

SENATE BILL NO. 187—SENATOR PAZINA

PREFILED FEBRUARY 3, 2025

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to child welfare. (BDR 38-15)

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 child welfare; prescribing a time period within which an agency which provides child welfare services is required to take certain action relating to medical or mental health treatment for a child in the custody of the agency; revising requirements concerning the placement of such a child; clarifying that a court may revoke the appointment of a fictive kin as an educational decision maker under certain circumstances; requiring a court that is reviewing the placement of a child with a fictive kin to consider certain factors; revising the requirement for an agency which provides child welfare services to take certain actions to terminate the parental rights of the parents of a child under certain circumstances; revising certain presumptions relating to the termination of parental rights; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes an agent or officer of a law enforcement agency, an
2 officer of the local juvenile probation department or the local department of
3 juvenile services, or a designee of an agency which provides child welfare services
4 to place a child in protective custody: (1) with the consent of the parent or legal
5 guardian of the child; or (2) under certain circumstances indicating that the child is
6 in need of protection from injury, abuse or neglect. (NRS 432B.390) Under existing
7 law, within 72 hours after the placement of a child in protective custody, a court is
8 required to hold a hearing to determine whether the child should remain in
9 protective custody and, if so, where the child will be temporarily placed. (NRS
10 432B.470, 432B.480) If the court orders that the child remain in protective custody,
11 existing law requires the agency which provides child welfare services to file a



12 petition alleging that the child is in need of protection, unless good cause exists not
13 to file such a petition. (NRS 432B.490) Within 30 days after the filing of such a
14 petition, existing law requires the court to hold a hearing to determine the custody
15 and placement of the child. (NRS 432B.530, 432B.550) Existing law requires the
16 court to review such a placement at least semiannually and within 90 days after a
17 request by a party to any of the prior proceedings. (NRS 432B.580)

18 **Section 2** of this bill requires an agency which provides child welfare services
19 to provide or deny consent to medical or mental health treatment for a child who is
20 in the custody of the agency within 14 days after such consent is requested. If the
21 consent of any other person or entity or a court order is required before such a child
22 may receive medical or mental health treatment, **section 2** requires the agency
23 which provides child welfare services to: (1) make reasonable efforts to obtain such
24 consent or a court order within 14 days after the agency which provides child
25 welfare services becomes aware of the need for treatment; and (2) notify the person
26 or entity with whom the child is placed within 1 business day after obtaining the
27 consent or order or the denial of the consent or order, as applicable.

28 Existing law authorizes a court to: (1) temporarily place a child who is in
29 protective custody with certain relatives, pending a hearing on a petition alleging
30 that the child is in need of protection; and (2) place a child with a relative or fictive
31 kin at such a hearing. (NRS 432B.480, 432B.550) **Sections 3, 11, 12 and 14** of this
32 bill authorize a court to place a child with a relative or fictive kin or continue such a
33 placement only if the court determines that the placement is in the best interests of
34 the child after considering certain factors relating to the ability of the relative or
35 fictive kin to meet the needs of the child. **Sections 4, 5, 8-10 and 17** of this bill
36 make conforming changes to indicate the applicability of certain provisions that
37 apply generally to child welfare proceedings generally to **section 3**. **Section 12**
38 revises, from 1 year after the initial placement of a child who has been adjudicated
39 to be in need of protection outside the home to 6 months after such placement, the
40 authorized length of time for a search for a relative with whom to place the child.

41 Existing law requires an agency which provides child welfare services, any
42 other person or entity that places a child in protective custody, or a court, to place a
43 child who is in protective custody or has been adjudicated to be in need of
44 protection together with siblings whenever possible. (NRS 432B.390, 432B.3905,
45 432B.550) **Sections 6, 7 and 12** of this bill provide that this requirement does not
46 apply where the child has abused or has been abused by a sibling.

47 Existing law defines "fictive kin" to mean a person who is not related by blood
48 to a child but who has a significant emotional and positive relationship with the
49 child. (NRS 432B.0657) **Section 9** clarifies that a court is authorized to revoke the
50 appointment of a fictive kin as an educational decision maker if the person no
51 longer has a significant emotional and positive relationship with the child. **Section**
52 **14** requires a court that is reviewing the placement of a child with a fictive kin to
53 determine whether the person continues to have a significant emotional and positive
54 relationship with the child.

55 Existing federal law establishes certain programs to provide grants of money to
56 states for certain purposes related to foster care, adoption assistance and other child
57 welfare programs. (42 U.S.C. §§ 621 *et seq.*; 42 U.S.C. §§ 670 *et seq.*) To be
58 eligible for such grants, existing federal law requires a state to have a plan for the
59 provision of child welfare services that satisfies certain requirements, including,
60 without limitation, the development of a case plan for each child receiving
61 assistance under the plan and a "case review system" with respect to such a child.
62 (42 U.S.C. § 622(b)(8)(A)(ii); 42 U.S.C. § 671(a)(16); 42 U.S.C. § 675(5)) Under
63 existing federal law, the "case review system" set forth in a state plan is required to
64 include, without limitation, a requirement that the State file a petition to terminate
65 the parental rights of the parents of a child if the child has been in foster care under
66 the responsibility of the State for 15 of the most recent 22 months, unless certain



67 exceptions apply. (42 U.S.C. § 675(5)(E)) **Section 16** of this bill requires an agency
68 which provides child welfare services to file such a petition within that time period.
69 **Sections 13, 15 and 18** of this bill accordingly revise certain provisions related to
70 the termination of parental rights to apply where a child has been placed outside of
71 the home and resided outside of the home pursuant to that placement for 15 months
72 of any 22 consecutive months, rather than for 14 of any 20 consecutive months.

