SENATE BILL NO. 382–SENATORS ROBERSON, HARDY, GUSTAVSON; GANSERT, GOICOECHEA, HAMMOND, HARRIS AND SETTELMEYER

MARCH 20, 2017

JOINT SPONSOR: ASSEMBLYMAN HANSEN

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to parental notification for certain abortions. (BDR 40-848)

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

CONTAINS UNFUNDED MANDATE (§ 19)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 abortions; requiring notification of a parent or guardian under certain circumstances before a physician may perform an abortion on a pregnant minor or ward; providing expedited procedures for an agency which provides child welfare services to grant authorization for a proposed abortion without such notification; providing expedited procedures for the judicial review of the decision of an agency which provides child welfare services; making the files and records relating to certain abortions confidential; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law specifies the medical conditions under which abortion may be performed in this State. (NRS 442.250) Since NRS 442.250 was submitted to and approved by referendum at the 1990 general election, Section 1 of Article 19 of the Nevada Constitution requires that the provisions of NRS 442.250 must not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. The abortion laws of this State also contain certain parental notification requirements that apply only to abortions performed upon pregnant minors. (NRS 442.255, 442.2555, 442.268) Since the parental

notification requirements were not part of the 1990 referendum, these requirements may be amended or repealed by the Legislature without approval in a referendum. (Nev. Const. Art. 1, § 9)

This bill repeals the existing parental notification requirements for pregnant minors and provides new notification requirements that apply to both pregnant wards, regardless of age, for whom a legal guardian or conservator has been appointed and pregnant minors. This bill conforms with Section 1 of Article 19 of the Nevada Constitution because this bill does not amend, annul, repeal, set aside, suspend or in any way make inoperative the provisions of NRS 442.250. Instead, this bill serves a different governmental purpose than the provisions of NRS 442.250 and enacts new laws that are separate and complete by themselves and are not amendatory of the provisions of NRS 442.250. (*Matthews v. State ex rel. Nev. Tax Comm'n*, 83 Nev. 266, 267-269 (1967))

In 1985, the Nevada Legislature created the existing parental notification requirements for pregnant minors which prohibit a physician, with certain exceptions, from knowingly performing an abortion upon a pregnant minor unless: (1) a custodial parent or guardian of the minor is notified in the prescribed manner before the abortion; or (2) upon the request of the minor, the district court authorizes an abortion without parental notification when the minor meets certain criteria. (Chapter 681, Statutes of Nevada 1985, pp. 2306-09 (codified at NRS 442.255, 442.2555, 442.268)) Before these notification requirements became effective in 1985, the United States District Court for the District of Nevada enjoined the implementation of these provisions, finding that they unconstitutionally burdened the fundamental right of a woman to an abortion and violated the personal liberty interests protected by the Due Process Clause of the Fourteenth Amendment of the United States Constitution. (*Glick v. McKay*, 616 F. Supp. 322, 323-328 (D. Nev. 1985))

In 1991, the United States Court of Appeals for the Ninth Circuit affirmed the decision of the federal district court. The Ninth Circuit based its decision on two grounds: (1) that the requirements impermissibly narrowed the criteria under which a state district court could give judicial authorization for an abortion without parental notification when an abortion would be in the best interests of the minor; and (2) that the judicial authorization requirements did not prescribe a time limit on the period within which a state district court must rule upon a request for an abortion, and as a result, the Nevada statutes did not facially ensure that the interests of a pregnant minor would be protected by expedited judicial review. (*Glick v. McKay*, 937 F.2d 434, 437-442 (9th Cir. 1991))

In 1997, the United States Supreme Court reversed a different Ninth Circuit decision which struck down a Montana parental notification requirement, with the Supreme Court rejecting the first reason relied upon by the Ninth Circuit in the *Glick* decision. (*Lambert v. Wicklund*, 520 U.S. 292, 294-299 (1997)) However, the United States Supreme Court did not address the second reason expressed in the *Glick* decision. As a result, the *Glick* decision of the Ninth Circuit is still in effect in Nevada, which means that the existing parental notification requirements contained in Nevada law remain unconstitutional because they do not place any time limit on the period within which a state district court must rule upon a request for judicial authorization for an abortion. (*Glick v. McKay*, 937 F.2d 434, 440-442 (9th Cir. 1991); *see also Planned Parenthood of S. Ariz. v. Lawall*, 180 F.3d 1022, 1029 n.9 (9th Cir. 1999) ("Nothing in *Wicklund*, however, affects *Glick*'s holding regarding [the failure of Nevada's law to facially comply with] *Bellotti II*'s expediency requirement."), *amended on denial of reh'g*, 193 F.3d 1042, 1043 (9th Cir. 1999))

