

ASSEMBLY BILL NO. 25—COMMITTEE ON HEALTH AND HUMAN SERVICES

(ON BEHALF OF LEGISLATIVE COMMITTEE ON CHILDREN,
YOUTH AND FAMILIES)

PREFILED JANUARY 29, 2003

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes concerning provision of
public services for children. (BDR 38-690)

FISCAL NOTE: Effect on Local Government: Yes.
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 children; authorizing an agency which provides
child welfare services to enter into agreements with
certain persons for the provision of maintenance and other
services; authorizing an employee of such an agency to
provide maintenance and special services to certain
children under certain circumstances; providing a penalty;
and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 432 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. A child may enter into an agreement with an agency which***
4 ***provides child welfare services to continue to receive maintenance***
5 ***and special services if the child is enrolled as a student at a***
6 ***university, college, trade school or technical school. Such an***
7 ***agreement must be approved by a court.***
8 ***2. At intervals specified in the agreement by the agency which***
9 ***provides child welfare services, the child must submit to the***
10 ***agency which provides child welfare services documentation***
11 ***evincing his enrollment as a student at a university, college,***
12 ***trade school or technical school.***



- 1 3. *The term of any agreement entered into pursuant to*
2 *subsection 1 must not extend beyond the 22nd birthday of the*
3 *child.*
- 4 4. *Subject to the approval of the court, the agreement may be*
5 *terminated by:*
- 6 (a) *Mutual agreement; or*
7 (b) *The agency which provides child welfare services if the*
8 *child fails to comply with any term or condition in the agreement.*
- 9 5. *As used in this section:*
- 10 (a) *"Child" means a person who is 18 years of age or older but*
11 *less than 22 years of age.*
- 12 (b) *"Court" has the meaning ascribed to it in NRS 432B.050.*
- 13 **Sec. 2.** NRS 432.010 is hereby amended to read as follows:
14 432.010 As used in this chapter, except as otherwise defined by
15 specific statute or unless the context otherwise requires:
- 16 1. "Administrator" means the Administrator of the Division.
17 2. "Agency which provides child welfare services" has the
18 meaning ascribed to it in NRS 432B.030.
- 19 3. "Child" means a person ~~Hess~~ *who is:*
20 (a) *Less than 18 years of age ~~[, or if in school,]; or~~*
21 (b) *Eighteen years of age or older and is attending high*
22 *school, until graduation from high school.*
- 23 4. "Division" means the Division of Child and Family Services
24 of the Department of Human Resources.
- 25 5. "Maintenance" means general expenses for care such as
26 board, shelter, clothing, transportation and other necessary or
27 incidental expenses, or any of them, or monetary payments therefor.
- 28 6. "Special services" means medical, hospital, psychiatric,
29 surgical or dental services, or any combination thereof.
- 30 **Sec. 3.** NRS 432.030 is hereby amended to read as follows:
31 432.030 ~~[No]~~
- 32 1. *Except as otherwise provided in subsection 2, an* employee
33 *of an agency which provides child welfare services may , if*
34 *otherwise qualified, provide maintenance and special services ~~for~~*
35 *any child except as otherwise provided by specific statute or:*
36 ~~— 1. Upon the request of a child whom the agency which~~
37 ~~provides child welfare services determines to be emancipated;~~
38 ~~— 2. to any child other than a child who:~~
- 39 (a) *Is included as a client in the caseload of the employee at*
40 *the time of the provision of the maintenance or special services; or*
41 (b) *Has been included as a client in the caseload of the*
42 *employee within the 3 years immediately preceding the provision*
43 *of the maintenance or special services.*



1 **2. An employee of an agency which provides child welfare**
2 **services may provide maintenance and special services to any**
3 **child:**

4 **(a)** Pursuant to court order or request; or

5 ~~**(b)**~~ **(b)** Upon referral of appropriate law enforcement officials
6 for emergency care.

