

**Amendment No. 596**

Assembly Amendment to Senate Bill No. 306 First Reprint (BDR 39-796)

**Proposed by:** Assembly Committee on Health and Human Services

**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

| ASSEMBLY ACTION |                          |      | Initial and Date         | SENATE ACTION |              |                          | Initial and Date |                          |       |
|-----------------|--------------------------|------|--------------------------|---------------|--------------|--------------------------|------------------|--------------------------|-------|
| Adopted         | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____         | Adopted      | <input type="checkbox"/> | Lost             | <input type="checkbox"/> | _____ |
| Concurred In    | <input type="checkbox"/> | Not  | <input type="checkbox"/> | _____         | Concurred In | <input type="checkbox"/> | Not              | <input type="checkbox"/> | _____ |
| Receded         | <input type="checkbox"/> | Not  | <input type="checkbox"/> | _____         | Receded      | <input type="checkbox"/> | Not              | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





SENATE BILL NO. 306—SENATOR CRUZ-CRAWFORD

MARCH 10, 2025

JOINT SPONSOR: ASSEMBLYMEMBER MOSCA

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to mental health services for children. (BDR 39-796)

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 mental health; ~~revising provisions relating to the duties of the Administrator of the Division of Child and Family Services of the Department of Health and Human Services;~~ establishing provisions related to the discharge of a child with an emotional disturbance from certain inpatient psychiatric treatment facilities; **establishing a task force to develop recommendations for the creation of a program that provides housing and other services to certain children who are discharged from a treatment facility or certain other facilities or released on parole;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~Existing law requires the Administrator of the Division of Child and Family Services of the Department of Health and Human Services to perform certain duties relating to the mental health of children. Among other things, the Administrator is required to accept and provide services to a child who has been determined to be incompetent by a juvenile court. (NRS 433B.130) Section 3.5 of this bill additionally requires the Administrator to accept and provide services to a child who is subject to certain orders pursuant to chapter 62E or 432B of NRS. If the order requires the child to be committed to a treatment facility, section 3.5 also requires the Administrator to place the child in the treatment facility not later than 30 days after receipt of the order under certain circumstances.~~

~~Existing law authorizes the Administrator to receive a child with an emotional disturbance for treatment in certain treatment facilities if the child is a resident of this State and: (1) the child is committed by a court order; or (2) a parent or legal guardian makes application for treatment for the child. (NRS 433B.310) Section 4 of this bill makes various changes to provide that any such child with an emotional disturbance may be admitted to a treatment facility.]~~

**Existing law imposes certain requirements concerning the treatment of a child with an emotional disturbance. (NRS 433B.290-433B.339) Section 3** of this bill requires a public or private inpatient psychiatric treatment facility that admits a child with an emotional disturbance to establish discharge procedures which ~~must: (1) require a court to approve the~~

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~~discharge plan of the child if each parent or legal guardian of the child does not approve of the discharge plan; (2) prohibit a child from being discharged to a temporary facility [; and (3) require approval by an agency which provides child welfare services before receiving the child after discharge.] unless the temporary facility is the only facility that is available to receive the child for treatment.~~

Section 2.6 of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to establish a task force to develop recommendations for the creation of a program that provides housing and other services to certain children: (1) who are discharged from a treatment facility or other division facility or who are released on parole or discharged from a state facility for the detention of children; and (2) whose parents or guardians are unable to accept the child back into the home after the discharge or release because of a health or safety risk. Section 2.6 requires the Administrator of the Division to appoint representatives of the child welfare, juvenile justice and mental health systems to the task force. Section 2.8 of this bill establishes certain criteria for the recommendations and requires the recommendations to be submitted to the Joint Interim Standing Committee on Health and Human Services.

Existing law defines certain terms, including, "child with an emotional disturbance" for the purposes of chapter 433B of NRS related to the mental health of children. (NRS 433B.020-433B.100) Section 6 of this bill revises the definition of "child with an emotional disturbance" to provide that the term includes, without limitation, a child with a severe emotional disturbance. (NRS 433B.045)

Sections 7 and 9 of this bill remove and repeal certain provisions that contain a definition of "agency which provides child welfare services" for the purpose of consolidating the provisions into a single definition under section 2.4 of this bill. Section 5 of this bill makes a conforming change to indicate that the consolidated definition of "agency which provides child welfare services" applies to the provisions of chapter 433B of NRS. Section 8 of this bill makes a conforming change related to the consolidated definition.