Section 31 of this bill repeals existing requirements relating to parental notification for pregnant minors, and **sections 2-24** of this bill provide new notification requirements that apply to both pregnant minors and wards. These notification requirements are modeled, in part, on portions of the Minnesota

parental notification statute which was upheld by the United States Supreme Court in 1990. (*Hodgson v. Minn.*, 497 U.S. 417, 422-423 (1990) (plurality opinion) (upholding portions of Minn. Stat. § 144.343) The notification requirements contained in **sections 2-24** also take into account subsequent abortion-related decisions of the United States Supreme Court and the Ninth Circuit Court of Appeals. (*Ayotte v. Planned Parenthood of N. New Eng.*, 546 U.S. 320, 323-328 (2006); *Lambert v. Wicklund*, 520 U.S. 292, 294-299 (1997); *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 899-901 (1992); *Ohio v. Akron Ctr. for Reproductive Health*, 497 U.S. 502, 510-519 (1990) (plurality opinion); *Bellotti v. Baird*, 443 U.S. 622, 646-651 (1979) (plurality opinion); *Planned Parenthood of Idaho v. Wasden*, 376 F.3d 908, 924-935 (9th Cir. 2004); *Planned Parenthood of S. Ariz. v. Lawall*, 307 F.3d 783, 786-789 (9th Cir. 2002); *Planned Parenthood of S. Ariz. v. Lawall*, 180 F.3d 1022, 1027-1033 (9th Cir. 1999), *amended on denial of reh'g*, 193 F.3d 1042, 1043 (9th Cir. 1999))

To carry out the new parental notification requirements contained in this bill, **section 8** defines the term "minor" as a person who is less than 18 years of age, is unmarried and not emancipated. In order to be considered emancipated and not a minor under this bill, a person must offer reasonable proof of a court order declaring the person to be emancipated under Nevada law or the law of any other state, territory or possession of the United States or the District of Columbia. **Section 10** defines the term "ward" to mean a person for whom a legal guardian or conservator has been appointed by a court because of mental or intellectual incompetency, incapacity or insanity.

Section 11 expresses the intent of the Nevada Legislature that the notification requirements contained in this bill are intended to assist minors and wards in making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion by requiring, with certain exceptions, notification of a parent or guardian of the minor or ward, followed by a waiting period of 48 hours, before a physician may perform an abortion upon the minor or ward.

Section 13 prohibits a physician, with certain exceptions, from knowingly performing an abortion on a minor or ward unless: (1) written notice of the proposed abortion is delivered to at least one parent or guardian in the prescribed manner; and (2) a period of not less than 48 hours has elapsed after the delivery of the written notice. However, **section 13** also provides that the parent or guardian must not be notified if: (1) the physician certifies in writing in the medical record of the minor or ward that a medical emergency exists which necessitates an immediate abortion; (2) a parent or guardian of the minor or ward certifies in writing that he or she has been notified regarding the abortion; (3) an agency which provides child welfare services authorizes a physician to perform the abortion; or (4) a court of competent jurisdiction reverses the decision of the agency and authorizes a physician to perform the abortion. **Section 13** does not require a parent or guardian to consent to an abortion before it is performed and does not prohibit a physician from performing the abortion after notification has been provided and the 48-hour waiting period has expired.

The United States Supreme Court has held that the level of due process required in any particular matter is flexible, and "calls for such procedural protections as the particular situation demands." (*Mathews v. Eldridge*, 424 U.S. 319, 334 (1976) (citation omitted)) Federal courts have recognized that a state may establish an administrative bypass procedure to a parental consent or notification requirement. (*Bellotti v. Baird*, 443 U.S. 622, 643 n.22 (1979) ("We do not suggest, however, that a State choosing to require parental consent could not delegate the alternative procedure to a juvenile court or an administrative agency or officer."); *Cincinnati Women's Svcs., Inc. v. Taft*, 468 F.3d 361, 369, 374, 376 (6th Cir. 2006)) However, since the right to an abortion is rooted in the Fourteenth Amendment of the United States Constitution, and is not based upon a statutory

right conferred by a legislature, a presumption of "meaningful judicial review" exists in cases relating to the adjudication of constitutional rights by administrative agencies. (*Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*, 561 U.S. 477, 489-490 (2010); *Thunder Basin Coal Co. v. Reich*, 510 U.S. 200, 212, 213 (1994); *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 845-846 (1992); *see also Cooper v. Aaron*, 358 U.S. 1, 16-18 (1958); *Marbury v. Madison*, 5 U.S. 137 (1803); *Tilton v. Securities and Exch. Comm'n,* 824 F.3d 276, 282 (2016)) In contrast, "public rights" are those created by statute, and a legislative body is free to establish any procedure for the adjudication of claims relating to public rights, including, without limitation, restricting or eliminating access to judicial review after providing for the adjudication of a claim by an administrative agency. (*Granfinanciera, S.A. v. Nordberg,* 492 U.S. 33, 68 (1989)) Similarly, the United States Constitution authorizes Congress to limit the jurisdiction of the federal courts in any manner, including, without limitation, in matters relating to constitutional rights. (U.S. Const. Art. 3, § 2, cl. 1) However, the Nevada Constitution requires that the "[t]he judicial power of this State" be "vested in a court system, comprising a Supreme Court, a court of appeals, district courts and justices of the peace," a provision that does not authorize the Legislature to limit the jurisdiction of the courts of this State or to delegate decision-making authority relating to constitutional rights to an administrative agency without judicial review. (Nev. Const. Art. 6, § 1) Consequently, the Nevada Constitution requires that meaningful judicial review of administrative action is required in matters relating to constitutional rights.

