

Children's Safety

2021 Legislative Bill Summary Report

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INTRODUCTION

This report includes a selection of legislative bills passed during Nevada's 81st Session that specifically address children's safety. This bill reviewed in this document are separated into seven categories which include Child Welfare, Juvenile Justice, Human/Sex Trafficking, Victim Advocacy and Support, Criminal/Legal Issues, School Safety, and Heath & Homelessness. For each bill included in this review, there is a summary of the bill, and noted changes made to existing law regarding the bill.

This legislative review of select bills that relate to children's safety provides a brief insight into how these new policies will impact the well-being of children and families in Nevada. In addition, by examining these bills, will hopefully minimize the number of barriers to maximize access to services for all children in the state.

Child Welfare

Assembly Bill 217- Caregiver Training

Mandates training for certain unlicensed caregivers. This bill requires the State Board of Health to adopt regulations that require unlicensed caregivers at designated facilities to receive training. This training must include control of infectious disease and minimum standards that impact health and safety at designated facilities. Further, requiring the person in charge of designated medical facilities, facilities for the dependent, and other licensed facilities ensure that each unlicensed caregiver at the facility completes the newly required training, to include training on the topic of the control of infectious diseases. The administrator or other person in charge of such a facility shall ensure the implementation of best practices taught in the required training and shall develop, annually update, and provide a written plan for the control of infectious diseases at the facility. Finally, this bill requires the Division of Public and Behavioral Health of the Department of Health and Human Services to post on the Internet a list of nationally recognized organizations that offer free or low-cost training that meets the requirements of those regulations.

Assembly Bill 426- Protective Custody

This bill authorizes a child welfare agency to request that the court issue a warrant to place a child in protective custody if there is reasonable cause to believe that the child needs protection, but the threat is not imminent in the time it would take to obtain a warrant. The bill also sets forth certain requirements for a warrant.

In addition, the bill:

- Clarifies that a court may, upon the initiative of the court or a special master, find that a person has a special interest in a child and must be involved in and notified of certain plans and proceedings relating to the placement of the child;
- Clarifies that such a finding may be reviewed or modified at any time by the court or special master;
- Revises provisions relating to the notice that must be provided to a parent or other person responsible for a child's welfare before certain hearings related to the child's placement in protective custody;

- Clarifies that certain determinations by a court relating to the placement of a child must be made based on a preponderance of the evidence;
- Allows the attorney general to sign a petition alleging that a child is in need of protection; and
- Authorizes the court to dispose of a case if the court finds by a preponderance of evidence that the child needed protection at the time the child welfare agency completed the investigation, if the child was not removed from the home.

Senate Bill 8- Guardianship of Minors

Revises provisions governing guardianships of minors; creates changes for the transfer of jurisdiction of a guardianship of a juvenile from another state to Nevada and for the recognition of a guardianship order for a juvenile that was issued in another state. It also authorizes a guardian appointed in this state to petition to transfer the guardianship to another state and sets forth provisions regarding court orders that must be issued in such matters, including when a guardianship in another state is terminated and whether a guardianship needs to be modified to comply with Nevada law.

The bill revises the definition of “home state” for the purposes of determining the home state of a child less than 6 months of age and authorizes a court to appoint a guardian in this state for a minor whose home state is not Nevada but who is physically present in this state. It authorizes a court to appoint a guardian of the child, the estate, or both if the court has jurisdiction to make an initial child custody decision under the Uniform Child Custody Jurisdiction and Enforcement Act (Chapter 125A of *Nevada Revised Statutes*).

Senate Bill 21- DCFS Background Checks

Revises requirements relating to background checks for employees of certain agencies that serve children. It standardizes exclusionary crimes across the three DCFS systems so they are not operating under different rules.