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

1 **Section 1.** Chapter 432B of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *If an agency which provides child welfare*
4 *services is required to provide consent before a child who is in the*
5 *custody of the agency may receive medical or mental health*
6 *treatment, the agency which provides child welfare services shall*
7 *provide or deny such consent not later than 14 days after such*
8 *consent is requested.*

9 **2.** *If any person or entity, including, without limitation, a*
10 *person legally responsible for the psychiatric care of a child*
11 *appointed pursuant to NRS 432B.4685, is required to provide*
12 *consent before a child who is in the custody of an agency which*
13 *provides child welfare services may receive medical or mental*
14 *health treatment, the agency which provides child welfare services*
15 *shall:*

16 **(a)** *Make reasonable efforts to obtain such consent not later*
17 *than 14 days after the agency which provides child welfare*
18 *services becomes aware of the need for the treatment; and*

19 **(b)** *Notify the person or entity with whom the child is placed*
20 *within 1 business day after obtaining such consent or the denial of*
21 *such consent.*

22 **3.** *If an order of the court is required before a child who is in*
23 *the custody of an agency which provides child welfare services*
24 *may receive medical or mental health treatment, the agency which*
25 *provides child welfare services shall:*

26 **(a)** *Make reasonable efforts to obtain such an order not later*
27 *than 14 days after the agency which provides child welfare*
28 *services becomes aware of the need for the treatment; and*

29 **(b)** *Notify the person or entity with whom the child is placed*
30 *within 1 business day after obtaining such an order or the denial*
31 *of a request for such an order.*

32 **Sec. 3. 1.** *A court may place a child in the temporary*
33 *custody of a grandparent, great-grandparent or other person*
34 *related within the fifth degree of consanguinity to the child*
35 *pursuant to NRS 432B.480 or with a relative or fictive kin*



1 *pursuant to NRS 432B.550, or continue the placement of a child*
2 *with a relative or fictive kin pursuant to NRS 432B.580, only if the*
3 *court determines that the placement is in the best interest of the*
4 *child after considering, among other factors:*

5 *(a) The ability of the relative or fictive kin to provide a safe*
6 *home for the child;*

7 *(b) The ability of the relative or fictive kin to meet the medical*
8 *needs of the child; and*

9 *(c) Whether the relative or fictive kin is financially solvent, as*
10 *demonstrated pursuant to subsection 2.*

11 *2. To demonstrate that a relative or fictive kin is financially*
12 *solvent, a court shall require the relative or fictive kin to:*

13 *(a) Demonstrate that the relative or fictive kin has adequate*
14 *financial resources to provide basic necessities for the child and*
15 *all persons residing in the home;*

16 *(b) Demonstrate the ability to meet all of his or her financial*
17 *obligations regardless of whether the relative or fictive kin*
18 *receives payments for providing care to the child;*

19 *(c) Agree to account for all money expended for clothing and*
20 *incidental expenses for each child who is placed with the relative*
21 *or fictive kin;*

22 *(d) Provide financial records to the court which demonstrate*
23 *ongoing financial solvency; and*

24 *(e) Disclose whether the relative or fictive kin has been the*
25 *subject of bankruptcy proceedings.*

26 **Sec. 4.** NRS 432B.250 is hereby amended to read as follows:

27 432B.250 Any person who is required to make a report
28 pursuant to NRS 432B.220 may not invoke any of the privileges set
29 forth in chapter 49 of NRS:

30 1. For failure to make a report pursuant to NRS 432B.220;

31 2. In cooperating with an agency which provides child welfare
32 services or a guardian ad litem for a child; or

33 3. In any proceeding held pursuant to NRS 432B.410 to
34 432B.590, inclusive **[H]**, *and section 3 of this act.*

35 **Sec. 5.** NRS 432B.260 is hereby amended to read as follows:

36 432B.260 1. Upon the receipt of a report concerning the
37 possible abuse or neglect of a child, an agency which provides child
38 welfare services or a law enforcement agency shall promptly notify
39 the appropriate licensing authority, if any. A law enforcement
40 agency shall promptly notify an agency which provides child
41 welfare services of any report it receives.

42 2. Upon receipt of a report concerning the possible abuse or
43 neglect of a child, an agency which provides child welfare services
44 or a law enforcement agency shall immediately initiate an
45 investigation if the report indicates that:



- 1 (a) There is a high risk of serious harm to the child;
- 2 (b) The child has suffered a fatality; or
- 3 (c) The child is living in a household in which another child has
- 4 died, or the child is seriously injured or has visible signs of physical
- 5 abuse.

6 3. Except as otherwise provided in subsection 2, upon receipt
7 of a report concerning the possible abuse or neglect of a child or
8 notification from a law enforcement agency that the law
9 enforcement agency has received such a report, an agency which
10 provides child welfare services shall conduct an evaluation not later
11 than 3 days after the report or notification was received to determine
12 whether an investigation is warranted. For the purposes of this
13 subsection, an investigation is not warranted if:

- 14 (a) The child is not in imminent danger of harm;
- 15 (b) The child is not vulnerable as the result of any untreated
- 16 injury, illness or other physical, mental or emotional condition that
- 17 threatens the immediate health or safety of the child;
- 18 (c) The alleged abuse or neglect of the child or the alleged effect
- 19 of a fetal alcohol spectrum disorder or prenatal substance use
- 20 disorder on or the withdrawal symptoms resulting from any prenatal
- 21 substance exposure of the newborn infant could be eliminated if the
- 22 child and the family of the child are referred to or participate in
- 23 social or health services offered in the community, or both; or

- 24 (d) The agency determines that the:
 - 25 (1) Alleged abuse or neglect was the result of the reasonable
 - 26 exercise of discipline by a parent or guardian of the child involving
 - 27 the use of corporal punishment; and
 - 28 (2) Corporal punishment so administered was not so
 - 29 excessive as to constitute abuse or neglect as described in
 - 30 NRS 432B.150.