Sections 14-16 establish standards and expedited procedures for a pregnant minor or ward to request authorization for a proposed abortion from an agency which provides child welfare services without notifying a parent or guardian pursuant to **section 13**. **Section 14** requires that an agency which provides child welfare services must designate an employee to handle such requests and that the Department of Health and Human Services must issue regulations to carry out the standards and procedures prescribed by **sections 14-16**. **Section 15** requires the agency, upon the request of the pregnant minor or ward or her physician, to conduct a recorded interview of the minor or ward to determine whether: (1) the minor or ward is sufficiently mature and well-informed and, if a ward, competent, to be capable of making a knowing, intelligent and deliberate decision relating to a proposed abortion; or (2) it is in the best interests of the minor or ward for the proposed abortion to take place. **Section 15** authorizes the designated employee to conduct an investigation relating to the interview, if necessary, and to receive any documents or written statements from the pregnant minor or ward which may be relevant. **Section 15** requires the agency which provides child welfare services to maintain an electronic record of the interview and investigation for the purposes of judicial review, including, without limitation, the audio recording of the interview and any files, documents, written statements or notes relating to the interview or investigation. **Sections 15 and 30** of this bill provide that such files, documents, written statements, notes and recordings are confidential and not public records. Finally, **section 16** requires the designated employee to issue a decision relating to the proposed abortion within 4 business days after the initial request for an interview by the pregnant minor or ward.

Sections 17-22 establish standards and expedited procedures for the judicial review of this decision. **Sections 18, 19 and 30** provide that the files, records and proceedings relating to this procedure of judicial review are confidential and that a pregnant minor or ward is entitled to a court-appointed attorney. **Sections 20 and 21** require a district court to hold a hearing on such a petition for judicial review and to limit review of the petition to whether the decision of the agency was: (1) in violation of any constitutional or statutory provisions; (2) in excess of the statutory authority of the agency; (3) based on unlawful procedure; (4) affected by another

error of law; (5) clearly erroneous in view of the reliable, probative and substantial evidence on the record; or (6) arbitrary, capricious or characterized by an abuse of discretion. **Sections 20-22** require a district court to issue a written decision within 6 judicial days after the filing of a petition for judicial review and that this decision must either: (1) affirm the decision of the agency denying authorization for an abortion; or (2) reverse the decision of the agency and grant authorization for an abortion.

If the district court affirms the decision of the agency which provides child welfare services, **section 23** authorizes an expedited appeal of the decision to the Nevada Supreme Court or Court of Appeals, depending on which court the Supreme Court designates to hear such appeal pursuant to an order or rule issued by the Supreme Court. **Section 23** requires such appellate court to issue a decision affirming or reversing the decision of the district court within 10 judicial days after the district court decision.

Sections 16, 22 and 23 provide that the authorization granted by an agency which provides child welfare services, a district court or an appellate court of this State, as applicable, constitutes the legal authority for a physician to perform an abortion on a pregnant minor or ward without the notification of a parent or guardian which would otherwise be required pursuant to **section 13**.

Section 24 provides that a person who knowingly performs an abortion on a pregnant minor or ward in violation of the notification requirements of this bill, with certain exceptions, is guilty of a misdemeanor. Finally, **section 31** repeals an existing provision which grants civil immunity to physicians who perform judicially authorized abortions on a minor.

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 25, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Abortion" has the meaning ascribed to it in NRS 442.240.***

Sec. 4. ***"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.***

Sec. 5. ***"Designated employee" means the employee designated by the agency which provides child welfare services pursuant to section 14 of this act to interview pregnant minors or wards who request an abortion and to perform certain other duties relating to the request.***

Sec. 6. ***"Guardian" means a person who has been appointed by a court of competent jurisdiction as a legal guardian or conservator of a pregnant minor or ward.***

Sec. 7. ***1. "Medical emergency" means the existence of one or more medical conditions, events or occurrences, or any***

combination thereof, which in the good faith clinical judgment of an attending physician complicates the physical health of a pregnant minor or a ward in a manner that requires, within a reasonable degree of medical certainty, an immediate abortion to be performed upon the pregnant minor or ward to prevent:

(a) The death of the minor or ward; or

(b) A serious risk of substantial and irreversible physical impairment of a major bodily function.

