ASSEMBLY BILL NO. 99–ASSEMBLYMAN ARAUJO

PREFILED FEBRUARY 2, 2017

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to services for children. (BDR 38-144)

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

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

AN ACT relating to 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; prescribing the rights of children in certain placements; requiring the Division of Child and Family Services of the Department of Health and Human Services to establish a process for filing and resolving certain grievances; 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 as having the gender with which the child identifies, regardless of the biological sex of the child. **Sections 4, 6, 10, 24, 29, 31, 38, 43 and 47** of this bill require each employee of such an institution or agency who comes into direct

contact with children to receive, within 30 days after being hired, at least 2 hours of training on working with lesbian, gay, bisexual, transgender and questioning children.

Existing law: (1) establishes certain rights for foster children; (2) requires a provider of foster care to take certain measures to notify a foster child of those rights; and (3) authorizes a provider of foster care to impose reasonable restrictions on the time, place and manner in which a foster child may exercise those rights. (NRS 432.525-432.540) **Sections 17-21** of this bill make these provisions applicable to all children who are in the custody of an agency which provides child welfare services, other than children placed in a mental health facility. **Sections 33, 36, 40 and 45** of this bill provide certain rights to children who are committed by a court to a public or private institution or agency, including a youth detention facility operated by the State and a treatment facility or other facility operated by the Division to provide mental health care and treatment. **Sections 20, 33, 36, 40 and 45** also: (1) require such an institution or agency to take certain measures to notify a child of those rights; and (2) authorize such an institution or agency to impose reasonable restrictions on the time, place and manner in which a child may exercise those rights.

**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.

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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, 3 and 4 of this act.

**Sec. 2.** ***"Biological sex" means the biological condition of being male or female, as determined at birth.***

**Sec. 3.** ***Regardless of the biological sex of a foster child, a provider of foster care shall ensure that each foster child who is placed in the foster home is treated in all respects as having the gender with which the foster child identifies unless doing so could be harmful to the physical health of the foster child.***

**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 30 days after employment, at least 2 hours of training that has been approved by the licensing authority concerning working with lesbian, gay, bisexual, transgender and questioning children.***

***2. Regardless of the biological sex of a child, a foster care agency shall ensure that each child placed by the foster care agency is treated in all respects as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.***

**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 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 30 days after employment and annually thereafter. Such training must 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) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. ***In addition to the training required by subsection 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, within 30 days after employment, at least 2 hours of training that has been approved by the licensing authority concerning working with lesbian, gay, bisexual, transgender and questioning children.***

***3.*** 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 The provisions of NRS 424.020 to 424.090, inclusive, ***and section 3 of this act*** do not apply to homes in which:

1. 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.

2. Care is provided by the legal guardian.

3. Care is provided for an exchange student.

4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

5. 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.

6. 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.

7. 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:

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive ~~.]~~ ***, and section 3 of this act.***

**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 ~~[.]~~ ***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.

**Sec. 12.** ***"Child care facility" has the meaning ascribed to it in NRS 432A.024.***

**Sec. 13.** ***"Out-of-home placement" means a foster home or child care facility which has physical custody of a child pursuant to the order of a court.***

**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. 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.***

**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 sections 45 and 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 sections 12, 13 and 14 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 432.505, 432.510 and 432.515 ***and sections 12 and 13 of this act*** have the meanings ascribed to them in those sections.

**Sec. 17.** NRS 432.525 is hereby amended to read as follows:

432.525 A child ~~[placed in a foster home by]~~ ***in the custody of*** an agency which provides child welfare services ***, other than a child placed in a facility as defined in NRS 432B.6072,*** has the right:

1. To receive information concerning his or her rights set forth in this section and NRS 432.530 and 432.535.

2. To be treated with dignity and respect.

3. To fair and equal access to services, placement, care, treatment and benefits.

4. To receive adequate, healthy, appropriate and accessible food.

5. To receive adequate, appropriate and accessible clothing and shelter.

6. To receive appropriate medical care, including, without limitation:

(a) Dental, vision and mental health services;

(b) Medical and psychological screening, assessment and testing; and

(c) Referral to and receipt of medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified.