31 4. If the agency determines that an investigation is warranted,
32 the agency shall initiate the investigation not later than 3 days after
33 the evaluation is completed.

34 5. If an agency which provides child welfare services
35 investigates a report of alleged abuse or neglect of a child pursuant
36 to NRS 432B.010 to 432B.400, inclusive, *and section 2 of this act*,
37 the agency shall inform the person responsible for the child's
38 welfare who is named in the report as allegedly causing the abuse or
39 neglect of the child of any allegation which is made against the
40 person at the initial time of contact with the person by the agency.
41 The agency shall not identify the person responsible for reporting
42 the alleged abuse or neglect.

43 6. If the agency determines that an investigation is not
44 warranted, the agency may, as appropriate:



1 (a) Provide counseling, training or other services relating to
2 child abuse and neglect to the family of the child, or refer the family
3 to a person who has entered into an agreement with the agency to
4 provide those services; or

5 (b) Conduct an assessment of the family of the child to
6 determine what services, if any, are needed by the family and, if
7 appropriate, provide any such services or refer the family to a
8 person who has entered into a written agreement with the agency to
9 make such an assessment.

10 7. If an agency which provides child welfare services enters
11 into an agreement with a person to provide services to a child or the
12 family of the child pursuant to subsection 6, the agency shall require
13 the person to notify the agency if the child or the family refuses or
14 fails to participate in the services, or if the person determines that
15 there is a serious risk to the health or safety of the child.

16 8. If an agency which provides child welfare services
17 determines pursuant to subsection 3 that an investigation is not
18 warranted, the agency may, at any time, reverse that determination
19 and initiate an investigation.

20 9. An agency which provides child welfare services and a law
21 enforcement agency shall cooperate in the investigation, if any, of a
22 report of abuse or neglect of a child.

23 **Sec. 6.** NRS 432B.390 is hereby amended to read as follows:

24 432B.390 1. An agent or officer of a law enforcement
25 agency, an officer of the local juvenile probation department or the
26 local department of juvenile services, or a designee of an agency
27 which provides child welfare services may place a child in
28 protective custody:

29 (a) If the parent or legal guardian consents to the child being
30 placed in protective custody;

31 (b) If the agent, officer or designee has reasonable cause to
32 believe that immediate action is necessary to protect the child from
33 injury, abuse or neglect;

34 (c) Upon the issuance of a warrant to place a child in protective
35 custody pursuant to NRS 432B.3903; or

36 (d) Upon the death of a parent of the child, if the agent, officer
37 or designee has reasonable cause to believe that the death of the
38 parent of the child is or may be the result of an act by the other
39 parent that constitutes domestic violence pursuant to NRS 33.018.

40 2. When an agency which provides child welfare services
41 receives a report pursuant to subsection 2 of NRS 432B.630, a
42 designee of the agency which provides child welfare services shall
43 immediately place the child in protective custody.

44 3. If there is reasonable cause to believe that the death of a
45 parent of a child is or may be the result of an act by the other parent



1 that constitutes domestic violence pursuant to NRS 33.018, a
2 protective custody hearing must be held pursuant to NRS 432B.470,
3 whether the child was placed in protective custody or with a
4 relative. If an agency other than an agency which provides child
5 welfare services becomes aware that there is reasonable cause to
6 believe that the death of a parent of a child is or may be the result of
7 an act by the other parent that constitutes domestic violence
8 pursuant to NRS 33.018, that agency shall immediately notify the
9 agency which provides child welfare services and a protective
10 custody hearing must be scheduled.

11 4. An agency which provides child welfare services shall
12 request the assistance of a law enforcement agency in the removal of
13 a child if the agency has reasonable cause to believe that the child or
14 the person placing the child in protective custody may be threatened
15 with harm.

16 5. Before taking a child for placement in protective custody,
17 the person taking the child shall show his or her identification to any
18 person who is responsible for the child and is present at the time the
19 child is taken. If a person who is responsible for the child is not
20 present at the time the child is taken, the person taking the child
21 shall show his or her identification to any other person upon request.
22 The identification required by this subsection must be a single card
23 that contains a photograph of the person taking the child and
24 identifies the person as a person authorized pursuant to this section
25 to place a child in protective custody.

26 6. A child placed in protective custody pending an
27 investigation and a hearing held pursuant to NRS 432B.470 must be
28 placed, except as otherwise provided in NRS 432B.3905, in the
29 following order of priority:

30 (a) In a hospital, if the child needs hospitalization.

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

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

37 (d) In any other licensed shelter that provides care to such
38 children.

39 7. ~~[Whenever possible,]~~ *Unless there is a credible allegation*
40 *that a child being placed pursuant to subsection 6 has abused or*
41 *has been abused by a sibling of the child, whenever possible, the*
42 *child* must be placed together with any siblings of the child. Such a
43 child must not be placed in a jail or other place for detention,
44 incarceration or residential care of persons convicted of a crime or



1 children charged with delinquent acts. *As used in this subsection,*
2 *“abuse” means:*

3 (a) *Physical or mental injury of a nonaccidental nature under*
4 *circumstances which indicate that the child’s health or welfare is*
5 *harmful or threatened with harm;*

6 (b) *Sexual abuse or sexual exploitation; or*

7 (c) *Other harmful behavior that is terrorizing, degrading,*
8 *painful or emotionally traumatic and is atypical of interactions*
9 *between siblings of similar age to the child and his or her sibling.*

10 8. A person placing a child in protective custody pursuant to
11 subsection 1 shall:

12 (a) Immediately take steps to protect all other children
13 remaining in the home or facility, if necessary;

14 (b) Immediately make a reasonable effort to inform the person
15 responsible for the child’s welfare that the child has been placed in
16 protective custody; and

17 (c) As soon as practicable, inform the agency which provides
18 child welfare services and the appropriate law enforcement agency,
19 except that if the placement violates the provisions of NRS
20 432B.3905, the person shall immediately provide such notification.