2. For the purposes of this section, the existence of one or more medical conditions, events or occurrences, or any combination thereof, must not be considered to be a medical emergency if the medical condition, event or occurrence, or combination thereof, is primarily based on one or more:

(a) Psychological, mental or emotional conditions, events or occurrences; or

(b) Claims or diagnoses that, if an abortion is not performed immediately, the pregnant minor or ward is likely to engage in self-destructive conduct which could result in the death of the minor or ward or substantially or irreversibly cause the physical impairment of a major bodily function.

Sec. 8. *1. "Minor" means a person who is:*

(a) Less than 18 years of age;

(b) Unmarried; and

(c) Not emancipated.

2. For the purposes of this section, a person who is less than 18 years of age and unmarried must not be considered to be emancipated unless the person offers reasonable proof of an order or decree from a court of competent jurisdiction declaring the person to be emancipated pursuant to NRS 129.080 to 129.140, inclusive, or any other provision of law of this State or any other state, territory or possession of the United States or the District of Columbia.

Sec. 9. *1. "Parent" means, relating to a pregnant minor, not more than one parent or guardian of the pregnant minor, if at least one parent or guardian of the pregnant minor is living.*

2. The term does not include a parent or guardian whose parental or legal rights have been terminated by a court of competent jurisdiction.

Sec. 10. *"Ward" means a person for whom a legal guardian or conservator has been appointed by an order or decree of a court of competent jurisdiction which declared the person to be mentally or intellectually incompetent, incapacitated or insane.*

Sec. 11. *The Legislature hereby finds and declares that:*

1. A pregnant minor or ward may not have the necessary maturity, emotional development or mental or intellectual

competency, capacity or understanding to be capable on her own, without the assistance of a parent or guardian, to make a knowing, intelligent and deliberate decision to give informed consent relating to a proposed abortion, and which presents a difficult, stressful and often overwhelming decision involving potentially significant short-term and long-term physical, emotional and psychological consequences.

2. The provisions of sections 2 to 24, inclusive, of this act are intended to assist a pregnant minor or ward in making a knowing, intelligent and deliberate decision to give informed consent relating to a proposed abortion by requiring, with certain exceptions, notification of a parent or guardian of the pregnant minor or ward, followed by a waiting period of 48 hours, before a physician may perform an abortion upon the pregnant minor or ward in order to:

(a) Encourage the pregnant minor or ward to seek advice, guidance, counsel and support from a parent or guardian in making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion; and

(b) Facilitate and foster the involvement of a parent or guardian who can provide advice, guidance, counsel and support to the pregnant minor or ward in making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion.

Sec. 12. *The provisions of sections 2 to 24, inclusive, of this act:*

1. Must be interpreted to establish conditions on performing an abortion upon a pregnant minor or ward that supplement but do not supplant any other conditions on performing an abortion upon a pregnant minor or ward which are established by NRS 442.240 to 442.270, inclusive, and section 25 of this act, or any other provision of law.

2. Must not be interpreted to amend, annul, repeal, set aside, suspend or in any way make inoperative the provisions of NRS 442.250 which were submitted to and approved by referendum pursuant to Section 1 of Article 19 of the Nevada Constitution.

3. Must not be interpreted to require a physician, or a designated agent of the physician, to notify more than one parent or guardian of a pregnant minor or ward.

Sec. 13. *1. In addition to the conditions established by NRS 442.240 to 442.270, inclusive, and section 25 of this act, or any other provision of law, and except as otherwise provided in sections 2 to 24, inclusive, of this act, a physician shall not knowingly perform an abortion upon a pregnant minor or ward unless:*

(a) Written notice of the proposed abortion is delivered to at least one parent or guardian of the pregnant minor or ward in the manner required by this section; and

(b) A period of not less than 48 hours has elapsed after the time of delivery of the written notice to at least one parent or guardian of the pregnant minor or ward in the manner required by this section.

2. To deliver the written notice of a proposed abortion required by this section, the physician, or a designated agent of the physician, shall determine the address of the usual place of abode of a parent or guardian of the pregnant minor or ward and deliver the written notice to a parent or guardian by at least one of the following methods:

(a) Personal service addressed to a parent or guardian at his or her usual place of abode and handed directly to a parent or guardian who is an authorized addressee. The time of delivery of the written notice shall be deemed to be the time of the personal service on the parent or guardian.

(b) Certified mail, return receipt requested with confirmation of delivery, addressed to a parent or guardian at his or her usual place of abode. Unless proof of service is otherwise established, such notice shall be deemed delivered 48 hours after mailing.

