

**PROPOSED REGULATION OF THE  
DIVISION OF CHILD & FAMILY SERVICES OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES**

**LCB FILE NO. R095-18I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 05/04/2018**

## AMENDMENTS TO NAC CHAPTER 62B

**Section 1.** *“Abuse” means any physical or mental injury of a nonaccidental nature and include sexual abuse as defined by NRS 432B.100 and sexual exploitation as defined by 432B.110.*

**Section 2.** *“Facility” has the meaning ascribed to it in NRS 63.030.*

**Section 3.** *“Gender identity or expression” has the meaning ascribed to it in Section 2.5 of Assembly Bill 99 (2017).*

**Section 4.** *A juvenile court shall consider the following factors before committing a child to a facility, agency or institution, including, without limitation:*

- 1. The child’s gender identity or expression;*
- 2. Whether the facility, agency, or institution has a policy or protocol which complies with Section 5; and*
- 3. The ability of the facility, agency or institution to meet the needs of the child.*

**Section 5.**

- 1. Each facility, agency or institution shall establish a policy or protocol that is appropriate for the sexual orientation, gender identity or expression of the child.*
- 2. The policy or protocols must include:*
  - a) A procedure for determining the sexual orientation, gender identity or expression of a child that is primarily based on self-reporting from the child conducted in a respectful and developmentally appropriate manner;*
  - b) A procedure for responding to each child’s gender identity or expression while in the facility which include determination of housing assignments, access to privacy while showering, changing clothes, or using bathroom facility and placement for child aligned with their gender identity or expression, with consideration for the child’s wishes as well as the health and safety of the child;*
  - c) The child’s right to be free from bullying, harassment, or abuse due to their sexual orientation, gender identity or expression;*
  - d) Direction that staff shall communicate effectively and professionally with and about a child regardless of the child’s sexual orientation, gender identity or expression;*
  - e) Direction to staff on how to detect any bullying, harassment or abuse and neglect of a child and how to respond to protect a child from any threatened or actual abuse and neglect.*
  - f) A procedure to identify and provide access to the resources necessary to support the sexual orientation, gender identity or expression of all children within the facility, agency or institution; and*
  - g) A requirement to maintain confidentiality regarding the disclosure of a child’s sexual orientation or gender identity without the child’s permission unless such disclosure is necessary to comply with state or federal laws.*
- 3. The policy and protocol must prohibit:*
  - a. Facility, agency, or institution staff from conducting a physical examination the genital area of a child solely to determine their gender;*
  - b. Facility, agency, or institution staff from using any language, behavior, or gesture that may put a child at risk of bullying, harassment, or abuse and neglect; and*
  - c. Placement of a child in isolation or restrictive settings due to the child’s sexual orientation, gender identity or expression or to keep them safe from victimization.*