21 9. If a child is placed with any person who resides outside this
22 State, the placement must be in accordance with NRS 127.330.

23 **Sec. 7.** NRS 432B.3905 is hereby amended to read as follows:

24 432B.3905 1. An employee of an agency which provides
25 child welfare services or its designee, an agent or officer of a law
26 enforcement agency, an officer of a local juvenile probation
27 department or the local department of juvenile services or any other
28 person who places a child in protective custody pursuant to this
29 chapter:

30 (a) Except as otherwise provided in subsection 2, shall not
31 transfer a child who is under the age of 6 years to, or place such a
32 child in, a child care institution unless appropriate foster care is not
33 available at the time of placement in the county in which the child
34 resides; and

35 (b) Shall make all reasonable efforts to place siblings in the
36 same location ~~[-]~~, *unless there is a credible allegation that a*
37 *sibling has abused or has been abused by another sibling. As used*
38 *in this paragraph, “abuse” has the meaning ascribed to it in*
39 *subsection 7 of NRS 432B.390.*

40 2. A child under the age of 6 years may be placed in a child
41 care institution:

42 (a) If the child requires medical services and such medical
43 services could not be provided at any other placement; or

44 (b) If necessary to avoid separating siblings.



1 3. If a child is transferred to or placed in a child care institution
2 in violation of subsection 1, the agency which provides child
3 welfare services that is responsible for the child shall immediately
4 notify the Director of the Department of Health and Human Services
5 and shall move the child to another placement as soon as possible.

6 4. Each agency which provides child welfare services shall
7 develop and implement a written plan to ensure that the provisions
8 of this section are understood and carried out.

9 5. As used in this section, "child care institution":

10 (a) Means any type of home or facility that:

11 (1) Provides care and shelter during the day and night to 16
12 or more children who are in protective custody of an agency which
13 provides child welfare services; or

14 (2) Provides care and shelter during the day and night,
15 through the use of caregivers who work in shifts, to children who
16 are in protective custody of an agency which provides child welfare
17 services.

18 (b) Does not include a home or facility that provides medical
19 services to children.

20 **Sec. 8.** NRS 432B.420 is hereby amended to read as follows:

21 432B.420 1. A parent or other person responsible for the
22 welfare of a child who is alleged to have abused or neglected the
23 child may be represented by an attorney at all stages of any
24 proceedings under NRS 432B.410 to 432B.590, inclusive **[]**, and
25 **section 3 of this act**. Except as otherwise provided in subsection 3,
26 if the person is indigent, the court may appoint an attorney to
27 represent the person.

28 2. A child who is alleged to have been abused or neglected
29 shall be deemed to be a party to any proceedings under NRS
30 432B.410 to 432B.590, inclusive **[]**, and **section 3 of this act**. The
31 court shall appoint an attorney to represent the child. The child must
32 be represented by an attorney at all stages of any proceedings held
33 pursuant to NRS 432B.410 to 432B.590, inclusive **[]**, and **section 3**
34 **of this act**. The attorney representing the child has the same
35 authority and rights as an attorney representing any other party to
36 the proceedings.

37 3. If the court determines that the parent of an Indian child for
38 whom protective custody is sought is indigent, the court:

39 (a) Shall appoint an attorney to represent the parent; and

40 (b) May apply to the Secretary of the Interior for the payment of
41 the fees and expenses of such an attorney,

42 ↪ as provided in the Indian Child Welfare Act.

43 4. Each attorney, other than an attorney compensated through a
44 program for legal aid described in NRS 19.031 and 247.305, if
45 appointed under the provisions of subsection 1 or 2, is entitled to the



1 same compensation and payment for expenses from the county as
2 provided in NRS 7.125 and 7.135 for an attorney appointed to
3 represent a person charged with a crime.

4 **Sec. 9.** NRS 432B.462 is hereby amended to read as follows:

5 432B.462 1. As soon as possible after a petition is filed
6 alleging that a child is in need of protection pursuant to NRS
7 432B.490 but no later than the date on which the disposition hearing
8 is held pursuant to subsection 5 of NRS 432B.530, the court shall
9 appoint an educational decision maker for the child.

10 2. There is a rebuttable presumption that it is in the best
11 interests of the child for the court to appoint a parent or guardian of
12 the child as the educational decision maker for the child. The court
13 may appoint a person other than a parent or guardian as an
14 educational decision maker for a child if, upon a motion from any
15 party, the court finds that:

16 (a) The parent or guardian of the child is unwilling or unable to
17 act as the educational decision maker for the child; or

18 (b) It is not in the best interests of the child for the parent or
19 legal guardian to act as the educational decision maker for the child.

20 3. If the court makes a finding described in subsection 2, the
21 court must appoint an educational decision maker for the child who
22 has the knowledge and skills to act in the best interests of the child
23 in all matters relating to the education of the child. Such a person
24 may include, without limitation:

25 (a) A relative of the child within the fifth degree of
26 consanguinity;

27 (b) The foster parent or other provider of substitute care for the
28 child;

29 (c) A fictive kin of the child;

30 (d) The guardian ad litem appointed for the child pursuant to
31 NRS 432B.500; or

32 (e) Another person whom the court determines is qualified to
33 perform the duties of an educational decision maker prescribed by
34 this section.