3. The parent or guardian of the pregnant minor or ward must not be notified pursuant to this section before a physician performs an abortion upon the minor or ward if:

(a) The physician certifies in writing in the medical record of the minor or ward that a medical emergency exists which necessitates an immediate abortion to be performed upon the minor or ward;

(b) A parent or guardian of the minor or ward certifies in writing that he or she has been notified regarding the abortion to be performed upon the minor or ward;

(c) An agency which provides child welfare services has given authorization for a physician to perform the abortion pursuant to section 16 of this act; or

(d) A court of competent jurisdiction has given authorization for a physician to perform the abortion in the manner set forth in sections 17 to 23, inclusive, of this act.

Sec. 14. *1. A pregnant minor or ward who does not wish to notify her parent or guardian of a proposed abortion as required pursuant to section 13 of this act may instead request an agency which provides child welfare services to provide authorization for the proposed abortion in the manner described in section 15 of this act.*

2. An agency which provides child welfare services shall designate an employee of the agency to interview any pregnant minor or ward who makes a request for a proposed abortion and to conduct any investigation required by section 15 of this act.

3. The Director shall adopt any necessary regulations to carry out the provisions of this section and sections 15 and 16 of this act.

Sec. 15. *1. Upon the request of a pregnant minor or ward or her physician for authorization for a proposed abortion pursuant to section 13 of this act, the designated employee must interview the pregnant minor or ward, and if necessary conduct an investigation, to determine whether:*

(a) The pregnant minor or ward is sufficiently mature and well-informed and, if a ward, competent, to make a knowing, intelligent and deliberate decision in consultation with a physician and to give informed consent concerning a proposed abortion without notifying her parent or guardian; or

(b) It is in the best interests of the pregnant minor or ward to authorize a physician to perform the proposed abortion without notifying a parent or guardian.

2. The designated employee shall conduct the interview required pursuant to subsection 1 as soon as possible, but not later than 2 business days after the request is made by the pregnant minor or ward and must make a determination within 2 business days after the interview. The designated employee shall make a recording of the interview.

3. The designated employee may accept any documents or written statements and record statements regarding any other facts or circumstances that may be relevant to a decision concerning the proposed abortion.

4. Any documents or written statements provided to the agency which provides child welfare services by the pregnant minor or ward and any recordings obtained or notes prepared by the designated employee relating to this section:

(a) Are confidential and are not public records; and

(b) Must be maintained as a single electronic record which may be easily transmitted to a court by the agency which provides child welfare services for the purposes of judicial review.

Sec. 16. *1. The designated employee shall issue a written decision regarding the proposed abortion and serve the decision on the pregnant minor or ward and her physician by personal service or the most expeditious manner of service which is feasible based on the circumstances within 2 business days after the interview as required by section 13 of this act.*

2. The written decision of the designated employee issued pursuant to subsection 1 must:

(a) Be based on a preponderance of the evidence available to the designated employee;

(b) Identify the reasons for granting or denying authorization for the proposed abortion; and

(c) Include findings of fact supporting the decision.

3. If the designated employee issues a decision authorizing a proposed abortion and the decision is served on the physician of the pregnant minor or ward, such decision constitutes legal authority for the physician to perform the abortion upon the minor or ward pursuant to NRS 442.240 to 442.270, inclusive, and section 25 of this act without notification of a parent or guardian pursuant to section 13 of this act.

4. The decision of the designated employee pursuant to this section is:

(a) Confidential and not a public record; and

(b) The final decision of the agency which provides child welfare services.

5. If the designated employee issues a decision which denies authorization for a proposed abortion, the pregnant minor or ward is entitled to ex parte judicial review of the decision pursuant to sections 17 to 23, inclusive, of this act.

Sec. 17. ***1. If the decision of the agency which provides child welfare services pursuant to section 16 of this act denies authorization for a proposed abortion, the pregnant minor or ward who is the subject of the decision may file a petition in a district court for ex parte judicial review of the decision.***

2. A pregnant minor or ward must not be charged a filing fee or any other court fees relating to the petition for judicial review or any proceedings relating to the petition, including, without limitation, any appeal, except that the pregnant minor or ward shall pay the special court fee required by Section 16 of Article 6 of the Nevada Constitution unless the pregnant minor or ward does not have the ability to pay such fee.

3. The rules of civil procedure do not apply to a petition for judicial review filed pursuant to this section or the proceedings regarding the petition. The Supreme Court shall adopt and issue all necessary rules and orders to carry out the provisions of sections 2 to 24, inclusive, of this act and to ensure expedited and confidential judicial review of the petition at all stages of the proceedings, including, without limitation, designating the appellate court which must hear an appeal pursuant to section 23 of this act.

4. In preparing the petition for judicial review, the pregnant minor or ward shall initial the petition but shall not sign the

petition. The caption and body of the petition must contain only the initials of the pregnant minor or ward.

5. The petition for judicial review must set forth:

(a) The age of the pregnant minor or ward;

(b) The estimated number of weeks elapsed from the probable time of conception; and

(c) The reasons the pregnant minor or ward believes the decision of the agency which provides child welfare services issued pursuant to section 16 of this act satisfies one or more of the factors set forth in subsection 2 of section 21 of this act.