Updates were made to specific prohibited crimes, and seeks to provide a second chance for those previously convicted of certain crimes. There were several aspects removed, added, or modified exclusionary crimes by Nevada Revised Statute amended by the proposed legislation. Caliente Youth Center, Nevada Youth Training Center, Summit View Youth Center, County Detention Centers removed **contributory delinquency** to background check regulations and added the following exclusions;

- Involuntary manslaughter
- Felony with use or threatened use of force with firearm or deadly weapon

- Battery with substantial bodily harm
- Felony Domestic Violence
- Other Domestic Violence within 3 years
- Offense involving pornography of minor
- Pandering or prostitution
- Felony DUI
- Other DUI with 3 year time limit
- Arson
- Perjury

Additionally placed a three-year time limit on federal or state convictions for controlled substances. This is one we frequently see. Previous to the bill, if a person had a minor drug crime from 20 years ago that was a permanent exclusion from being hired, this bill added this three-year limit to all three systems. It adds that applicants to the juvenile justice and children's mental health sectors will pay for background checks.

Section 5 of the bill relates to State-operated children's mental health facilities (Desert Willow Treatment Center, PRTF-Enterprise, PRTF-Oasis, PRTF-Enterprise), removed contributory delinquency, clarified child abuse and neglect and set the three-year time limit for federal and state convictions for controlled substances. Finally, sections 2 and 6 allows the agencies to terminate if there are pending charges for specific crimes.

Senate Bill 158- Guardianship Assistance

Revises eligibility requirements relating to kinship guardianship assistance. This bill eliminates the Kinship Guardianship Assistance Program requirement that a child's relatives are only eligible to receive assistance through the Program if the child is not able to be adopted or returned to his or her home permanently. This means that the relative of such a child is eligible for assistance through the Program as long as the child meets other eligibility criteria in existing law.

Senate Bill 376- Investigation Dispositions

This bill requires an agency that provides child welfare services to assign up to four different dispositions for each report concerning the possible abuse or neglect of a child received or referred to the agency, as well as provides information protection prohibiting the release of information from the Central Registry. This bill also outlines conforming changes relating to the requirement that an agency assign one of the

following dispositions on reports, determining that an investigation is not warranted or upon conclusion of an investigation:

1. Substantiated
2. Unsubstantiated
3. Unable to complete
4. Unable to determine
5. Administrative closure

Each term is defined in the bill.

Senate Bill 377- Child Welfare Funds

Makes changes relating to the reinvestment of certain savings into adoption programs, making adjustments so that excess funds do not revert to the State General Fund and must be carried forward to the next fiscal year for use by the county or the Division, as applicable, for the costs of providing child welfare services without restriction.

Senate Bill 397- Extended Foster Care

Makes changes relating to extended foster care. This bill authorizes child welfare agencies in the state to establish programs to provide extended foster care under the federal *Fostering Connections to Success and Increasing Adoptions Act* and requires that any agency who does so to report to the Interim Finance Committee or the full Legislature each year the number of participants in the program and the associated costs. It requires DCFS to implement regulations for any such program. Finally, the bill changes provisions relating to certain persons who remain in foster care beyond the age of 18 years, by allowing them a choice to stay under the jurisdiction of the court or to enter either the federal extension program (if the agency offers it) or the state program that already exists.

Juvenile Justice

Senate Bill 108- Implicit Bias and Cultural Competency

This bill requires any person who is employed in the criminal justice system in Nevada to complete, at least once every two years, specific training and instruction relating to implicit bias and cultural competency. It also requires the Office of the Attorney General to adopt regulations concerning this training in consultation with any person deemed helpful in the adoption of such regulations.

Additionally, anyone who files a court petition to begin a juvenile proceeding must file an affidavit certifying that every person involved in the decision to file the petition is required to have completed this training. This bill details the development of the training in implicit bias and cultural competency training will be the responsibility of DCFS rather than the Attorney General.