35 4. If possible, a person appointed as an educational decision
36 maker for a child pursuant to subsection 3 must be the permanent
37 caregiver recommended for the child in the plan for permanent
38 placement adopted pursuant to NRS 432B.553.

39 5. The fact that a person other than the parent or guardian of a
40 child is appointed as an educational decision maker pursuant to this
41 section must not be used in any proceeding as evidence that the
42 person is an unfit parent or unfit to be the guardian of the child.

43 6. An educational decision maker appointed pursuant to this
44 section shall not be deemed to be an employee of a public agency
45 involved in the education of the child.



1 7. An educational decision maker shall:

2 (a) Have an initial meeting with the child and then shall meet
3 with the child as often as he or she deems necessary to carry out the
4 duties prescribed by this section in accordance with the best
5 interests of the child;

6 (b) Address any disciplinary issues relating to the education of
7 the child with the child and the school in which the child is enrolled;

8 (c) Ensure that the child receives a free and appropriate
9 education in accordance with federal and state law, including,
10 without limitation:

11 (1) Any special programs of instruction or special services
12 for pupils with disabilities to which the child is entitled by federal or
13 state law; and

14 (2) If the child is at least 14 years of age, educational
15 services to assist the child in transitioning to independent living;

16 (d) Consult with the agency which provides child welfare
17 services concerning a determination about whether the child should
18 change schools pursuant to NRS 388E.105, if applicable;

19 (e) Participate in any meeting relating to the education of the
20 child, including, without limitation, a meeting regarding any
21 individualized education program established for the pupil pursuant
22 to 20 U.S.C. § 1414(d) or special program of instruction or special
23 service provided to the pupil;

24 (f) To the extent practicable, communicate any concerns he or
25 she has regarding the educational placement of the child and the
26 educational services provided to the child and any recommendations
27 to address those concerns to:

28 (1) The agency which provides child welfare services;

29 (2) The attorney representing the child; and

30 (3) If the educational decision maker for the child is not the
31 parent or guardian of the child, the parent or guardian of the child;
32 and

33 (g) Appear at any proceeding held pursuant to this section and
34 NRS 432B.410 to 432B.590, inclusive, *and section 3 of this act* and
35 make specific recommendations to the court as appropriate
36 concerning the educational placement of the child, the educational
37 services provided to the child and, if the child is at least 14 years of
38 age, the services needed to assist the child in transitioning to
39 independent living.

40 8. A court may revoke the appointment of an educational
41 decision maker if the court determines the revocation of the
42 appointment is in the best interests of the child. *A court may*
43 *determine that the revocation of the appointment of a fictive kin as*
44 *an educational decision maker is in the best interests of the child if*
45 *that person no longer has a significant emotional and positive*



1 *relationship with the child.* If the court revokes such an
2 appointment, the court must appoint a new educational decision
3 maker for the child.

4 9. An educational decision maker appointed for a child
5 pursuant to this section shall be deemed to be a surrogate parent for
6 the purposes of 34 C.F.R. § 300.519.

7 **Sec. 10.** NRS 432B.4675 is hereby amended to read as
8 follows:

9 432B.4675 Upon the entry of a final order by the court
10 establishing a guardianship pursuant to NRS 432B.4665:

11 1. The custody of the child by the agency which has legal
12 custody of the child is terminated;

13 2. The proceedings concerning the child conducted pursuant to
14 NRS 432B.410 to 432B.590, inclusive, *and section 3 of this act*
15 terminate; and

16 3. Unless subsequently ordered by the court to assist the court,
17 the following agencies and persons are excused from any
18 responsibility to participate in the guardianship case:

19 (a) The agency which has legal custody of the child;

20 (b) Any counsel or guardian ad litem appointed by the court to
21 assist in the proceedings conducted pursuant to NRS 432B.410 to
22 432B.590, inclusive ~~(f)~~, *and section 3 of this act*; and

23 (c) Any person nominated or appointed as the person who is
24 legally responsible for the psychiatric care of the child pursuant to
25 NRS 432B.4684 or 432B.4685, respectively.

26 **Sec. 11.** NRS 432B.480 is hereby amended to read as follows:

27 432B.480 1. At each hearing conducted pursuant to
28 NRS 432B.470:

29 (a) At the commencement of the hearing, the court shall advise
30 the parties of their right to be represented by an attorney and of their
31 right to present evidence.

32 (b) The court shall determine whether there is reasonable cause
33 to believe that it would be:

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

36 (2) In the best interests of the child to place the child outside
37 of his or her home.

38 ↪ The court shall prepare an explicit statement of the facts upon
39 which each of its determinations is based. The court shall not make
40 an affirmative finding regarding either subparagraph (1) or (2)
41 solely because the person responsible for the welfare of the child is
42 deaf, is blind, as defined in NRS 426.082, or has another physical
43 disability or is the holder of a valid registry identification card. If
44 the court makes an affirmative finding regarding either



1 subparagraph (1) or (2), the court shall issue an order keeping the
2 child in protective custody pending a disposition by the court.

3 (c) The court shall determine whether the child has been placed
4 in a home or facility that complies with the requirements of NRS
5 432B.3905. If the placement does not comply with the requirements
6 of NRS 432B.3905, the court shall establish a plan with the agency
7 which provides child welfare services for the prompt transfer of the
8 child into a home or facility that complies with the requirements of
9 NRS 432B.3905.

