it in NRS 159.024, *and section 9 of this act*, except that the term does not include:

(a) A banking corporation, as defined in NRS 657.016, or an organization permitted to act as a fiduciary pursuant to NRS 662.245 if it is appointed as guardian of an estate only.

(b) A trust company, as defined in NRS 669.070.

(c) A court-appointed attorney licensed to practice law in this State.

(d) A trustee under a deed of trust.

(e) A fiduciary under a court trust.

Sec. 200. NRS 253.160 is hereby amended to read as follows:

253.160 1. Upon taking office, a public guardian shall file with the county clerk a general bond in an amount fixed by the board of county commissioners payable to the State of Nevada with sureties approved by the board of county commissioners. The premium for the bond shall be paid from the general funds of the county and be conditioned upon the public guardian’s faithful performance of his or her duties.

2. The general bond and oath of office of a public guardian are in lieu of the bonds and oaths required of private guardians.

3. The oath and bond of an elected or appointed public officer designated public guardian or designated to execute the powers and duties of the public guardian pursuant to paragraph (b) or (c) of subsection 2 of NRS 253.150 are in lieu of the bonds and oaths required of private guardians. The court may require such a designee to execute a separate bond for any guardianship in the manner prescribed in NRS 159.065 *or section 50 of this act*.

Sec. 201. NRS 253.190 is hereby amended to read as follows:

253.190 A public guardian shall:

1. Keep financial and other appropriate records concerning all cases in which he or she is appointed as an individual guardian; and

2. Retain:

(a) All such financial records for each case for at least 7 years after the date of the transaction that is recorded in the record; and

(b) All other records for each case for at least 7 years after the termination of the guardianship pursuant to chapter 159 of NRS *or sections 2 to 157, inclusive, of this act*.

Sec. 202. NRS 253.200 is hereby amended to read as follows:

253.200 1. A resident of Nevada is eligible to have the public guardian of the county in which he or she resides appointed as his or her temporary individual guardian pursuant to NRS 159.0523



or 159.0525 ~~H~~ *or to mitigate the risk of financial harm to a proposed protected minor pursuant to section 37 of this act.*

2. ~~1A~~ *An adult* resident of Nevada is eligible to have the public guardian of a county appointed as his or her permanent or general individual guardian if the proposed ward is a resident of that county and:

(a) The proposed ward has no nominated person, relative or friend suitable and willing to serve as his or her guardian; or

(b) The proposed ward has a guardian who the court determines must be removed pursuant to NRS 159.185.

3. A person qualified pursuant to subsection 1 or 2, or anyone on his or her behalf, may petition the district court of the county in which he or she resides to make the appointment.

4. Before a petition for the appointment of the public guardian as a guardian may be filed pursuant to subsection 3, a copy of the petition and copies of all accompanying documents to be filed must be delivered to the public guardian or a deputy public guardian.

5. Any petition for the appointment of the public guardian as a guardian filed pursuant to subsection 3 must include a statement signed by the public guardian or deputy public guardian and in substantially the following form:

The undersigned is the Public Guardian or a Deputy Public Guardian of County. The undersigned certifies that he or she has received a copy of this petition and all accompanying documents to be filed with the court.

6. A petition for the appointment of the public guardian as permanent or general guardian must be filed separately from a petition for the appointment of a temporary guardian.

7. If a person other than the public guardian served as temporary guardian before the appointment of the public guardian as permanent or general guardian, the temporary guardian must file an accounting and report with the court in which the petition for the appointment of a public guardian was filed within 30 days of the appointment of the public guardian as permanent or general guardian.

8. In addition to NRS 159.099, *and section 76 of this act*, a county is not liable on any written or oral contract entered into by the public guardian of the county for or on behalf of a ward.

9. For the purposes of this section:



(a) Except as otherwise provided in paragraph (b), the county of residence of a person is the county to which the person moved with the intent to reside for an indefinite period.

(b) The county of residence of a person placed in institutional care is the county that was the county of residence of the person before the person was placed in institutional care by a guardian or agency or under power of attorney.

10. As used in this section, “nominated person” has the meaning ascribed to it in NRS 159.0613.

Sec. 203. NRS 432.039 is hereby amended to read as follows:

432.039 1. When in the judgment of the court it is in the best interests of a child in the lawful custody of an agency which provides child welfare services, such an agency may petition for appointment as guardian of the person and estate of the child in the manner provided by chapter ~~159-01~~ 432B of NRS ~~1~~ *or sections 2 to 157, inclusive, of this act.*

2. The clerk of the district court, county clerk, county recorder or other county officer shall not require the payment of any fees or charges by the agency which provides child welfare services for appointment as guardian pursuant to this section, and the district court shall waive the furnishing of a bond by the agency which provides child welfare services if it is appointed guardian.