Senate Bill 356- Housing Youthful Offenders

Requires Nevada's Department of Corrections (NDOC) and the Division of Child and Family Services (DCFS) of the Department of Health and Human Services, in consultation with the Juvenile Justice Oversight Commission, to study the feasibility of housing youthful offenders regionally in DCFS facilities or in county facilities and developing a new model for housing youthful offenders in which those between 18 and 24 years of age who have been convicted as adults and who will be released from confinement before reaching 25 would be housed separately from offenders who will not be released before reaching 25. The bill lays out the issues to be addressed in the study, including costs for facility upgrades or new construction, addresses the utilization memorandums of understanding between appropriate entities regarding staffing and cost savings and other budgetary matters, needed statutory changes, and any other matters deemed important by the agencies. This bill also requires NDOC and DCFS to prepare and submit a report of the findings of the study to the Legislative Committee on Child Welfare and Juvenile Justice no later than July 1, 2022.

Senate Bill 357- Housing Youthful Offenders (Expense Tracking)

Requires the Department of Corrections Director to establish a system to track expenses that are directly related to housing youthful offenders in the institutions and facilities of the Department and submit an annual report regarding such expenses to the Director of the Legislative Counsel Bureau for transmission to the Legislative Committee on Child Welfare and Juvenile Justice.

Senate Bill 366- Juvenile Court Incompetence

Authorizing a juvenile court to order a child who has been found incompetent (for the purpose of certification for criminal proceedings) as an adult to receive treatment at certain facilities operated by the Division of Child and Family Services of the Department of Health and Human Services and keeping them from being sent to a correctional facility.

Senate Bill 358- Juvenile Justice Prevention Study

Requires the Division of Child and Family Services of the Department of Health and Human Services to conduct a study during the 2021-2022 legislative interim concerning investments in juvenile justice prevention activities in this State. The bill requires DCFS to conduct the study in consultation with those local partners and other entities that might have special knowledge or interest in juvenile justice prevention. The Nevada Association of Juvenile Justice Administrators (NAJJA) has agreed to assist with the study. Then review how investments in prevention before (and how other states are investing in prevention) to come up with recommendations for the Legislative Committee on Child Welfare and Juvenile Justice for the 2023 Session. The goal is to take time to look at ways to invest in prevention that has positive outcomes for children as well as the State.

Senate Bill 398- Juvenile Justice Progress Reporting

Makes changes relating to juvenile justice, requiring the Juvenile Justice Oversight Commission to submit a report containing information on progress and recommendations regarding the 5 year strategic plan to the Legislative Committee on Child Welfare and Juvenile Justice. This bill requires the Nevada Juvenile Justice Oversight Commission (JJOC) to report information related to its five-year strategic planning process and any recommendations for future legislation to the Interim Committee in August 2022. The Advisory Committee to the JJOC worked with a group of dedicated and talented practitioners from across the juvenile justice arena working to make Nevada's juvenile justice system a model for others to emulate. The JJOC will be nearing the end of its first five years in 2022, and this bill is intended to provide the Commission with an opportunity to report to the Legislature on the challenges it has faced as well as its successes. The bill also provides the JJOC the opportunity to submit recommendations for needed policy changes to the Legislature for the 2023 Session to ensure we remain aware of and engaged with the Commission's work.

Human/Sex Trafficking

Assembly Bill 64- Child Solicitation Jurisdiction

This bill allows for the Attorney General to have additional jurisdiction to prosecute a person for committing the crime of facilitating sex trafficking, engaging in prostitution or solicitation for prostitution. It also provides the Attorney General authority to charge related offenses if committed in the course of such crimes. Finally this bill provides that a person is guilty of soliciting a child for prostitution if the person solicits any of the following:

1. A child,
2. A peace officer who is posing as a child;
3. A person who is assisting in an investigation on behalf of a peace officer by posing as a child

Assembly Bill 143- Human Trafficking Coalition

Makes revisions regarding human trafficking, which require the Department of Health and Human Services to develop a statewide plan for the delivery of services to victims of human trafficking and to form a statewide task force to assist the Department. This bill requires DCFS to create the 'State of Nevada Human Trafficking Coalition' to assist the designated human trafficking specialist in carrying out their duties and in maximizing resources for local human trafficking task forces. Existing law prohibits involuntary servitude, assuming ownership over a person, the purchase or sale of a person, trafficking in persons, pandering, sex trafficking and living from the earnings of a prostitute. This bill redefines victims of those crimes as "victims of human trafficking". Requires DCFS to designate a human trafficking specialist within the program for compensation for victims of crime. DCFS is to ensure that a directory of services for victims of human trafficking is publicly accessible on the Internet, and to develop a statewide plan for the delivery of services to victims of human trafficking.