10 2. If the court issues an order keeping the child in protective
11 custody pending a disposition by the court and it is in the best
12 interests of the child, the court may:

13 (a) ~~Place~~ *Under the conditions prescribed by section 3 of this*
14 *act, place* the child in the temporary custody of a grandparent, great-
15 grandparent or other person related within the fifth degree of
16 consanguinity to the child who the court finds has established a
17 meaningful relationship with the child, with or without supervision
18 upon such conditions as the court prescribes, regardless of whether
19 the relative resides within this State; or

20 (b) Grant the grandparent, great-grandparent or other person
21 related within the fifth degree of consanguinity to the child a
22 reasonable right to visit the child while the child is in protective
23 custody.

24 3. If the court finds that the best interests of the child do not
25 require that the child remain in protective custody, the court shall
26 order the immediate release of the child.

27 4. If a child is placed with any person who resides outside this
28 State, the placement must be in accordance with NRS 127.330.

29 5. As used in this section, "holder of a valid registry
30 identification card" means a person who holds a valid registry
31 identification card as defined in NRS 678C.080 that identifies the
32 person as:

33 (a) Exempt from state prosecution for engaging in the medical
34 use of cannabis; or

35 (b) A designated primary caregiver as defined in
36 NRS 678C.040.

37 **Sec. 12.** NRS 432B.550 is hereby amended to read as follows:

38 432B.550 1. If the court finds that a child is in need of
39 protection, it may, by its order, after receipt and review of the report
40 from the agency which provides child welfare services:

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



1 (b) ~~[Place]~~ *Under the conditions prescribed by section 3 of this*
2 *act, place* the child in the temporary or permanent custody of a
3 relative, a fictive kin or other person the court finds suitable to
4 receive and care for the child with or without supervision, and with
5 or without retaining jurisdiction of the case, upon such conditions as
6 the court may prescribe; or

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

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

18 2. The court shall not deny placement of a child in the
19 temporary or permanent custody of a person pursuant to subsection
20 1 solely because the person:

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

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

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

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

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

32 4. If, pursuant to subsection 1, the child is to be placed with a
33 relative or fictive kin, the court may consider, among other factors
34 ~~[A]~~ *and in addition to the factors prescribed by section 3 of this act,*
35 whether the child has resided with a particular relative or fictive kin
36 for 3 years or more before the incident which brought the child to
37 the court's attention.

38 5. Except as otherwise provided in this subsection, a copy of
39 the report prepared for the court by the agency which provides child
40 welfare services must be sent to the custodian and the parent or legal
41 guardian. If the child was delivered to a provider of emergency
42 services pursuant to NRS 432B.630:

43 (a) The parent who delivered the child to the provider shall be
44 deemed to have waived his or her right to a copy of the report; and



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

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

7 (a) It must be presumed to be in the best interests of the child to
8 be placed together with the siblings of the child ~~[]~~, *unless there is*
9 *a credible allegation that the child has abused or has been abused*
10 *by a sibling of the child. As used in this paragraph, "abuse" has*
11 *the meaning ascribed to it in subsection 7 of NRS 432B.390.*

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

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

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

20 7. Any search for a relative with whom to place a child
21 pursuant to this section must be completed within ~~[1-year]~~ *6 months*
22 after the initial placement of the child outside of the home of the
23 child. If a child is placed with any person who resides outside of this
24 State, the placement must be in accordance with NRS 127.330.

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

27 (a) Determine whether:

28 (1) The agency which provides child welfare services has
29 made the reasonable efforts required by paragraph (a) of subsection
30 1 of NRS 432B.393; or

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

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

34 9. As used in this section:

35 (a) "Blind" has the meaning ascribed to it in NRS 426.082.

36 (b) "Holder of a valid registry identification card" means a
37 person who holds a valid registry identification card as defined in
38 NRS 678C.080 that identifies the person as:

39 (1) Exempt from state prosecution for engaging in the
40 medical use of cannabis; or

41 (2) A designated primary caregiver as defined in
42 NRS 678C.040.

43 **Sec. 13.** NRS 432B.553 is hereby amended to read as follows:

44 432B.553 1. An agency that obtains legal custody of a child
45 pursuant to NRS 432B.550 shall:



1 (a) Adopt a plan for the permanent placement of the child for
2 review by the court at a hearing conducted pursuant to NRS
3 432B.590; and

4 (b) Make reasonable efforts to finalize the permanent placement
5 of the child in accordance with the plan adopted pursuant to
6 paragraph (a). The provisions of subsections 4, 5 and 6 of NRS
7 432B.393 shall be deemed to apply to the reasonable efforts
8 required by this paragraph.

9 2. If the child is not residing in the home of the child and has
10 been in foster care for ~~14~~ 15 or more of the immediately preceding
11 ~~20~~ 22 months, the agency shall include the termination of parental
12 rights to the child in the plan for the permanent placement of the
13 child, unless the agency determines that:

14 (a) The child is in the care of a relative;

15 (b) The plan for the child requires the agency to make
16 reasonable efforts pursuant to NRS 432B.393 to reunify the family
17 of the child, and the agency has not provided to the family,
18 consistently within the period specified in the plan for the child,
19 such services as the agency deems necessary for the safe return of
20 the child to the home of the child; or

21 (c) There are compelling reasons, which are documented in the
22 plan for the child, for concluding that the filing of a petition to
23 terminate parental rights to the child would not be in the best
24 interests of the child.

25 **Sec. 14.** NRS 432B.580 is hereby amended to read as follows:

26 432B.580 1. Except as otherwise provided in this section and
27 NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other
28 than with a parent, the placement must be reviewed by the court at
29 least semiannually, and within 90 days after a request by a party to
30 any of the prior proceedings. Unless the parent, guardian or the
31 custodian objects to the referral, the court may enter an order
32 directing that the placement be reviewed by a panel appointed
33 pursuant to NRS 432B.585.