3. Except as otherwise provided in this section, the agency which provides child welfare services shall comply with all applicable provisions of chapter ~~159-01~~ 432B of NRS ~~1~~ *or sections 2 to 157, inclusive, of this act.*

Sec. 204. NRS 432B.290 is hereby amended to read as follows:

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

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

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

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



person requires the information to determine whether to place the child in protective custody;

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

(1) The child; or

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

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

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

(f) A court, as defined in ~~NRS 159.015~~ **section 5 of this act**, to determine whether a guardian or successor guardian of a child should be appointed pursuant to ~~chapter 159 of NRS or~~ NRS 432B.466 to 432B.468, inclusive ~~†~~, **or sections 2 to 157, inclusive, of this act**;

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

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

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to ~~chapter 159 of NRS or~~ NRS 432B.466 to 432B.468, inclusive, **or sections 2 to 157, inclusive, of this act**, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to ~~chapter 159 of NRS or~~ NRS 432B.466 to 432B.468, inclusive, **or sections 2 to 157, inclusive, of this act**, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

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



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

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

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

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

(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to ~~chapter 159 of NRS or~~ NRS 432B.466 to 432B.468, inclusive, *or sections 2 to 157, inclusive, of this act*, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(q) The child over whom a guardianship is sought pursuant to ~~chapter 159 of NRS or~~ NRS 432B.466 to 432B.468, inclusive, *or sections 2 to 157, inclusive, of this act*, if:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

(a) A copy of:

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

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

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

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and



safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

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

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

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

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

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



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

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

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

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

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

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

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

Sec. 205. NRS 432B.466 is hereby amended to read as follows:

432B.466 1. If the plan adopted pursuant to NRS 432B.553 for the permanent placement of a child includes a request for the appointment of a guardian for the child pursuant to NRS 432B.4665 to 432B.468, inclusive, a governmental agency, a nonprofit corporation or any interested person, including, without limitation, the agency that adopted the plan may petition the court for the appointment of a guardian. The guardian may be appointed at a hearing conducted pursuant to NRS 432B.590 or at a separate hearing.

2. A petition for the appointment of a guardian pursuant to this section:

(a) May not be filed before the court has determined that the child is in need of protection;

(b) Must include the information required pursuant to ~~NRS 159.044;~~ *section 25 of this act*; and

(c) Must include a statement explaining why the appointment of a guardian, rather than the adoption of the child or the return of the child to a parent, is in the best interests of the child.



3. In addition to the notice required pursuant to NRS 432B.590, a governmental agency, nonprofit corporation or interested person who files a petition for the appointment of a guardian must serve notice of the petition that includes a copy of the petition and the date, time and location of the hearing on the petition, by registered or certified mail or by personal service:

(a) To all the persons entitled to notice of the hearing pursuant to NRS 432B.590, the parents of the child, any person or governmental agency having care, custody or control over the child, and, if the child is 14 years of age or older, the child; and

(b) At least 20 days before the hearing on the petition.

Sec. 206. NRS 432B.4665 is hereby amended to read as follows:

432B.4665 1. The court may, upon the filing of a petition pursuant to NRS 432B.466, appoint a person as a guardian for a child if:

(a) The court finds:

(1) That the proposed guardian is suitable and is not disqualified from guardianship pursuant to ~~NRS 159.061;~~ *section 46 of this act;*

(2) That the child has been in the custody of the proposed guardian for 6 months or more pursuant to a determination by a court that the child was in need of protection, unless the court waives this requirement for good cause shown;

(3) That the proposed guardian has complied with the requirements of ~~chapter 159 of NRS;~~ *sections 2 to 157, inclusive, of this act;* and

(4) That the burden of proof set forth in ~~chapter 159 of NRS~~ *sections 2 to 157, inclusive, of this act* for the appointment of a guardian for a child has been satisfied;

(b) The child consents to the guardianship, if the child is 14 years of age or older; and

(c) The court determines that the requirements for filing a petition pursuant to NRS 432B.466 have been satisfied.

2. A guardianship established pursuant to this section:

(a) Provides the guardian with the powers and duties provided in ~~NRS 159.079;~~ *section 61 of this act,* and subjects the guardian to the limitations set forth in ~~NRS 159.0805;~~ *section 62 of this act;*

(b) Is subject to the provisions of ~~NRS 159.065 to 159.076;~~ *sections 50 to 58, inclusive, and* ~~159.185 to 159.199;~~ *133 to 150, inclusive* ~~;~~ *, of this act;*

(c) Provides the guardian with sole legal and physical custody of the child;



(d) Does not result in the termination of parental rights of a parent of the child; and

(e) Does not affect any rights of the child to inheritance, a succession or any services or benefits provided by the Federal Government, this state or an agency or political subdivision of this state.

Sec. 207. NRS 432B.468 is hereby amended to read as follows:

432B.468 1. The court shall retain jurisdiction to enforce, modify or terminate a guardianship established pursuant to NRS 432B.4665 until the child reaches 18 years of age.

2. Any person having a direct interest in a guardianship established pursuant to NRS 432B.4665 may move to enforce, modify or terminate an order concerning the guardianship.

3. The court shall issue an order directing the appropriate agency which provides child welfare services to file a report and make a recommendation in response to any motion to enforce, modify or terminate an order concerning a guardianship established pursuant to NRS 432B.4665. The agency must submit the report to the court within 45 days after receiving the order of the court.

4. Any motion to enforce, modify or terminate an order concerning a guardianship established pursuant to NRS 432B.4665 must comply with the provisions set forth in ~~chapter 159 of NRS~~ *sections 2 to 157, inclusive, of this act* for motions to enforce, modify or terminate orders concerning guardianships.

5. A successor guardian may be appointed in accordance with the procedures set forth in ~~chapter 159 of NRS~~ *sections 2 to 157, inclusive, of this act*.

Sec. 208. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of the parents of the child or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place the child in the temporary or permanent custody of a relative, a fictive kin or other person the court finds suitable to receive and care for the child with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or



(c) Place the child in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such a child.