Assembly Bill 113- Sex Trafficking Offense Limitations

Makes changes regarding the crime of sex trafficking, by increasing the limitation of time within a criminal prosecution for sex trafficking must be in. Extend the statute of limitations for sex trafficking offenses from 4 to 6 years after the commission of the offense.

Senate Bill 164- Decriminalize Victims of Human Trafficking

This bill details that any person who is a victim of human trafficking as defined in the bill is immune from civil or criminal liability for several prostitution-related crimes the person may have committed as a victim of human trafficking. A law enforcement officer is prohibited from arresting or issuing a citation to a person who reasonably appears to be a victim. If a person is arrested and later determined to be a victim, the charges must be dropped. Additionally, law enforcement officers, prosecutors and courts are to refer victims to available local resources, programs or services and notify the appropriate division of the Department of Health and Human Services concerning the victim.

Senate Bill 274- Receiving Center Requirements

This bill relates to "receiving centers," secured facilities that operate 24 hours per day, 7 days per week to provide specialized inpatient and outpatient services to commercially sexually exploited children. Details that a person or entity may apply for a license to operate a receiving center from the Division of Child and Family Services (DCFS) of the Department of Health and Human Services, and the Division may require the certification of other facilities or organizations to provide services to commercially sexually exploited children, and it is a misdemeanor to operate such facilities without the required licensure or certificate.

The bill authorizes the admission of a child who is alleged to be a commercially sexually exploited child to a receiving center for inpatient treatment only under emergency admission or court-ordered admission, and it prescribes procedures governing such admission. A child alleged to be a commercially sexually exploited who is in imminent danger may be detained under an emergency admission to a receiving center, must be released within 24 hours of being detained unless a petition for court-ordered admission is filed within that time. The bill authorizes employees of child welfare agencies (and officers authorized to make arrests in Nevada) who have reasonable cause to believe a commercially sexually exploited child is in imminent danger to take the child into custody without a warrant and transport the child to a receiving center or secured child care facility for emergency admission.

The bill outlines the process, requirements, and limitations for court-ordered admission and authorizes a court to order the admission of a child to a receiving center or secured child care facility only if it determines that the child is a commercially sexually exploited child and it is contrary to the child's welfare to remain in the community. In addition, in judicial districts where a family court has been established, the family court has exclusive jurisdiction over such proceedings.

Victim Advocacy and Support

Assembly Bill 214- Gender-Neutral Language

Removes the gendered 'himself/herself' language in the current definition of sexual assault (NRS 200.366) and replaces it with gender-neutral language using 'themselves.'

Assembly Bill 228- Child Advocacy Centers

Establishes groundwork relating to children's advocacy centers. This bill provides children who have experienced abuse or neglect a faith and child-focused environment. The bill requires State and county child welfare agencies to ensure children who are the victims of abuse or neglect have access to a multidisciplinary team (MDT) through a children's advocacy center (CAC). These teams include professionals with backgrounds in criminal justice, law enforcement, child protective services, mental health, and medical and victim advocacy to help children heal from the trauma of abuse or neglect. This bill legitimizes and brings attention to a multidisciplinary approach to dealing with child abuse. Outlining the requirements governing the credentialing and operation of children's advocacy centers; providing that certain persons are immune from civil liability for actions or omissions in duties performed on behalf of or through a children's advocacy center.

Assembly Bill 404- Victim Protection Orders

Allows victim-survivors to withhold their personal address when filing for a protection order if sharing that information with their perpetrator would threaten their safety. This bill also provides for victim-survivors to apply for protection orders in different jurisdictions than where the abuse/incident took place.