34 2. An agency acting as the custodian of the child shall, before
35 any hearing for review of the placement of a child, submit a report
36 to the court, or to the panel if it has been designated to review the
37 matter, which includes:

38 (a) An evaluation of the progress of the child and the family of
39 the child and any recommendations for further supervision,
40 treatment or rehabilitation.

41 (b) Information concerning the placement of the child in relation
42 to the child's siblings, including, without limitation:

43 (1) Whether the child was placed together with the siblings;

44 (2) Any efforts made by the agency to have the child placed
45 together with the siblings;



1 (3) Any actions taken by the agency to ensure that the child
2 has contact with the siblings; and

3 (4) If the child is not placed together with the siblings:

4 (I) The reasons why the child is not placed together with
5 the siblings; and

6 (II) A plan for the child to visit the siblings, which must
7 be presented at the first hearing to occur after the siblings are
8 separated and approved by the court. The plan for visitation must be
9 updated as necessary to reflect any change in the placement of the
10 child or a sibling, including, without limitation, any such change
11 that occurs after the termination of parental rights to the child or a
12 sibling or the adoption of a sibling.

13 (c) Information concerning the child's education, including:

14 (1) A copy of any academic plan or individual graduation
15 plan developed for the child pursuant to NRS 388.155, 388.165,
16 388.205 or 388.227;

17 (2) The grade and school in which the child is enrolled;

18 (3) The name of each school the child attended before
19 enrolling in the school in which he or she is currently enrolled and
20 the corresponding dates of attendance;

21 (4) Whether the child has not completed or passed any
22 course of instruction that the child should have completed or passed
23 by the time the report is submitted, which has resulted in the child
24 having a deficiency in credits;

25 (5) A copy of any individualized education program
26 developed for the child;

27 (6) A copy of any plan developed in accordance with section
28 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

29 (7) A summary of any special education services received by
30 the child;

31 (8) A copy of the most recent report card of the child;

32 (9) A statement of the number of credits earned by the child
33 during the most recent semester, if applicable;

34 (10) A statement of the number of times the child has been
35 absent from school during the current or most recent school year for
36 which the child was enrolled in school;

37 (11) The scores the child received on any academic
38 assessments or standardized examinations administered to the child;

39 (12) Any information provided by the educational decision
40 maker appointed for the child pursuant to NRS 432B.462; and

41 (13) Whether a request that the child receive special
42 education services has been made and, if so, the outcome of such a
43 request.



1 (d) A copy of any explanations regarding medication that has
2 been prescribed for the child that have been submitted by a foster
3 home pursuant to NRS 424.0383.

4 (e) *If the child has been placed with a person who is a fictive*
5 *kin, information concerning whether the person continues to have*
6 *a significant emotional and positive relationship with the child.*

7 3. Except as otherwise provided in this subsection, a copy of
8 the report submitted pursuant to subsection 2 must be given to the
9 parents, the guardian ad litem and the attorney, if any, representing
10 the parent or the child. If the child was delivered to a provider of
11 emergency services pursuant to NRS 432B.630 and the parent has
12 not appeared in the action, the report need not be sent to that parent.

13 4. After a plan for visitation between a child and the siblings of
14 the child submitted pursuant to subparagraph (4) of paragraph (b) of
15 subsection 2 has been approved by the court, the agency which
16 provides child welfare services must request the court to issue an
17 order requiring the visitation set forth in the plan for visitation.
18 Upon the issuance of such an order, the court shall provide each
19 sibling of the child with the case number of the proceeding for the
20 purpose of allowing the sibling to petition the court for visitation or
21 enforcement of the order for visitation. If a person refuses to comply
22 with or disobeys an order issued pursuant to this subsection, the
23 person may be punished as for a contempt of court.

24 5. The court or the panel shall hold a hearing to review the
25 placement, unless the parent, guardian or custodian files a motion
26 with the court to dispense with the hearing. If the motion is granted,
27 the court or panel may make its determination from any report,
28 statement or other information submitted to it.

29 6. Except as otherwise provided in subsection 7 and subsection
30 5 of NRS 432B.520, notice of the hearing must be filed with the
31 court and must be given by first-class mail or any other means
32 agreed upon in writing between the agency which provides child
33 welfare services and the recipient of the notice to:

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

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

36 (c) A sibling of the child, if known, who has been granted a
37 right to visitation of the child pursuant to this section or NRS
38 127.171 and his or her attorney, if any;

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

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

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



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

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

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

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

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

14 9. The court or panel shall, after considering the report
15 provided in subsection 2, *the factors prescribed by section 3 of this*
16 *act, where applicable*, and any other relevant evidence, determine
17 based on a preponderance of the evidence:

18 (a) The continuing necessity for and appropriateness of the
19 placement;

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

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

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

27 (e) Whether the child is making adequate academic progress and
28 receiving the educational services or supports necessary to ensure
29 the academic success of the child.

30 10. If the child is placed **[in]**:

31 (a) *With a fictive kin, the determination pursuant to paragraph*
32 *(a) of subsection 9 must include, without limitation, a*
33 *determination of whether that person continues to have a*
34 *significant emotional and positive relationship with the child.*

35 (b) *In* a qualified residential treatment program, the
36 determination pursuant to paragraph (a) of subsection 9 must
37 include, without limitation, a finding on each factor prescribed by
38 subsection 4 of NRS 432B.575.

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

44 12. As used in this section, "individualized education program"
45 has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).