6. The agency which provides child welfare services is not entitled to notice of a petition for judicial review filed pursuant to this section and such agency does not have standing to intervene or otherwise participate in proceedings relating to the petition.

Sec. 18. *1. A petition for judicial review filed by a pregnant minor or ward pursuant to section 17 of this act and all files, documents, records and proceedings regarding the petition and any appeal therefrom:*

(a) Are confidential and are not public records;

(b) Must ensure the anonymity of the pregnant minor or ward; and

(c) Must not be made available to or accessible by the public at any stage of the proceedings, including, without limitation, any appeal.

2. The district court and appellate court shall take the necessary steps to ensure the confidentiality of the petition for judicial review, the electronic record prepared by the agency which provides child welfare services and the proceedings, except that the district court or appellate court may authorize limited access to the petition for judicial review and any files, documents, records or proceedings relating to such petition, or any appeal therefrom, to the extent necessary to carry out the provisions of sections 17 to 23, inclusive, of this act.

3. If the district court or appellate court must identify the petition for judicial review, or any appeal therefrom, in the electronic record or the proceedings for docketing, scheduling or other administrative purposes in any files, documents or records that are available to the public, including, without limitation, any index, calendar, docket, register, minutes or case management system, such identification must contain only the initials of the pregnant minor or ward and must not contain any information that identifies or could lead to the identification of the pregnant minor or ward.

4. If any officer, employee or contractor of this State, or a political subdivision of this State, including, without limitation,

any officer, employee or contractor of the district court or appellate court, any attorney or member of support staff, acquires information concerning the petition for judicial review or any files, documents, records or proceedings relating to such petition or any appeal therefrom in the course of performing his or her duties, such person shall take the necessary steps to ensure, preserve and protect the confidentiality of the information and shall not disclose the information without authorization from a judicial officer.

5. A person who violates this section is guilty of a misdemeanor.

Sec. 19. *1. Upon the filing of a petition for judicial review pursuant to section 17 of this act, the district court shall:*

(a) Advise the pregnant minor or ward that she is entitled to be represented by a court-appointed attorney; and

(b) Upon request, appoint such an attorney to represent the minor or ward at all stages of the proceedings, including, without limitation, any appeal.

2. If the pregnant minor or ward is represented by a court-appointed attorney, the district court shall set the compensation and expenses of the attorney in a manner that is consistent with the compensation and expenses provided in NRS 7.125 and 7.135 for similar legal work, and the compensation and expenses of the attorney are a charge against the county.

Sec. 20. *1. After a pregnant minor or a ward files a petition for judicial review pursuant to section 17 of this act, the district court shall:*

(a) Request the agency which provides child welfare services to transmit the electronic record required by subsection 4 of section 15 of this act to such court within 2 judicial days;

(b) Make such electronic record available to the pregnant minor or ward and her attorney, if applicable, immediately upon receipt of the electronic record from the agency which provides child welfare services;

(c) Give the petition priority over other pending matters and expedite the proceedings in order to serve the best interests of the pregnant minor or ward without delay; and

(d) As soon as possible, but not later than 2 judicial days after the date on which the electronic record is received from the agency which provides child welfare services, hold an expedited hearing on the record regarding the merits of the petition for judicial review.

2. At such hearing, the district court shall exclusively receive argument from the pregnant minor or ward, or her attorney, if applicable, relating to the reasons the decision issued by the

agency which provides child welfare services pursuant to section 16 of this act satisfies one or more of the factors set forth in subsection 2 of section 21 of this act.

Sec. 21. *1. Except as otherwise provided in subsection 3, judicial review of a petition filed pursuant to section 17 of this act must be confined to the electronic record provided by the agency which provides child welfare services and the hearing held pursuant to section 20 of this act.*

2. The district court shall not substitute its judgment for that of the agency which provides child welfare services as to the weight of evidence on a question of fact. The district court may reverse the decision of the agency if such decision is:

(a) In violation of constitutional or statutory provisions;

(b) In excess of the statutory authority of the agency which provides child welfare services;

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion.

3. In cases concerning alleged irregularities in procedure committed by the agency which provides child welfare services that are not shown in the electronic record, the court may receive evidence concerning such irregularities.

4. As used in this section, "substantial evidence" means evidence which a reasonable person might accept as adequate to support a conclusion.

Sec. 22. *1. As soon as possible, but not later than 2 judicial days after the date of a hearing held pursuant to section 20 of this act, the district court shall:*

(a) Issue a written order affirming or reversing the decision of the agency which provides child welfare services and specifying the reasons for such decision; and

(b) File the written order under seal of confidentiality with the district court clerk and serve the pregnant minor or ward, and the physician of the minor or ward, with the written order by personal service or the most expeditious manner of service which is feasible based on the circumstances.