↳ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of ~~chapter 159 of NRS,~~ *sections 2 to 157, inclusive, of this act*, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of the rights of the parent.

(b) The court shall set forth good cause why the child was placed other than with a parent.

3. If, pursuant to subsection 1, the child is to be placed with a relative or fictive kin, the court may consider, among other factors, whether the child has resided with a particular relative or fictive kin for 3 years or more before the incident which brought the child to the court's attention.

4. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown, the report need not be sent to that parent.

5. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian:

(a) It must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

(b) Preference must be given to placing the child in the following order:

(1) With any person related within the fifth degree of consanguinity to the child or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.



(2) In a foster home that is licensed pursuant to chapter 424 of NRS.

6. Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of the home of the child. If a child is placed with any person who resides outside of this State, the placement must be in accordance with NRS 127.330.

7. Within 60 days after the removal of a child from the home of the child, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and

(b) Prepare an explicit statement of the facts upon which its determination is based.

8. As used in this section, “fictive kin” means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 209. NRS 432B.590 is hereby amended to read as follows:

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

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

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

↳ Notice of this hearing must be given by registered or certified mail to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.

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

3. At the hearing, the court shall review any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 and, if the goal of the plan is a permanent living arrangement other than reunification with his or her parents, placement for adoption, placement with a legal guardian or placement with a relative, ask the child about his or her desired permanent living arrangement. After doing so, the court must determine:



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

(b) Whether, and if applicable when:

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

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

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

(II) Initiate proceedings to establish a guardianship pursuant to ~~chapter 159 of NRS;~~ *sections 2 to 157, inclusive, of this act;* or

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

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

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

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

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

4. The court shall prepare an explicit statement of the facts upon which each of its determinations is based pursuant to subsection 3. If the court determines that it is not in the best interests of the child to be returned to his or her parents, or to be placed for adoption, with a legal guardian or with a relative, the court must include compelling reasons for this determination and an explanation of those reasons in its statement of the facts.

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

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



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

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

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

Sec. 210. NRS 616C.505 is hereby amended to read as follows:

616C.505 If an injury by accident arising out of and in the course of employment causes the death of an employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, the compensation is known as a death benefit and is payable as follows:

1. In addition to any other compensation payable pursuant to chapters 616A to 616D, inclusive, of NRS, burial expenses are payable in an amount not to exceed \$10,000, plus the cost of transporting the remains of the deceased employee. When the remains of the deceased employee and the person accompanying the remains are to be transported to a mortuary or mortuaries, the charge of transportation must be borne by the insurer.

2. Except as otherwise provided in subsection 3, to the surviving spouse of the deceased employee, 66 2/3 percent of the average monthly wage is payable until the death of the surviving spouse.

3. If there is a surviving spouse and any surviving children of the deceased employee who are not the children of the surviving spouse, the compensation otherwise payable pursuant to subsection 2 must be paid as follows until the entitlement of all children of the deceased employee to receive compensation pursuant to this subsection ceases:

(a) To the surviving spouse, 50 percent of the death benefit is payable until the death of the surviving spouse; and

(b) To each child of the deceased employee, regardless of whether the child is the child of the surviving spouse, the child's proportionate share of 50 percent of the death benefit and, except as otherwise provided in subsection 11, if the child has a guardian, the compensation the child is entitled to receive may be paid to the guardian.



4. In the event of the subsequent death of the surviving spouse:
- (a) Each surviving child of the deceased employee, in addition to any amount the child may be entitled to pursuant to subsection 3, must share equally the compensation theretofore paid to the surviving spouse but not in excess thereof, and it is payable until the youngest child reaches the age of 18 years.
- (b) Except as otherwise provided in subsection 11, if the children have a guardian, the compensation they are entitled to receive may be paid to the guardian.
5. If there are any surviving children of the deceased employee under the age of 18 years, but no surviving spouse, then each such child is entitled to his or her proportionate share of $66 \frac{2}{3}$ percent of the average monthly wage for the support of the child.
6. Except as otherwise provided in subsection 7, if there is no surviving spouse or child under the age of 18 years, there must be paid:
- (a) To a parent, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, $33 \frac{1}{3}$ percent of the average monthly wage.
- (b) To both parents, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, $66 \frac{2}{3}$ percent of the average monthly wage.
- (c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, his or her proportionate share of $66 \frac{2}{3}$ percent of the average monthly wage.
7. The aggregate compensation payable pursuant to subsection 6 must not exceed $66 \frac{2}{3}$ percent of the average monthly wage.
8. In all other cases involving a question of total or partial dependency:
- (a) The extent of the dependency must be determined in accordance with the facts existing at the time of the injury.
- (b) If the deceased employee leaves dependents only partially dependent upon the earnings of the deceased employee for support at the time of the injury causing his or her death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his or her death.



(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

9. Compensation payable to a surviving spouse is for the use and benefit of the surviving spouse and the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

10. In the event of the death of any dependent specified in this section before the expiration of the time during which compensation is payable to the dependent, funeral expenses are payable in an amount not to exceed \$10,000.