1 **Sec. 15.** NRS 432B.590 is hereby amended to read as follows:
2 432B.590 1. Except as otherwise provided in subsection 2
3 and NRS 432B.513, the court shall hold a hearing concerning the
4 permanent placement of a child:

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

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

9 ➤ Notice of this hearing must be filed with the court and must be
10 given by first-class mail or any other means agreed upon in writing
11 between the agency which provides child welfare services and the
12 recipient of the notice to all the persons to whom notice must be
13 given pursuant to subsection 6 of NRS 432B.580.

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

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

20 4. At the hearing, the court shall review the report submitted by
21 the agency which provides child welfare services pursuant to
22 subsection 2 of NRS 432B.580, any plan for the permanent
23 placement of the child adopted pursuant to NRS 432B.553 and any
24 other relevant evidence and, if the goal of the plan is a permanent
25 living arrangement other than reunification with his or her parents,
26 placement for adoption, placement with a legal guardian or
27 placement with a relative, ask the child about his or her desired
28 permanent living arrangement. After doing so, the court must
29 determine, based on a preponderance of the evidence:

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

32 (b) Whether, and if applicable when:

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

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

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

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

41 (III) Establish a guardianship in accordance with NRS
42 432B.466 to 432B.468, inclusive; or

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



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

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

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

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

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

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

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

28 8. If a child has been placed outside of the home and has
29 resided outside of the home pursuant to that placement for ~~14~~ 15
30 months of any ~~20~~ 22 consecutive months, the best interests of the
31 child must be presumed to be served by the termination of parental
32 rights.

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

35 10. If a hearing pursuant to this section concerns a child who
36 has been placed in a qualified residential treatment program, the
37 hearing must include, without limitation, a review of that placement
38 conducted in the manner prescribed by NRS 432B.575.

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



1 **Sec. 16.** NRS 432B.5901 is hereby amended to read as
2 follows:

3 432B.5901 1. The provisions of chapter 128 of NRS, to the
4 extent they do not conflict with the provisions of NRS 432B.5901 to
5 432B.5908, inclusive, apply to all proceedings concerning the
6 termination of parental rights that are commenced pursuant to this
7 section by an agency which provides child welfare services.

8 2. If a child is determined to be a child in need of protection
9 pursuant to NRS 432B.550, an agency which provides child welfare
10 services ~~may~~:

11 (a) *May*, at any stage of a proceeding held pursuant to this
12 chapter, file a motion for the termination of parental rights as part of
13 the proceeding.

14 (b) *Shall file a motion for the termination of parental rights if*
15 *the child has been placed outside of the home and has resided*
16 *outside of the home pursuant to that placement for 15 months of*
17 *any 22 consecutive months, unless the agency determines that:*

18 (1) *The child is in the care of a relative;*

19 (2) *The plan for the child requires the agency to make*
20 *reasonable efforts pursuant to NRS 432B.393 to reunify the family*
21 *of the child, and the agency has not provided to the family,*
22 *consistently within the period specified in the plan for the child,*
23 *such services as the agency deems necessary for the safe return of*
24 *the child to the home of the child; or*

25 (3) *There are compelling reasons, which are documented in*
26 *the plan for the child, for concluding that the filing of a petition to*
27 *terminate parental rights to the child would not be in the best*
28 *interests of the child.*

29 **Sec. 17.** NRS 49.295 is hereby amended to read as follows:

30 49.295 1. Except as otherwise provided in subsections 2 and
31 3 and NRS 49.305:

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

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

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

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

40 (b) Proceeding to commit or otherwise place a spouse, the
41 property of the spouse or both the spouse and the property of the
42 spouse under the control of another because of the alleged mental or
43 physical condition of the spouse;

44 (c) Proceeding brought by or on behalf of a spouse to establish
45 his or her competence;



1 (d) Proceeding in the juvenile court or family court pursuant to
2 title 5 of NRS or NRS 432B.410 to 432B.590, inclusive ~~§ 3~~, and
3 *section 3 of this act*; or

4 (e) Criminal proceeding in which one spouse is charged with:

5 (1) A crime against the person or the property of the other
6 spouse or of a child of either, or of a child in the custody or control
7 of either, whether the crime was committed before or during
8 marriage.

9 (2) Bigamy or incest.

10 (3) A crime related to abandonment of a child or nonsupport
11 of the other spouse or child.

12 3. The provisions of subsection 1 do not apply in any criminal
13 proceeding to events which took place before the spouses were
14 married.

15 **Sec. 18.** NRS 128.109 is hereby amended to read as follows:

16 128.109 1. If a child has been placed outside of his or her
17 home pursuant to chapter 432B of NRS, the following provisions
18 must be applied to determine the conduct of the parent:

19 (a) If the child has resided outside of his or her home pursuant to
20 that placement for ~~§ 4~~ 15 months of any ~~§ 20~~ 22 consecutive
21 months, it must be presumed that the parent or parents have
22 demonstrated only token efforts to care for the child as set forth in
23 subparagraph (6) of paragraph (b) of subsection 1 of NRS 128.105.

24 (b) If the parent or parents fail to comply substantially with the
25 terms and conditions of a plan to reunite the family within 6 months
26 after the date on which the child was placed or the plan was
27 commenced, whichever occurs later, that failure to comply is
28 evidence of failure of parental adjustment as set forth in
29 subparagraph (4) of paragraph (b) of subsection 1 of NRS 128.105.

30 2. If a child has been placed outside of his or her home
31 pursuant to chapter 432B of NRS and has resided outside of his or
32 her home pursuant to that placement for ~~§ 4~~ 15 months of any ~~§ 20~~
33 22 consecutive months, the best interests of the child must be
34 presumed to be served by the termination of parental rights.

35 3. The presumptions specified in subsections 1 and 2 must not
36 be overcome or otherwise affected by evidence of failure of the
37 State to provide services to the family.