Senate Bill 45- Ombudsman for Victims of Domestic

Makes changes relating to domestic violence and certain related crimes. This bill revises the name, qualifications and duties of the Ombudsman and the Office to expand the scope of the Ombudsman and the Office to include the crimes of sexual assault and human trafficking and amends corresponding references accordingly. This bill renames the Office as the Office of Ombudsman for Victims of Domestic Violence, Sexual Assault and Human Trafficking. This bill requires the Ombudsman to provide assistance to victims of sexual assault and human trafficking and requires the Ombudsman to provide education to the public regarding sexual assault and human trafficking. This bill adds two more members to the Committee on Domestic Violence, and requires the Committee to study issues relating to

domestic violence. Finally, this bill makes changes to existing laws in reference to jail time and fines, upon the occurrence of a person convicted of a first offense of battery, which constitutes domestic violence against a victim who was pregnant at the time of the battery.

Senate Bill 148- Reporting Hate Crimes

Revises provisions relating to the reporting of hate crimes. This bill requires State and local law enforcement agencies in Nevada to maintain a record of all crimes that manifest evidence of prejudice based on criteria established in law commonly referred to as hate crimes and to submit that information to the Central Repository for Nevada Records of Criminal History and to the office of the AG on a quarterly basis. The AG is required to adopt guidelines for the submission of the records, ensure the records are provided to the FBI for inclusion in its annual *Hate Crime Statistics* report and issue a detailed annual report regarding the crimes. Any data acquired under the provisions of this bill may be used only for research or statistical purposes and must not contain any of the victims' identifying information. It also requires the Director of the Department of Public Safety to adopt guidelines regarding the manner in which this data is to be reported to the Central Repository. Revising provisions concerning the guidelines required to be adopted by the Director of the Department of Public Safety regarding the reporting of hate crimes

Senate Bill 177- Domestic Violence Funds

Raises the current surcharge on every marriage license sold in Nevada from \$25 to \$50 to increase the funding available for domestic violence service providers **and** establishes the first-ever statewide funding for sexual assault programs.

Senate Bill 347- College Campus Survivor Resources

Addresses safety concerns of victim-survivors on college campuses throughout Nevada by providing proper support and resources. This bill focuses on how survivors can be supported through these incidents, as they often experience long-term and severe impacts on their education. This bill focuses primarily on supportive measures for survivors and prevention. Many student survivors who experience these academic impacts and penalties lose access to scholarships and educational opportunities because of the negative impact sexual violence has on their education. This bill is to make sure that if students experience sexual violence and their grade point averages drop because of it or if they need to go down to part-time so they can focus on their educational success, they do not lose access to educational opportunities. This bill has several crucial components that work to prevent campus sexual violence and support survivors. Includes components

shown to be best practices to ensure that all survivors are supported while actively working to prevent violence. Some of the key components of the bill include memorandums of understanding (MOU) with local rape crisis centers and universities. Less than 50 percent of survivors cite receiving any support services post assault. This bill requires institutions to establish and maintain an MOU with a rape crisis center or a domestic violence center.

These centers can provide free off-campus medical, legal and counseling resources and support for students and employees, and assist in developing trauma-informed institutional policies, programming and training. The next component of the bill addresses victim advocates. 90 percent of survivors choose not to file a report after their assault. Many survivors cite a lack of knowledge of the options available to them as a barrier to seeking help, this bill works to break down that barrier. It requires institutions to designate at least one victim advocate who can advise students about reporting options, on- and off-campus resources, and provide support and accommodation. Importantly, the victim advocate does not refer cases to Title IX of the Education Amendments of 1972 or other disciplinary processes without permission from the reporting party. The report never leaves the hands of the survivor. The victim advocate has privilege under the law to ensure complete confidentiality and is someone the victim or survivor can always count on.

Requires that all institutions comply with an amnesty policy which prevents reporting parties or bystanders from being penalized for the use of alcohol, drugs or other code violations at the time of an incident to ensure there are no barriers for students when seeking support or help. It creates a task force of diverse stakeholders, including students, which is responsible for writing a base set of questions for higher education institutions' climate surveys. Institutions have the option to use the base survey, add any other school specific questions or substitute a previously used survey if it is deemed to be up to the standards of the base survey to ensure there is consistency and flexibility.