11. If a dependent is entitled to receive a death benefit pursuant to this section and is less than 18 years of age or incompetent, the legal representative of the dependent shall petition for a guardian to be appointed for that dependent pursuant to NRS 159.044 ~~H~~ *or section 25 of this act, as applicable*. An insurer shall not pay any compensation in excess of \$3,000, other than burial expenses, to the dependent until a guardian is appointed and legally qualified. Upon receipt of a certified letter of guardianship, the insurer shall make all payments required by this section to the guardian of the dependent until the dependent is emancipated, the guardianship terminates or the dependent reaches the age of 18 years, whichever occurs first, unless paragraph (a) of subsection 12 is applicable. The fees and costs related to the guardianship must be paid from the estate of the dependent. A guardianship established pursuant to this subsection must be administered in accordance with chapter 159 of NRS ~~H~~ *or sections 2 to 157, inclusive, of this act, as applicable*, except that after the first annual review required pursuant to NRS 159.176 ~~H~~ *or section 127 of this act, as applicable*, a court may elect not to review the guardianship annually. The court shall review the guardianship at least once every 3 years. As used in this subsection, “incompetent” has the meaning ascribed to it in NRS 159.019.

12. Except as otherwise provided in paragraphs (a) and (b), the entitlement of any child to receive his or her proportionate share of compensation pursuant to this section ceases when the child dies, marries or reaches the age of 18 years. A child is entitled to continue to receive compensation pursuant to this section if the child is:

(a) Over 18 years of age and incapable of supporting himself or herself, until such time as the child becomes capable of supporting himself or herself; or



(b) Over 18 years of age and enrolled as a full-time student in an accredited vocational or educational institution, until the child reaches the age of 22 years.

13. As used in this section, “surviving spouse” means a surviving husband or wife who was married to the employee at the time of the employee’s death.

Sec. 211. NRS 628B.080 is hereby amended to read as follows:

628B.080 1. “Private professional guardian” has the meaning ascribed to it in NRS 159.024 ~~†~~ *and section 9 of this act.*

2. For the purposes of this chapter, the term does not include a person who serves as a private professional guardian but who is exempt pursuant to NRS 159.0595 or 628B.110 *or section 45 of this act* from the requirement to have a license issued pursuant to this chapter.

Sec. 212. NRS 628B.090 is hereby amended to read as follows:

628B.090 1. “Private professional guardian company” means a natural person or business entity, including, without limitation, a sole proprietorship, partnership, limited-liability company or corporation, that is licensed pursuant to the provisions of this chapter to engage in the business of a private professional guardian, whether appointed by a court or hired by a private party.

2. For the purposes of this chapter, the term does not include a natural person or business entity which engages in the business of a private professional guardian but which is exempt pursuant to NRS 159.0595 or 628B.110 *or section 45 of this act* from the requirement to have a license issued pursuant to this chapter.

Sec. 213. NRS 628B.100 is hereby amended to read as follows:

628B.100 “Ward” has the meaning ascribed to it in ~~NRS 159.027~~ *† section 14 of this act.*

Sec. 214. NRS 628B.310 is hereby amended to read as follows:

628B.310 1. A person wishing to engage in the business of a private professional guardian in this State must file with the Commissioner an application on a form prescribed by the Commissioner, which must contain or be accompanied by such information as is required.

2. A nonrefundable fee of not more than \$750 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary.



3. The application must contain:
 - (a) The name of the applicant and the name under which the applicant does business or expects to do business, if different.
 - (b) The complete business and residence addresses of the applicant.
 - (c) The character of the business sought to be carried on.
 - (d) The address of any location where business will be transacted.
 - (e) In the case of a firm or partnership, the full name and residence address of each member or partner and the manager.
 - (f) In the case of a corporation or voluntary association, the name and residence address of each director and officer and the manager.
 - (g) A statement by the applicant acknowledging that the applicant is required to comply with the provisions of NRS 159.0595 *and section 45 of this act* if issued a license.
 - (h) Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.
4. Each application for a license must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant.
5. In addition to any other requirements, each applicant or member, partner, director, officer, manager or case manager of an applicant shall submit to the Commissioner a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.
6. If the applicant is a corporation or limited-liability company, the articles of incorporation or articles of organization must contain:
 - (a) The name adopted by the private professional guardian company, which must distinguish it from any other private professional guardian company formed or incorporated in this State or engaged in the business of a private professional guardian in this State; and
 - (b) The purpose for which it is formed.
7. The Commissioner shall deem an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is submitted to the Commissioner. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the



Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays the required fees.

8. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section, subject to the following limitations:

(a) An initial fee of not more than \$1,500 for a license to transact the business of a private professional guardian; and

(b) A fee of not more than \$300 for each branch office that is authorized by the Commissioner.

9. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

Sec. 215. NRS 628B.330 is hereby amended to read as follows:

628B.330 1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:

(a) That each person who will serve as a sole proprietor, partner of a partnership, member of a limited-liability company or director or officer of a corporation, and any person acting in a managerial or case manager capacity, as applicable:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to engage in the business of a private professional guardian in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of those qualifications, including, without limitation, evidence that the applicant has passed an examination for private professional guardians specified by the Commissioner.

(2) Has not been convicted of, or entered a plea of guilty or nolo contendere to, a felony or any crime involving fraud, misrepresentation, material omission, misappropriation, conversion or moral turpitude.

(3) Has not made a false statement of material fact on the application.

(4) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license issued pursuant to the provisions of this chapter was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(5) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license as a private



professional guardian company which was issued by any other state, district or territory of the United States or any foreign country was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(6) Has not violated any of the provisions of this chapter or any regulations adopted pursuant thereto.

(b) That the financial status of each sole proprietor, partner, member or director and officer of the corporation and person acting in a managerial or case manager capacity indicates fiscal responsibility consistent with his or her position.