2. If the district court reverses the decision of the agency which provides child welfare services:

(a) The decision of the district court, after being served on the physician of the pregnant minor or ward, constitutes legal authority for the physician to perform an abortion upon the minor or ward pursuant to NRS 442.240 to 442.270, inclusive, and

section 25 of this act without notification of a parent or guardian pursuant to section 13 of this act; and

(b) The written order of the district court is not subject to an appeal, and no person has standing to take such an appeal.

3. If the district court affirms the decision of the agency which provides child welfare services, the pregnant minor or ward may appeal the written order of the district court in the manner set forth in section 23 of this act.

Sec. 23. *1. If the district court affirms the decision of the agency which provides child welfare services pursuant to section 22 of this act, such minor or ward may appeal the written order of the district court to the appellate court of competent jurisdiction pursuant to an order or rule issued by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution.*

2. To take such an appeal, the pregnant minor or ward must file a notice of appeal with the district court clerk not later than 3 judicial days after the date on which the pregnant minor or ward is served with the written order pursuant to section 22 of this act.

3. Not later than 1 judicial day after the date on which the pregnant minor or ward files a notice of appeal with the district court clerk, the pregnant minor or ward shall file a request for expedited relief with the clerk of the appellate court pursuant to the Nevada Rules of Appellate Procedure or any other applicable rule or order.

4. The record on appeal must be perfected and transmitted to the appellate court by the district court not later than 2 judicial days after the date on which the pregnant minor or ward files a notice of appeal pursuant to subsection 2 or within such earlier time as may be required by any applicable rule or order of the appellate court.

5. An agency which provides child welfare services is not entitled to notice of an appeal filed pursuant to this section and such agency does not have standing to intervene or otherwise participate in proceedings relating to the appeal.

6. The appellate court shall:

(a) Give the appeal priority over other pending matters and expedite the appeal in order to serve the best interests of the pregnant minor or ward without delay;

(b) As soon as possible, but not later than 5 judicial days after the date on which the record on appeal is transmitted to the appellate court, issue a written order affirming or reversing the written order of the district court issued pursuant to section 22 of this act; and

(c) File the written order under seal of confidentiality with the clerk of the appellate court and serve the pregnant minor or ward,

and the physician of the minor or ward, with the written order by personal service or the most expeditious manner of service which is feasible based on the circumstances.

7. If the appellate court reverses the written order of the district court, the decision of the appellate court, after being served on the physician of the pregnant minor or ward, constitutes legal authority for the physician to perform an abortion upon the minor or ward pursuant to NRS 442.240 to 442.270, inclusive, and section 25 of this act without notification of a parent or guardian pursuant to section 13 of this act.

Sec. 24. *1. Except as otherwise provided in this section, if a person knowingly performs an abortion upon a pregnant minor or a ward in violation of section 13 of this act, the person is guilty of a misdemeanor.*

2. A person is immune from criminal prosecution pursuant to this section if the person establishes by written evidence that, before performing the abortion upon the pregnant minor or ward:

(a) A physician certified in writing in the medical record of the minor or ward, in the manner set forth in section 13 of this act, that a medical emergency existed which necessitated an immediate abortion to be performed upon such minor or ward;

(b) A parent or guardian of the pregnant minor or ward certified in writing, in the manner set forth in section 13 of this act, that he or she was notified of the abortion to be performed upon the minor or ward;

(c) An agency which provides child welfare services or a court of competent jurisdiction gave authorization to perform an abortion upon the pregnant minor or ward pursuant to section 16, 22 or 23 of this act; or

(d) The person, or the designated agent of the person:

(1) Attempted with reasonable diligence to deliver the notice required by section 13 of this act to at least one parent or guardian of the pregnant minor or ward but was not able to do so; or

(2) Relied upon evidence which would be sufficient to convince a careful and prudent person that the representations of the pregnant minor or ward regarding information necessary to comply with section 13 of this act were bona fide and true.

Sec. 25. *The provisions of NRS 442.240 to 442.270, inclusive, and section 25 of this act apply to a pregnant minor or ward who has complied with sections 2 to 24, inclusive, of this act.*

Sec. 26. NRS 442.240 is hereby amended to read as follows:

442.240 As used in NRS 442.240 to 442.270, inclusive, *and section 25 of this act,* unless the context requires otherwise, "abortion" means the termination of a human pregnancy with an

intention other than to produce the birth of an infant capable of sustained survival by natural or artificial supportive systems or to remove a dead fetus.

Sec. 27. NRS 442.256 is hereby amended to read as follows:

442.256 A physician who performs an abortion shall maintain a record of it for at least 5 years after it is performed. The record must contain:

1. The written consent of the woman;

2. A statement of the information which was provided to the woman pursuant to NRS 442.253; and

3. A description of efforts to give any notice required by ~~[NRS 442.255.]~~ ***section 13 of this act.***

Sec. 28. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to ~~[NRS 442.255 and 442.2555]~~ ***sections 17 to 22, inclusive, of this act*** to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 29. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(n) The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694; or

(d) The judicial review of decisions of the Public Utilities Commission of Nevada.