Requires institutions to provide annual, mandatory, sexual misconduct prevention and awareness training for all students and employees to ensure that everyone in the campus community is informed and aware of the resources available to them through this bill.

Senate Bill 481- Statewide Victim Services Funds

Establishes a statewide center for the provision of services to victims of crime; requiring the Division of Child and Family Services of the Department of Health and Human Services, to the extent that money is available for this purpose, to designate a statewide center to provide assistance to certain victims; authorizing the

Administrator of the Division to accept any gift, grant, donation, bequest or other source of money for the purpose of carrying out duties related to the center.

Criminal/Legal Issues

Assembly Bill 119- Maternal Mortality Committee

Revises provisions governing the Maternal Mortality Review Committee. This bill requires the Committee, within the limits of available resources, to identify and review disparities in the incidence of maternal mortality in this State and include a summary of those disparities in the report required by existing law to be submitted to the Director of the Legislative Counsel Bureau for transmission to each regular session of the Legislature.

This bill also requires the Maternal Mortality Review Committee to collaborate with the Advisory Committee of the Office of Minority Health and Equity of the Department of Health and Human Services in the development of the report

Senate Bill 19- Criminal History Protections

Establishes provisions authorizing certain entities to obtain information relating to the records of criminal history of certain persons responsible for the safety and well-being of children, elderly persons or persons with disabilities. Establishes provisions in accordance with federal law that allow qualified entities to obtain information on the records of certain persons. Such a qualified entity must create an account with the Central Repository for Nevada Records of Criminal History, provide any person subject to these requirements written notification of his or her rights and obtain a signed waiver prior to conducting a records screening. The person's fingerprints must be submitted to the Repository and forwarded to the Federal Bureau of Investigation as part of the process. Qualified entities must determine whether the person is fit to have access to vulnerable persons.

The bill contains certain liability protections for the qualified entity, and the State also authorizes the Repository to audit any qualified entry for compliance with all applicable State and federal laws.

School Safety

Assembly Bill 205- Epinephrine in School

Makes various changes concerning the acquisition, possession, provision, or administration of auto-injectable epinephrine and opioid antagonists by schools. This bill authorizes certain health care professionals to issue such an order for opioid antagonists to a public or private school for the treatment of an opioid-related drug overdose that may be experienced by any person at the school. This bill authorizes a public or private school to obtain an order for an opioid antagonist, requiring these schools to provide training, and establish a policy to ensure that emergency assistance is sought each time a person experiences an opioid-related drug overdose on the premises of the school; and the parent or guardian of a pupil to whom an opioid antagonist is administered is notified as soon as practical.

Senate Bill 36- Crises Plans

Revises provisions relating to plans for responses to certain crises or emergencies on school property, at school activities or on school buses. This bill provides that the crisis committee of a school district's board of trustees, charter school's governing board, and private school must include a representative of the county or district board of health and requires that the parent or legal guardian representative not be an employee of a school or school district. Certain plans developed by a crisis committee to respond to a crisis, emergency, or suicide must be used for responding to all hazards. This requires that notice of a plan's review and update be posted on the website of each school district and school. The bill also requires Nevada's Department of Education to include a procedure for responding to an epidemic in its model plan for managing a crisis, emergency, or suicide.

Health and Homelessness

Assembly Bill 197- Unaccompanied Homeless Youth Consent

Revises provisions governing homeless youth, revising requirements concerning the provision of health care to a minor without the consent of his or her parents or legal guardian in certain circumstances. Making it easier for unaccompanied homeless youth to access health care, removes the requirement that a minor must have lived apart from their parents or legal guardian for a period of at least 4 months in order to provide such consent and outlines the manner in which a minor may demonstrate that they are living apart from their parents or legal guardian. In addition, this bill prohibits delaying or denying an examination or services because the minor refuses to consent to communication with their parent, parents or legal guardian.