(c) That the name of the proposed business complies with all applicable statutes.

(d) That, except as otherwise provided in NRS 628B.540, the initial surety bond is not less than the amount required by NRS 159.065 ~~+~~ *or section 50 of this act, as applicable.*

2. In rendering a decision on an application for a license, the Commissioner shall consider, without limitation:

(a) The proposed markets to be served and, if they extend outside this State, any exceptional risk, examination or supervision concerns associated with those markets;

(b) Whether the proposed organizational and equity structure and the amount of initial equity or fidelity and surety bonds of the applicant appear adequate in relation to the proposed business and markets, including, without limitation, the average level of assets under guardianship projected for each of the first 3 years of operation; and

(c) Whether the applicant has planned suitable annual audits conducted by qualified outside auditors of its books and records and its fiduciary activities under applicable accounting rules and standards as well as suitable internal audits.

Sec. 216. NRS 628B.540 is hereby amended to read as follows:

628B.540 1. The Commissioner may require a private professional guardian company to maintain equity, fidelity and surety bonds in amounts that are more than the minimum required initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the business plan of the private professional guardian or other information contained in the application, the Commissioner's investigation of the application or any examination of or filing by the private professional guardian



company thereafter, including, without limitation, any examination before the opening of the business. In making such a determination, the Commissioner may consider, without limitation:

(a) The nature and type of business to be conducted by the private professional guardian company;

(b) The nature and liquidity of assets proposed to be held in the account of the private professional guardian company;

(c) The amount of fiduciary assets projected to be under the management or administration of the private professional guardian company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of the fiduciary duties and degree of discretion proposed to be undertaken by the private professional guardian company;

(f) The competence and experience of the proposed management of the private professional guardian company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The adequacy of fidelity and surety bonds and any additional insurance proposed to be obtained by the private professional guardian company for the purpose of protecting its fiduciary assets;

(k) The success of the private professional guardian company in achieving the financial projections submitted with its application for a license; and

(l) The fulfillment by the private professional guardian company of its representations and its descriptions of its business structures and methods and management set forth in its application for a license.

2. The director or manager of a private professional guardian company shall require fidelity bonds in the amount of at least \$25,000 on the sole proprietor or each active officer, manager, member acting in a managerial or case manager capacity and employee, regardless of whether the person receives a salary or other compensation from the private professional guardian company, to indemnify the company against loss due to any dishonest, fraudulent or criminal act or omission by a person upon whom a bond is required pursuant to this section who acts alone or



in combination with any other person. A bond required pursuant to this section may be in any form and may be paid for by the private professional guardian company.

3. A private professional guardian company shall obtain suitable insurance against burglary, robbery, theft and other hazards to which it may be exposed in the operation of its business.

4. A private professional guardian company shall obtain suitable surety bonds in accordance with NRS 159.065 ~~§~~ *or section 50 of this act*, as applicable.

5. The surety bond obtained pursuant to subsection 4 must be in a form approved by a court of competent jurisdiction and the Division and conditioned that the applicant conduct his or her business in accordance with the requirements of this chapter. The bond must be made and executed by the principal and a surety company authorized to write bonds in this State.

6. A private professional guardian company shall at least annually prescribe the amount or penal sum of the bonds or policies of the company and designate the sureties and underwriters thereof, after considering all known elements and factors constituting a risk or hazard. The action must be recorded in the minutes kept by the private professional guardian company and reported to the Commissioner.

7. The bond must cover all matters placed with the private professional guardian company during the term of the license or a renewal thereof.

8. An action may not be brought upon any bond after 2 years from the revocation or expiration of the license.

9. After 2 years, all liability of the surety or sureties upon the bond ceases if no action is commenced upon the bond.

Sec. 217. NRS 628B.550 is hereby amended to read as follows:

628B.550 1. The fiduciary relationship which exists between a private professional guardian and the ward of the private professional guardian may not be used for the private gain of the guardian other than the remuneration for fees and expenses. A private professional guardian may not incur any obligation on behalf of the guardianship that conflicts with the discharge of the duties of the private professional guardian.

2. Unless prior approval is obtained from a court of competent jurisdiction, a private professional guardian shall not:

(a) Have any interest, financial or otherwise, direct or indirect, in any business transaction or activity with the guardianship.



(b) Acquire an ownership, possessory, security or other pecuniary interest adverse to the ward.

(c) Be knowingly designated as a beneficiary on any life insurance policy or pension or benefit plan of the ward unless such designation was validly made by the ward before the adjudication of the person's incapacity.

(d) Directly or indirectly purchase, rent, lease or sell any property or services from or to any business entity in which the private professional guardian, or the spouse or relative of the guardian, is an officer, partner, director, shareholder or proprietor or in which such a person has any financial interest.

3. Any action taken by a private professional guardian which is prohibited by this section may be voided during the term of the guardianship or by the personal representative of the ward's estate. The private professional guardian is subject to removal and to imposition of personal liability through a proceeding for discharge, in addition to any other remedies otherwise available.

4. A court shall not appoint a private professional guardian that is not licensed pursuant to this chapter as the guardian of a person or estate. The court must review each guardianship involving a private professional guardian on the anniversary date of the appointment of the private professional guardian. If a private professional guardian does not hold a current license, the court must replace the guardian until such time as the private professional guardian obtains the necessary license.

5. The provisions of NRS 159.076 *and section 58 of this act* regarding summary administration do not apply to a private professional guardian.