7 **Sec. 4.** NRS 432.034 is hereby amended to read as follows:

8 432.034 Written statements of information required from
9 responsible relatives of applicants for or recipients of assistance
10 pursuant to NRS 432.010 to 432.085, inclusive, **and section 1 of**
11 **this act** need not be under oath, but any person who signs such a
12 statement and willfully states therein as true any material matter
13 which he knows to be false is guilty of perjury which is a category
14 D felony and shall be punished as provided in NRS 193.130.

15 **Sec. 5.** NRS 432.037 is hereby amended to read as follows:

16 432.037 1. The Trust Fund for Child Welfare is hereby
17 created. All benefits for survivors or other awards payable to
18 children receiving child welfare services pursuant to NRS 432.010
19 to 432.085, inclusive, **and section 1 of this act**, in a county whose
20 population is less than 100,000 must be deposited in the State
21 Treasury for credit to the Fund.

22 2. The Division shall:

23 (a) Keep a separate account for each child who receives money.

24 (b) Deduct from the account any services to the child provided
25 by public money. Any surplus remaining may be expended for
26 extraordinary items deemed beneficial to the child.

27 (c) Remit any surplus balance to the parent or legal guardian of
28 the child, or to the child if he is emancipated or has reached the age
29 of 18 years, when the Division is no longer legally responsible for
30 him ~~**H**~~ **unless the child has entered into an agreement with an**
31 **agency which provides child welfare services pursuant to section 1**
32 **of this act.**

33 3. The Division shall pay interest to each child's separate
34 account maintained in the Trust Fund for Child Welfare at the end
35 of each interest period. Interest must be paid at a rate equal to the
36 average of the interest rates quoted by at least three banking
37 institutions for interest-bearing savings accounts of \$3,000 or less
38 on the first day of each interest period. Interest must be paid on the
39 child's account commencing with the first interest period that the
40 Division is legally responsible for the child. Interest must not be
41 paid for the interest period during which the child ceases to be the
42 legal responsibility of the Division.

43 4. All benefits for survivors or other awards payable to
44 children receiving child welfare services in a county whose
45 population is 100,000 or more pursuant to NRS 432.010 to 432.085,



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1 inclusive, *or section 1 of this act*, must be deposited in the trust
2 fund for child welfare established in the county treasury. A
3 disbursement from the benefits for survivors or other awards of a
4 child which is deposited in the fund may be made to the agency
5 which provides child welfare services for any child welfare services
6 provided to the child with public money.

7 5. As used in this section, "interest period" means that period
8 not less frequent than quarterly, as determined by the State
9 Treasurer, for which interest must be paid.

10 **Sec. 6.** NRS 432.085 is hereby amended to read as follows:

11 432.085 1. ~~The~~ *Except as otherwise provided in subsection*
12 *6, the* parents of a child placed in the custody of an agency which
13 provides child welfare services pursuant to the provisions of NRS
14 62.880 or 432.010 to 432.085, inclusive, or chapter 432B of NRS
15 are liable to the agency which provides child welfare services for the
16 cost of maintenance and special services provided to the child.

17 2. The Division shall establish by regulation reasonable
18 schedules for the repayment of money owed by parents pursuant to
19 subsection 1.

20 3. An agency which provides child welfare services may waive
21 all or any part of the amount due pursuant to this section if it
22 determines that the parents of the child do not have the ability to pay
23 the amount.

24 4. If a parent refuses to pay an agency which provides child
25 welfare services for money owed under this section, the agency
26 which provides child welfare services may bring a civil action to
27 recover all money owed with interest thereon at the rate of 7 percent
28 per year commencing 30 days after an itemized statement of the
29 amount owed is submitted to the parents.

30 5. All money collected pursuant to this section must be
31 deposited:

32 (a) In a county whose population is less than 100,000, with the
33 State Treasurer for credit to the State Child Welfare Services
34 Account.

35 (b) In a county whose population is 100,000 or more, with the
36 county treasurer for credit to a fund or account established by the
37 board of county commissioners.

38 *6. The parents of a child who has entered in to an agreement*
39 *with an agency which provides child welfare services pursuant to*
40 *section 1 of this act are not liable to the agency which provides*
41 *child welfare services for the cost of maintenance and special*
42 *services provided to the child.*

43 **Sec. 7.** This act becomes effective on July 1, 2003.