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

**Section 1.** (Deleted by amendment.)

**Sec. 2.** (Deleted by amendment.)

**Sec. 2.2.** Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 2.4 to 3, inclusive, of this act.

**Sec. 2.4.** "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

**Sec. 2.6.** 1. The Division shall establish a task force to develop recommendations for the creation of a program that provides housing and other services to children, including, without limitation, children with an emotional disturbance:

(a) Who are:

(1) Discharged from a treatment facility or division facility; or

(2) Released on parole or discharged from a state facility for the detention of children; and

(b) Who do not have access to housing because of the inability of a parent or guardian to accept the child back into the home of the parent or guardian because of a health or safety risk.

2. The Administrator shall appoint representatives of the child welfare, juvenile justice and mental health systems to the task force.

3. The members of the task force shall serve without compensation.

1 4. As used in this section, "state facility for the detention of children" has  
 2 the meaning ascribed to it in NRS 62A.330.

3 Sec. 2.8. 1. The recommendations for the program described in section  
 4 2.6 of this act must:

5 (a) Determine the financial responsibility of a parent or guardian for  
 6 services provided to a child by the program;

7 (b) Establish guidelines to ensure that a parent or guardian of a child who  
 8 receives services from the program is not reported to an agency which provides  
 9 child welfare services or a law enforcement agency for abuse or neglect of the  
 10 child solely because the child receives services from the program;

11 (c) Require a parent or guardian of a child who receives services from the  
 12 program to also participate in services to assist in the reunification of the child  
 13 with the parent or guardian and other members of the family; and

14 (d) Prescribe the services to be provided by the program, including, without  
 15 limitation, the provision of housing, mental health services, educational services,  
 16 financial literacy services and other services that are necessary to ensure that a  
 17 child is prepared to live independently.

18 2. The task force shall submit the recommendations to the Joint Interim  
 19 Standing Committee on Health and Human Services on or before July 1 of each  
 20 even-numbered year.

21 Sec. 3. [Chapter 433B of NRS is hereby amended by adding thereto a new  
 22 section to read as follows:]

23 A public or private inpatient psychiatric treatment facility that admits a child  
 24 with an emotional disturbance shall establish discharge procedures which [must:

25 1. Require a court to approve the discharge plan of the child if each parent  
 26 or legal guardian of the child does not approve of the discharge plan;

27 2. Prohibit prohibit the discharge of the child to a temporary facility;] and

28 3. Require approval by an agency which provides child welfare services  
 29 before receiving the child after discharge,] unless the temporary facility is the  
 30 only treatment facility that is available to receive the child.

31 Sec. 3.5. [NRS 433B.130 is hereby amended to read as follows:

32 433B.130 1. The Administrator shall:

33 (a) Administer, in accordance with the policies established by the Commission,  
 34 the programs of the Division for the mental health of children.

35 (b) Establish appropriate policies to ensure that children in division facilities  
 36 have timely access to clinically appropriate psychotropic medication that are  
 37 consistent with the provisions of NRS 432B.197 and NRS 432B.4681 to 432B.469,  
 38 inclusive, and the policies adopted pursuant thereto.

39 (c) Upon an order of a juvenile court pursuant to chapter 62E or 432B or NRS  
 40 62D.180 or 62D.185, accept and provide services to a child who [has been  
 41 determined to be incompetent by the juvenile court.] is subject to the order.

42 (d) Subject to NRS 433B.320, if an order described in paragraph (c) requires  
 43 the child to be committed to a treatment facility, place the child in the treatment  
 44 facility not later than 30 days after receipt of the order.

45 2. The Administrator may:

46 (a) Appoint the administrative personnel necessary to operate the programs of  
 47 the Division for the mental health of children.

48 (b) Delegate to the administrative officers the power to appoint medical,  
 49 technical, clerical and operational staff necessary for the operation of any division  
 50 facility.

51 3. If the Administrator finds that it is necessary or desirable that any  
 52 employee reside at a facility operated by the Division or receive meals at such a

1 facility, perquisites granted or charges for services rendered to that person are at the  
2 discretion of the Director of the Department.

3 ~~4. The Administrator may enter into agreements with the Administrator of the~~  
4 ~~Division of Public and Behavioral Health of the Department or with the~~  
5 ~~Administrator of the Aging and Disability Services Division of the Department for~~  
6 ~~the care and treatment of consumers of the Division of Child and Family Services at~~  
7 ~~any facility operated by the Division of Public and Behavioral Health or the Aging~~  
8 ~~and Disability Services Division, as applicable.] (Deleted by amendment.)~~

9 **Sec. 4. [NRS 433B.310 is hereby amended to read as follows:**

10 ~~433B.310 [The Administrator may receive any] Subject to NRS 433B.320~~  
11 ~~and 433B.330, a child with an emotional disturbance may be admitted for~~  
12 ~~treatment [in] at a treatment facility or [any other] division facility if the child is a~~  
13 ~~resident of this State and if:~~

14 ~~1. The child is committed by court order to the custody of the Administrator~~  
15 ~~or to a division facility; or~~

16 ~~2. The child's parent, parents or legal guardian makes application for~~  
17 ~~treatment for the child.] (Deleted by amendment.)~~

18 **Sec. 5. NRS 433B.010 is hereby amended to read as follows:**

19 433B.010 As used in this chapter, unless the context otherwise requires, the  
20 words and terms defined in NRS 433B.020 to 433B.100, inclusive, **and section 2.4**  
21 **of this act** have the meanings ascribed to them in those sections.