6. A licensee shall file any report required by the court in a timely manner.

Sec. 218. NRS 628B.560 is hereby amended to read as follows:

628B.560 1. Except as otherwise provided in NRS 159.076 *and section 58 of this act*, a licensee shall maintain a separate guardianship account for each ward into which all money received for the benefit of the ward must be deposited. Each guardianship account must be maintained in an insured bank or credit union located in this State, be held in a name which is sufficient to distinguish it from the personal or general checking account of the licensee and be designated as a guardianship account. Each guardianship account must at all times account for all money received for the benefit of the ward and account for all money dispersed for the benefit of the ward, and no disbursement may be



made from the account except as authorized under chapter 159 of NRS *or sections 2 to 157, inclusive, of this act* or as authorized by court order.

2. Each licensee shall keep a record of all money deposited in each guardianship account maintained for a ward, which must clearly indicate the date and from whom the money was received, the date the money was deposited, the dates of withdrawals of money and other pertinent information concerning the transactions. Records kept pursuant to this subsection must be maintained for at least 6 years after the completion of the last transaction concerning the account. The records must be maintained at the premises in this State at which the licensee is authorized to conduct the business.

3. The Commissioner or his or her designee may conduct an examination of the guardianship accounts and records relating to wards of each private professional guardian company licensed pursuant to this chapter at any time to ensure compliance with the provisions of this chapter.

4. During the first year a private professional guardian is licensed in this State, the Commissioner or his or her designee may conduct any examinations deemed necessary to ensure compliance with the provisions of this chapter.

5. If there is evidence that a private professional guardian company has violated a provision of this chapter, the Commissioner or his or her designee may conduct additional examinations to determine whether a violation has occurred.

6. Each licensee shall authorize the Commissioner or his or her designee to examine all books, records, papers and effects of the private professional guardian company.

7. If the Commissioner determines that the records of a licensee are not maintained in accordance with subsections 1 and 2, the Commissioner may require the licensee to submit, within 60 days, an audited financial statement prepared from the records of the licensee by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The Commissioner may grant a reasonable extension of time for the submission of the financial statement if an extension is requested before the statement is due.

8. Upon the request of the Division, a licensee must provide to the Division copies of any documents reviewed during an examination conducted by the Commissioner or his or her designee pursuant to subsection 4, 5 or 6. If the copies are not provided, the Commissioner may subpoena the documents.



9. For each examination of the books, papers, records and effects of a private professional guardian company that is required or authorized pursuant to this chapter, the Commissioner shall charge and collect from the private professional guardian company a fee for conducting the examination and preparing a report of the examination based upon the rate established by regulation pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is grounds for revoking the license of the private professional guardian company.

10. All money collected under this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 219. The amendatory provisions of this act apply to any proceeding or matter commenced or undertaken on or after July 1, 2017.

Sec. 220. NRS 159.0483, 159.049, 159.052, 159.061, 159.186, 159.205 and 159.215 are hereby repealed.

Sec. 221. This act becomes effective on July 1, 2017.



CHAPTER.....

AN ACT relating to children; authorizing a court to order certain tests for the typing of blood or taking of specimens for the genetic identification of a child in need of protection, the natural mother of such a child or the alleged father of such a child; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes provisions governing proceedings concerning a child who is or may be in need of protection. (NRS 432B.410-432B.590) This bill authorizes a court to order tests for the typing of blood or taking of specimens for the genetic identification of such a child, the natural mother of such a child or the alleged father of such a child.

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. NRS 432B.560 is hereby amended to read as follows:

432B.560 1. The court may also order:

(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

(d) Tests for the typing of blood or taking of specimens for genetic identification of the child, the natural mother of the child or the alleged father of the child pursuant to NRS 126.121.

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown. Payments for the obligation of support must be determined in



accordance with NRS 125B.070 and 125B.080, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

Sec. 2. This act becomes effective on July 1, 2017.



CHAPTER.....

AN ACT relating to education; requiring, with limited exception, that a child in foster care remain enrolled in his or her school of origin; providing that the relevant agency which provides child welfare services and local education agency are jointly liable for the costs of transportation for the child in foster care to attend his or her school of origin; requiring the Department of Education and each agency which provides child welfare services and local education agency to develop certain policies and procedures relating to children in foster care; eliminating the Program of School Choice for Children in Foster Care; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

In 2015, Congress passed the Every Student Succeeds Act of 2015. (20 U.S.C. §§ 6301 et seq.) This Act requires each state to adopt a plan that describes the steps the state will take to ensure the educational stability of children in foster care, including requiring, with limited exception, a child in foster care to remain enrolled in the child’s school of origin, which is the public school in which he or she was enrolled before entering foster care. (20 U.S.C. § 6311)

Section 7 of this bill requires that a child who enters foster care or changes placement while in foster care remain enrolled in the child’s school of origin if the agency which provides child welfare services determines that it is in the best interests of the child. **Section 7** also sets forth certain criteria that must be used by the agency in making such a determination.

Section 7.5 of this bill requires the board of trustees of a school district or the governing body of a charter school to allow a pupil who leaves foster care to remain enrolled in his or her school of origin until the end of the school year unless the parent or guardian of the pupil elects to enroll the pupil in a different school.

Section 8 of this bill requires the agency which provides child welfare services and the local education agency to provide and pay for the costs of transportation of a child in foster care to the child’s school of origin. **Section 8** also requires the agency which provides the child welfare services and the local education agency to provide and pay for the costs of transportation of a child in foster care to the child’s school of origin until any dispute concerning the cost of transportation is resolved.