7. To be free from:

(a) Abuse or neglect, as defined in NRS 432B.020;

(b) Corporal punishment, as defined in NRS 388.478;

(c) Unreasonable searches of his or her personal belongings or other unreasonable invasions of privacy;

(d) The administration of psychotropic medication unless the administration is consistent with NRS 432B.197 and the policies established pursuant thereto; and

(e) Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or exposure to the human immunodeficiency virus.

8. To attend religious services of his or her choice or to refuse to attend religious services.

9. Except for placement in a facility, as defined in NRS 432B.6072, not to be locked in any room, building or premise or to be subject to other physical restraint or isolation.

10. Except as otherwise prohibited by the agency which provides child welfare services:

(a) To send and receive unopened mail; and

(b) To maintain a bank account and manage personal income, consistent with the age and developmental level of the child.

11. To complete an identification kit, including, without limitation, photographing, and include the identification kit and his or her photograph in a file maintained by the agency which provides child welfare services and any employee thereof who provides child welfare services to the child.

12. To communicate with other persons, including, without limitation, the right:

(a) To communicate regularly, but not less often than once each month, with an employee of the agency which provides child welfare services who provides child welfare services to the child;

(b) To communicate confidentially with the agency which provides child welfare services to the child concerning his or her care;

(c) To report any alleged violation of his or her rights pursuant to NRS 432.550 without being threatened or punished;

(d) Except as otherwise prohibited by a court order, to contact a family member, social worker, attorney, advocate for children receiving foster care services or guardian ad litem appointed by a court or probation officer; and

(e) Except as otherwise prohibited by a court order and to the extent practicable, to contact and visit his or her siblings, including siblings who have not been placed in foster homes and to have such contact arranged on a regular basis and on holidays, birthdays and other significant life events, unless such contact is contrary to the safety of the child or his or her siblings.

13. Not to have contact or visitation with a sibling withheld as a form of punishment.

**Sec. 18.** NRS 432.530 is hereby amended to read as follows:

432.530 With respect to the placement of a child in ~~[a foster home by]~~ ***the custody of*** an agency which provides child welfare services, ***other than a child placed in a facility as defined in NRS 432B.6072,*** the child has the right:

1. To live in a safe, healthy, stable and comfortable environment, including, without limitation, the right:

(a) If safe and appropriate, to remain in his or her home, be placed in the home of a relative or be placed in a home within his or her community;

(b) To be placed in an appropriate foster home best suited to meet the unique needs of the child, including, without limitation, any disability of the child;

(c) To be placed in a foster home where the licensee, employees and residents of the foster home who are 18 years of age or older have submitted to an investigation of their background and personal history in compliance with NRS 424.031; and

(d) To be placed with his or her siblings, whenever possible, and as required by law, if his or her siblings are also placed outside the home.

2. To receive and review information concerning his or her placement, including, without limitation, the right:

(a) To receive information concerning any plan for his or her permanent placement adopted pursuant to NRS 432B.553;

(b) To receive information concerning any changes made to his or her plan for permanent placement; and

(c) If the child is 12 years of age or older, to review the plan for his or her permanent placement.

3. To attend and participate in a court hearing which affects the child, to the extent authorized by law and appropriate given the age and experience of the child.

4. Consistent with the age and developmental experience of the child, except as otherwise prohibited by court order or unless the sibling objects, to be informed of any plan to change, or change in, the placement of a sibling, including, without limitation:

(a) A plan adopted pursuant to NRS 432B.553 for the permanent placement of the sibling; and

(b) Any plan to change the placement of, or a change in the placement of, a sibling resulting from adoption, reaching the age of 18 years or otherwise leaving a foster home.

**Sec. 19.** 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]~~ ***in the custody of*** an agency which provides child welfare services, ***other than a child placed in a facility as defined in NRS 432B.6072,*** 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;]~~ ***an out-of-home placement;***

(c) To attend the school and remain in the scholastic activities that he or she was enrolled in before placement in ~~[a foster home,]~~ ***an out-of-home placement,*** 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]~~ ***an out-of-home placement*** to a new school, if any;

(e) Not to be identified as a ~~[foster]~~ child ***who has been placed in an out-of-home placement*** 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 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. 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]~~ ***An out-of-home placement with which a child in the custody of an agency which provides child welfare services is placed*** shall:

(a) Inform the child of his or her rights set forth in NRS 432.525, 432.530 and 432.535 ~~[,]~~ ***and the process for filing a grievance prescribed pursuant to section 14 of this act;***

(b) Provide the child with a written ~~[copy]~~ ***summary*** of those rights ~~[,]~~ ***and the process for filing a grievance;*** and

(c) Provide an additional written copy of ~~[those rights]~~ ***the summary*** to the child upon request.