22 **Sec. 6. NRS 433B.045 is hereby amended to read as follows:**

23 433B.045 **1.** "Child with an emotional disturbance" means a child whose  
24 progressive development of personality is interfered with or arrested by mental  
25 disorder so that the child shows impairment in the capacity expected of the child for  
26 his or her age and endowment for:

27 ~~1.]~~ **(a)** A reasonably accurate perception of the world around him or her;

28 ~~2.]~~ **(b)** Control of his or her impulses;

29 ~~3.]~~ **(c)** Satisfying and satisfactory relationships with others;

30 ~~4.]~~ **(d)** Learning; or

31 ~~5.]~~ **(e)** Any combination of these factors.

32 **2. The term includes, without limitation, a child with a severe emotional**  
33 **disturbance.**

34 **Sec. 7. NRS 433B.325 is hereby amended to read as follows:**

35 433B.325 **1.** A treatment facility and any other division facility into which a  
36 child may be committed by a court order shall treat each child committed to the  
37 facility by a court order in all respects in accordance with the child's gender  
38 identity or expression and the regulations adopted by the Division of Child and  
39 Family Services pursuant to subsection 2.

40 **2.** The Division of Child and Family Services of the Department shall adopt  
41 regulations establishing factors for a court to consider before committing a child to  
42 a treatment facility or other division facility and protocols for such a facility to  
43 follow when placing a child within the facility to ensure that each child who is so  
44 committed is placed in a manner that is appropriate for the gender identity or  
45 expression of the child. Such regulations must be adopted in consultation with:

46 (a) Lesbian, gay, bisexual, transgender and questioning children who are  
47 currently residing in foster homes, facilities for the detention of children, child care  
48 facilities, mental health facilities and receiving centers or who have resided in such  
49 settings;

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

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

1 (d) Representatives of lesbian, gay, bisexual, transgender and questioning  
2 persons;

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

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

6 (g) Advocates of children; and

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

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

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

14 5. As used in this section:

15 (a) ~~“Agency which provides child welfare services” has the meaning ascribed~~  
16 ~~to it in NRS 432B.030.~~

17 ~~(b)~~ “Child care facility” has the meaning ascribed to it in NRS 432A.024.

18 ~~(c)~~ (b) “Foster home” has the meaning ascribed to it in NRS 424.014.

19 ~~(d)~~ (c) “Gender identity or expression” has the meaning ascribed to it in NRS  
20 424.0145.

21 ~~(e)~~ (d) “Receiving center” has the meaning ascribed to it in NRS 424.0175.

22 **Sec. 8. NRS 433B.3394 is hereby amended to read as follows:**

23 433B.3394 1. The task force shall:

24 (a) Prescribe procedures for conducting the review by a clinical team appointed  
25 pursuant to NRS 433B.3396 and the arrangement of the provision of services  
26 pursuant to that section;

27 (b) Develop and carry out procedures to increase the availability of the services  
28 described in subsection 3 of NRS 433B.3396 throughout this State to allow children  
29 to receive those services in or near their homes;

30 (c) Provide for outreach to and the education of parents and providers of  
31 mental health services concerning the services available through the program  
32 developed pursuant to NRS 433B.3393; and

33 (d) Make recommendations to the Department concerning the adoption of any  
34 regulations necessary to carry out the provisions of NRS ~~[433B.3392]~~ 433B.3393 to  
35 433B.3398, inclusive.

36 2. The Department of Health and Human Services shall adopt any regulations  
37 necessary to carry out the provisions of NRS ~~[433B.3392]~~ 433B.3393 to  
38 433B.3398, inclusive, including, without limitation, regulations that set forth the  
39 manner in which the cost of providing services pursuant to NRS 433B.3396 will be  
40 paid. Those regulations must require the parent or guardian of a child to whom  
41 services are provided to use any insurance and otherwise contribute to the cost of  
42 such services to the extent of his or her ability.

43 **Sec. 9. NRS 433B.3392 is hereby repealed.**

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### TEXT OF REPEALED SECTION

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433B.3392 “Agency which provides child welfare services” defined. As used in NRS 433B.3392 to 433B.3398, inclusive, unless the context otherwise requires, “agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.