Section 9 of this bill requires that the Department of Education, each local education agency and each agency which provides child welfare services to designate a single point of contact who is responsible for developing certain policies and procedures relating to children in foster care.

Section 10 of this bill requires the State Board of Education to prepare an annual report concerning the academic progress of children in foster care who attend a public school in this State. **Section 10** also requires: (1) each education agency to submit to the Department of Education a report relating to children in foster care; and (2) an agency which provides child welfare services to a child enrolled in public school in this State to provide any information requested by a local education agency as soon as practicable.

If a court finds that a child is in need of protection and places the child other than with a parent, an agency acting as the custodian of the child is required to



report to the court before any hearing for a review of the placement of the child. (NRS 432B.580) **Section 13.5** of this bill requires the agency to include in the report certain information about the education of the child.

Existing law establishes the Program of School Choice for Children in Foster Care. (NRS 388E.100) This program allows the legal guardian or custodian of a child who is in foster care to apply to participate in the Program so that the child may be enrolled in a public school other than the public school which the child is zoned to attend. (NRS 388E.110) **Section 15** of this bill eliminates this Program. **Section 15** also eliminates a provision which provides that a child who is in the legal or physical custody of an agency which provides child welfare services and is awaiting foster care placement is deemed to be homeless for the purposes of the federal McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq.

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. NRS 388.040 is hereby amended to read as follows:
388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;
(b) University school for profoundly gifted pupils;
(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is ~~enrolled in the Program of School Choice for Children in Foster Care established pursuant to NRS 388E.100;~~ *a child in foster care who is remaining in his or her school of origin pursuant to section 7 of this act;* or

(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.



Sec. 2. Chapter 388E of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 10, inclusive, of this act.

Sec. 3. *“Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

Sec. 4. *“Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.*

Sec. 5. *“Local education agency” includes, without limitation, the board of trustees of a school district and the sponsor of a charter school.*

Sec. 6. *“School of origin” means the public school in which a child was enrolled at the time that the child was placed in foster care or the school in which a child who is in foster care is enrolled at the time of the most recent change in the placement of the child.*

Sec. 7. 1. *When a child enters foster care or changes placement while in foster care, the agency which provides child welfare services to the child shall determine whether it is in the best interests of the child for the child to remain in his or her school of origin. In making this determination, there is a rebuttable presumption that it is in the best interests of the child to remain in his or her school of origin.*

2. *In determining whether it is in the best interests of a child in foster care to remain in his or her school of origin, the agency which provides child welfare services, in consultation with the local education agency, must consider, without limitation:*

- (a) The wishes of the child;*
- (b) The educational success, stability and achievement of the child;*
- (c) Any individualized education program or academic plan developed for the child;*
- (d) Whether the child has been identified as an English learner;*
- (e) The health and safety of the child;*
- (f) The availability of necessary services for the child at the school of origin; and*
- (g) Whether the child has a sibling enrolled in the school of origin.*

↳ The costs of transporting the child to the school of origin must not be considered when determining whether it is in the best interests of the child to remain at his or her school of origin.

3. *If the agency which provides child welfare services determines that it is in the best interests of a child in foster care to attend a public school other than the child’s school of origin:*



- (a) *The agency which provides child welfare services must:*
- (1) *Provide written notice of its determination to every interested party as soon as practicable; and*
 - (2) *In collaboration with the local education agency, ensure that the child is immediately enrolled in that public school; and*
- (b) *The public school may not refuse to enroll the child on the basis that the public school does not have:*
- (1) *A certificate stating that the child has been immunized and has received proper boosters for that immunization;*
 - (2) *A birth certificate or other document suitable as proof of the child's identity;*
 - (3) *A copy of the child's records from the school the child most recently attended; or*
 - (4) *Any other documentation required by a policy adopted by the public school or the local education agency.*

Sec. 7.5. *The board of trustees of a school district or the governing body of a charter school must allow a pupil who leaves foster care to remain enrolled in his or her school of origin until the end of the school year during which the child leaves foster care unless the parent or guardian of the pupil elects to enroll the pupil in a different school.*

Sec. 8. *1. If the agency which provides child welfare services to a child has determined pursuant to section 7 of this act that it is in the best interests of the child to remain in his or her school of origin, the agency which provides child welfare services and the local education agency must provide the child with transportation to the school of origin:*

- (a) *For the entire time that the child is in foster care; and*
- (b) *Until the end of the school year during which the child leaves foster care.*

2. The agency which provides child welfare services and the local education agency are jointly responsible for the costs of transportation of a child to the child's school of origin unless the agency which provides child welfare services and the local education agency mutually agree otherwise.

3. If a dispute arises between the agency which provides child welfare services and the local education agency that is related to the transportation of a child in foster care to the child's school of origin, including, without limitation, a dispute related to the costs of transportation, and the dispute is not resolved within 5 business days, the juvenile or family court with jurisdiction over the child must resolve the dispute by court order within 5 business days.



4. If a dispute arises between the agency which provides child welfare services and the local education agency that is related to the transportation of a child in foster care, the agency which provides child welfare services and the local education agency must provide the child with transportation to the school of origin until the dispute is resolved.