2. A group foster home ***and a child care facility which has physical custody of a child pursuant to the order of a court*** shall post a written copy of the ~~[rights set forth in NRS 432.525, 432.530 and 432.535]~~ ***summary described in subsection 1*** in a conspicuous place inside the group foster home.

**Sec. 21.** NRS 432.545 is hereby amended to read as follows:

432.545 ~~[A provider of foster care]~~ ***An out-of-home placement with which a child in the custody of an agency which provides child welfare services is placed*** may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in NRS 432.525, 432.530 and 432.535 if the ~~[provider of foster care]~~ ***out-of-home placement*** determines that such restrictions are necessary to preserve the order, discipline or safety of the ~~[foster home.]~~ ***out-of-home placement.***

**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***
***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. Regardless of the biological sex of a child, 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 as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.***

***2. As used in this section, "biological sex" has the meaning ascribed to it in section 2 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 days after employment and annually thereafter. Such training must 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) Such other matters as required by the Board.

***2. In addition to the training required by subsection 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, within 30 days after employment, at least 2 hours of training that has been approved by the licensing authority concerning working with lesbian, gay, bisexual, transgender and questioning children.***

***3.*** 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.** ***"Biological sex" has the meaning ascribed to it in section 2 of this act.***

**Sec. 28.** ***Regardless of the biological sex of a child, an agency which provides child welfare services shall treat each child to whom the agency provides services in all respects as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.***

**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 30 days after employment, at least 2 hours of training that has been approved by the Division of Child and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children; and***

***2. Regardless of the biological sex of a child, ensure that each child who is placed in the facility is treated in all respects as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.***

**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 30 days after employment, at least 2 hours of 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.** NRS 432B.6082 is hereby amended to read as follows:

432B.6082 ***1.*** In addition to the personal rights set forth in 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, a child who is in the custody of an agency which provides child welfare services and who is admitted to a facility has ~~[the following personal rights, a list of which must be prominently posted in all facilities providing evaluation, treatment or training services to such children and must be otherwise brought to the attention of the child by such additional means as prescribed by regulation:~~

~~1. To receive an education as required by law;]~~ ***:***

***(a) The rights accorded to other children in the custody of an agency which provides child welfare services by subsections 1 to 6, inclusive, paragraphs (a), (b) and (e) of subsection 7 and subsections 8, 11 and 12 of NRS 432.525, subsections 2, 3 and 4 of NRS 432.530 and paragraphs (a), (b) and (e) to (i), inclusive, of subsection 1 of NRS 432.535;*** and

~~[2. To]~~

***(b) The right to*** receive an allowance from the agency which provides child welfare services in an amount equivalent to any allowance required to be provided to children who reside in foster homes.

***2. A facility to which a child who is in the custody of an agency which provides child welfare services is admitted shall:***

***(a) Inform the child of his or her rights set forth in subsection 1 and the process for filing a grievance prescribed pursuant to section 14 of this act;***

***(b) Provide the child with a written summary of those rights and the process for filing a grievance;***

***(c) Provide an additional written copy of the summary to the child upon request; and***

***(d) Post the summary in a conspicuous place inside the facility.***

***3. A facility to which a child who is in the custody of an agency which provides child welfare services is admitted may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in subsection 1 if the facility determines that such restrictions are necessary to preserve the order, discipline or safety of the facility.***

**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.** ***1. In addition to any other personal rights provided by law, a child who has been committed to a public or private institution or agency by a juvenile court has the rights accorded to a child in the custody of an agency which provides child welfare services by subsections 1 to 6, inclusive, paragraphs (a), (b) and (e) of subsection 7, subsections 8 and 11 and paragraphs (c), (d) and (e) of subsection 12 of NRS 432.525, subsections 3 and 4 of NRS 432.530 and paragraphs (a), (b) and (e) to (i), inclusive, of subsection 1 of NRS 432.535.***

***2. A public or private institution or agency to which a child has been committed by a juvenile court shall:***

***(a) Inform the child of his or her rights set forth in subsection 1 and the process for filing a grievance prescribed pursuant to section 14 of this act;***