6. ***The provisions of this chapter do not apply to an agency which provides child welfare services relating to a proposed abortion upon a pregnant minor or ward in the manner set forth in sections 14, 15 and 16 of this act. As used in this subsection, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.***

7. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 30. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,

130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,

645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 15, 16 and 18 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 31. NRS 442.255, 442.2555 and 442.268 are hereby repealed.

Sec. 32. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

TEXT OF REPEALED SECTIONS

442.255 Notice to custodial parent or guardian; request for authorization for abortion; rules of civil procedure inapplicable.

1. Unless in the judgment of the attending physician an abortion is immediately necessary to preserve the patient's life or health or an abortion is authorized pursuant to subsection 2 or NRS 442.2555, a physician shall not knowingly perform or induce an abortion upon an unmarried and unemancipated woman who is under the age of 18 years unless a custodial parent or guardian of the woman is personally notified before the abortion. If the custodial parent or guardian cannot be so notified after a reasonable effort, the physician shall delay performing the abortion until the physician has notified the parent or guardian by certified mail at the last known address of the parent or guardian.

2. An unmarried or unemancipated woman who is under the age of 18 years may request a district court to issue an order authorizing an abortion. If so requested, the court shall interview the woman at the earliest practicable time, which must be not more than 2 judicial days after the request is made. If the court determines, from any information provided by the woman and any other evidence that the court may require, that:

(a) She is mature enough to make an intelligent and informed decision concerning the abortion;

(b) She is financially independent or is emancipated; or

(c) The notice required by subsection 1 would be detrimental to her best interests,

➥ the court shall issue an order within 1 judicial day after the interview authorizing a physician to perform the abortion in

accordance with the provisions of NRS 442.240 to 442.270, inclusive.

3. If the court does not find sufficient grounds to authorize a physician to perform the abortion, it shall enter an order to that effect within 1 judicial day after the interview. If the court does not enter an order either authorizing or denying the performance of the abortion within 1 judicial day after the interview, authorization shall be deemed to have been granted.

4. The court shall take the necessary steps to ensure that the interview and any other proceedings held pursuant to this subsection or NRS 442.2555 are confidential. The rules of civil procedure do not apply to any action taken pursuant to this subsection.

442.2555 Procedure if district court denies request for authorization for abortion: Petition; hearing on merits; appeal.

1. If the order is denied pursuant to NRS 442.255, the court shall, upon request by the minor if it appears that she is unable to employ counsel, appoint an attorney to represent her in the preparation of a petition, a hearing on the merits of the petition, and on an appeal, if necessary. The compensation and expenses of the attorney are a charge against the county as provided in the following schedule:

(a) For consultation, research and other time reasonably spent on the matter, except court appearances, $20 per hour.

(b) For court appearances, $30 per hour.

2. The petition must set forth the initials of the minor, the age of the minor, the estimated number of weeks elapsed from the probable time of conception, and whether maturity, emancipation, notification detrimental to the minor's best interests or a combination thereof are relied upon in avoidance of the notification required by NRS 442.255. The petition must be initialed by the minor.

3. A hearing on the merits of the petition, on the record, must be held as soon as possible and within 5 judicial days after the filing of the petition. At the hearing the court shall hear evidence relating to:

(a) The minor's emotional development, maturity, intellect and understanding;

(b) The minor's degree of financial independence and degree of emancipation from parental authority;

(c) The minor's best interests relative to parental involvement in the decision whether to undergo an abortion; and

(d) Any other evidence that the court may find useful in determining whether the minor is entitled to avoid parental notification.

4. In the decree, the court shall, for good cause:

(a) Grant the petition, and give judicial authorization to permit a physician to perform an abortion without the notification required in NRS 442.255; or

(b) Deny the petition, setting forth the grounds on which the petition is denied.

5. An appeal from an order issued under subsection 4 may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, which shall suspend the Nevada Rules of Appellate Procedure pursuant to NRAP 2 to provide for an expedited appeal. The notice of intent to appeal must be given within 1 judicial day after the issuance of the order. The record on appeal must be perfected within 5 judicial days after the filing of the notice of appeal and transmitted to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court. The appellate court of competent jurisdiction, shall, by court order or rule, provide for a confidential and expedited appellate review of cases appealed under this section.

442.268 Civil immunity of person performing judicially authorized abortion in accordance with provisions of NRS 442.240 to 442.270, inclusive. If an abortion is judicially authorized and the provisions of NRS 442.240 to 442.270, inclusive, are complied with, an action by the parents or guardian of the minor against persons performing the abortion is barred. This civil immunity extends to the performance of the abortion and any necessary accompanying services which are performed in a competent manner. The costs of the action, if brought, must be borne by the parties respectively.

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