Sec. 9. *1. The Department, each local education agency and each agency which provides child welfare services shall designate a single point of contact who is responsible for:*

(a) Developing policies and procedures necessary for the Department, local education agency or agency which provides child welfare services, as applicable, to comply with the requirements of the Every Student Succeeds Act, 20 U.S.C. §§ 6301 et seq., including, without limitation, policies and procedures relating to the:

(1) Communication of information relating to children in foster care among the Department, local education agencies and agencies which provide child welfare services; and

(2) Transportation of children in foster care to their schools of origin.

(b) Communicating and coordinating with other single points of contact designated pursuant to this section.

2. Policies and procedures relating to transportation of a child in foster care to his or her school of origin must include, without limitation, a plan for paying the costs of such transportation.

3. As used in this section, “single point of contact” means a natural person or a team of personnel, each of whom has the ability and authority to perform the responsibilities described in this section.

Sec. 10. *1. The State Board shall prepare an annual report concerning the academic progress of children in foster care who attend a public school in this State that includes, without limitation, the information prescribed by 20 U.S.C. § 6311(h)(1)(c)(i)-(iii).*

2. Each local education agency shall, on or before the date established by the Department, and in the form prescribed by the Department, prepare and submit to the Department a report on children in foster care who attend a public school within the jurisdiction of the local education agency. This report must include the information prescribed by 20 U.S.C. § 6311(h)(1)(c)(i)-(iii).



3. An agency which provides child welfare services to a child enrolled in public school in this State shall provide any information requested by the local education agency to the local education agency as soon as practicable.

Sec. 11. NRS 388E.010 is hereby amended to read as follows:

388E.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in ~~NRS 388E.020, 388E.030 and 388E.040~~ **sections 3 to 6, inclusive, of this act** have the meanings ascribed to them in those sections.

Sec. 12. NRS 392.010 is hereby amended to read as follows:

392.010 Except as to the attendance of a pupil pursuant to NRS 388.820 to 388.874, inclusive, ~~388E.110~~ or 392.015, **or section 7 of this act**, or a pupil who is ineligible for attendance pursuant to NRS 392.4675 and except as otherwise provided in NRS 392.264 and 392.268:

1. The board of trustees of any school district may, with the approval of the Superintendent of Public Instruction:

(a) Admit to the school or schools of the school district any pupil or pupils living in an adjoining school district within this State or in an adjoining state when the school district of residence in the adjoining state adjoins the receiving Nevada school district; or

(b) Pay tuition for pupils residing in the school district but who attend school in an adjoining school district within this State or in an adjoining state when the receiving district in the adjoining state adjoins the school district of Nevada residence.

2. With the approval of the Superintendent of Public Instruction, the board of trustees of the school district in which the pupil or pupils reside and the board of trustees of the school district in which the pupil or pupils attend school shall enter into an agreement providing for the payment of such tuition as may be agreed upon, but transportation costs must be paid by the board of trustees of the school district in which the pupil or pupils reside:

(a) If any are incurred in transporting a pupil or pupils to an adjoining school district within the State; and

(b) If any are incurred in transporting a pupil or pupils to an adjoining state, as provided by the agreement.

3. In addition to the provisions for the payment of tuition and transportation costs for pupils admitted to an adjoining school district as provided in subsection 2, the agreement may contain provisions for the payment of reasonable amounts of money to defray the cost of operation, maintenance and depreciation of capital improvements which can be allocated to such pupils.



Sec. 13. NRS 217.464 is hereby amended to read as follows:
217.464 1. If the Attorney General approves an application, the Attorney General shall:

- (a) Designate a fictitious address for the participant; and
- (b) Forward mail that the Attorney General receives for a participant to the participant.

2. The Attorney General shall not make any records containing the name, confidential address or fictitious address of a participant available for inspection or copying, unless:

(a) The address is requested by a law enforcement agency, in which case the Attorney General shall make the address available to the law enforcement agency; or

(b) The Attorney General is directed to do so by lawful order of a court of competent jurisdiction, in which case the Attorney General shall make the address available to the person identified in the order.

3. If a pupil is attending or wishes to attend ~~fa public school that is located outside the zone of attendance as authorized by paragraph (c) of subsection 2 of NRS 388.040 or~~ a public school that is located in a school district other than the school district in which the pupil resides as authorized by NRS 392.016, the Attorney General shall, upon request of the public school that the pupil is attending or wishes to attend, inform the public school of whether the pupil is a participant and whether the parent or legal guardian with whom the pupil resides is a participant. The Attorney General shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.

Sec. 13.5. 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 approved by the court.

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

(1) A copy of an academic plan developed for the child pursuant to NRS 388.155, 388.165 or 388.205 ~~H~~;

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

(3) The name of the 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) Whether a request that the child receive special education services has been made and, if so, the outcome of such a request; and

(9) Whether, in the opinion of the agency, it is necessary to appoint a surrogate parent to represent the child in all matters relating to the provision of a free and appropriate public education to the child.

(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. 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 this subsection and subsection 5 of NRS 432B.520, notice of the hearing must be given by registered or certified mail 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 NRS 127.171 and his or her attorney, if any; and
- (d) Any other relatives of the child or providers of foster care who are currently providing care to the child.

7. The notice of the hearing required to be 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;

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

(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.

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 review:



(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; and

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

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

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

Sec. 14. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 15. NRS 388E.020, 388E.030, 388E.040, 388E.100, 388E.110, 388E.120, 388E.130, 388E.140, 388E.150 and 432B.135 are hereby repealed.

Sec. 16. This act becomes effective on July 1, 2017.