***(b) Provide the child with a written summary of those rights and the process for filing a grievance;***

***(c) Provide an additional written copy of the summary to the child upon request; and***

***(d) Post the summary in a conspicuous place inside the institution or agency.***

***3. A public or private institution or agency to which a child has been committed by a juvenile court may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in subsection 1 if the institution or agency determines that such restrictions are necessary to preserve the order, discipline or safety of the institution or agency.***

**Sec. 37.** ***1. Regardless of the biological sex of a child, 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 treat each child that a juvenile court commits to the institution or agency in all respects as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.***

***2. As used in this section, "biological sex" has the meaning ascribed to it in section 2 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 days after employment and annually thereafter. Such training must 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) Such other matters as required by the Division of Child and Family Services.

2. ***In addition to the training provided pursuant to subsection 1, a public or private institution or agency to which a juvenile court commits a child shall ensure that each employee who comes into direct contact with children who are in custody receives, within 30 days after employment, at least 2 hours of training that***

***has been approved by the Division of Child and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children.***

***3.*** 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.** ***1. In addition to any other personal rights provided by law, a child in a facility has the rights accorded to a child in the custody of an agency which provides child welfare services by subsections 1 to 6, inclusive, paragraphs (a), (b) and (e) of subsection 7, subsections 8 and 11 and paragraphs (c), (d) and (e) of subsection 12 of NRS 432.525, subsections 3 and 4 of NRS 432.530 and paragraphs (a), (b) and (e) to (i), inclusive, of subsection 1 of NRS 432.535.***

***2. A facility shall:***

***(a) Inform each child in the facility of his or her rights set forth in subsection 1 and the process for filing a grievance prescribed pursuant to section 14 of this act;***

***(b) Provide the child with a written summary of those rights and the process for filing a grievance;***

***(c) Provide an additional written copy of the summary to the child upon request; and***

***(d) Post the summary in a conspicuous place inside the facility.***

***3. A facility may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in subsection 1 if the facility determines that such restrictions are necessary to preserve the order, discipline or safety of the facility.***

**Sec. 41.** ***1. Regardless of the biological sex of a child, a facility shall treat each child in the facility in all respects as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.***

***2. As used in this section, "biological sex" has the meaning ascribed to it in section 2 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 sections 40 and 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 days after employment and annually thereafter. Such training must 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) Such other matters as required by the Administrator of the Division of Child and Family Services.

2. ***In addition to the training required by subsection 1, the superintendent of a facility shall ensure that each employee of a facility who comes into direct contact with children in the facility receives, within 30 days after employment, at least 2 hours of training that has been approved by the Division of Child and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children.***

***3.*** 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.** ***1. In addition to any other personal rights provided by law, a child who has been committed to a treatment facility or other division facility by a court order has the rights accorded to a child in the custody of an agency which provides child welfare services by subsections 1 to 6, inclusive, paragraphs (a), (b) and (e) of subsection 7, subsections 8 and 11 and paragraphs (c), (d) and (e) of subsection 12 of NRS 432.525, subsections 3 and 4 of NRS 432.530 and paragraphs (a), (b) and (e) to (i), inclusive, of subsection 1 of NRS 432.535.***

***2. A treatment facility or other division facility to which a child has been committed by a court order shall:***

***(a) Inform the child of his or her rights set forth in subsection 1 and the process for filing a grievance prescribed pursuant to section 14 of this act;***

***(b) Provide the child with a written summary of those rights and the process for filing a grievance;***

***(c) Provide an additional written copy of the summary to the child upon request; and***

***(d) Post the summary in a conspicuous place inside the facility.***

***3. A treatment facility or other division facility may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in subsection 1 if the institution or agency determines that such restrictions are necessary to preserve the order, discipline or safety of the institution or agency.***

**Sec. 46.** ***1. Regardless of the biological sex of a child, 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 as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.***

***2. As used in this section, "biological sex" has the meaning ascribed to it in section 2 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 days after employment and annually thereafter. Such training must 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) Such other matters as required by the Board.

2. ***In addition to the training required by subsection 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, within 30 days after employment, at least 2 hours of training that has been approved by the Division concerning working with lesbian, gay, bisexual, transgender and questioning children.***

***3.*** 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.



