

ASSEMBLY BILL NO. 35—COMMITTEE ON HEALTH
AND HUMAN SERVICES

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

PREFILED FEBRUARY 4, 2005

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes concerning provision of
public services for children. (BDR 38-667)

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 children; authorizing an agency which provides
child welfare services to enter into agreements with
certain persons for the provision of maintenance and other
services; requiring an agency which provides child
welfare services to develop a transition plan for certain
children in foster care to make the transition from foster
care to economic self-sufficiency; providing a penalty;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law defines an agency which provides child welfare services as the
2 local office of the Division of Child and Family Services of the Department of
3 Human Resources or the county agency that provides or arranges for necessary
4 child welfare services. (NRS 432B.030) Under existing law, an agency which
5 provides child welfare services is required to provide, to some extent, maintenance
6 and special services to children waiting to be adopted and children placed in foster
7 homes, homes of relatives or other facilities or institutions. (NRS 432.020)
8 Maintenance includes general expenses for care such as board, shelter, clothing,
9 transportation and other necessary or incidental expenses. Special services include
10 medical, hospital, psychiatric, surgical or dental services. Maintenance and special
11 services must be provided until the child reaches the age of 18 or until graduation
12 from high school. (NRS 432.010)

13 This bill authorizes a child who is receiving child welfare services to enter into
14 an agreement with an agency which provides child welfare services to continue to
15 receive maintenance and special services if he is enrolled as a student at a



16 university, college, trade school or technical school. The agreement must be
17 approved by a court and must not extend beyond the child's 22nd birthday.

18 This bill requires an agency which provides child welfare services to develop a
19 plan for a child to transition from foster care to economic self-sufficiency. This
20 plan must be developed for each child who is likely to remain in foster care until
21 the age of 18 years. The plan must include, among other items, the manner in which
22 the agency will assist the child in obtaining such things as a social security card,
23 medical insurance and housing assistance. The plan must be submitted to the court
24 for its review not later than 6 months before the child reaches the age of 18 years.

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 the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *A child may enter into an agreement with an*
4 *agency which provides child welfare services to continue to receive*
5 *maintenance and special services if the child is enrolled as a*
6 *student at a university, college, trade school or technical school.*
7 *Such an 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 *evidencing his enrollment as a student at a university, college,*
12 *trade school or technical school.*

13 *3. The term of any agreement entered into pursuant to*
14 *subsection 1 must not extend beyond the 22nd birthday of the*
15 *child.*

16 *4. Subject to the approval of the court, the agreement may be*
17 *terminated by:*

18 *(a) Mutual agreement; or*

19 *(b) The agency which provides child welfare services if the*
20 *child fails to comply with any term or condition in the agreement.*

21 *5. As used in this section:*

22 *(a) "Child" means a person who is 18 years of age or older but*
23 *less than 22 years of age.*

24 *(b) "Court" has the meaning ascribed to it in NRS 62A.180.*

25 **Sec. 3. 1.** *An agency which provides child welfare services*
26 *shall develop a transition plan for each child placed in its custody*
27 *who is placed in foster care and who is likely to remain in foster*
28 *care until the child reaches 18 years of age concerning the*
29 *transition of the child from foster care to economic*
30 *self-sufficiency.*

31 *2. The transition plan must include, without limitation, the*
32 *manner in which the agency which provides child welfare services*
33 *will assist the child in obtaining:*

34 *(a) A social security card;*



1 (b) An identification card or driver's license issued by the
2 Department of Motor Vehicles pursuant to chapter 483 of NRS;

3 (c) A work card issued by the sheriff of a county or any other
4 registration required for employment in a particular field, if
5 appropriate;

6 (d) Medical insurance;

7 (e) Disability benefits from the federal social security system, if
8 appropriate;

9 (f) Housing assistance; and

10 (g) Services provided by the Division of Mental Health and
11 Developmental Services of the Department of Human Resources,
12 if appropriate.

13 3. An agency which provides child welfare services shall
14 inform each child placed in its custody who is placed in foster care
15 and who is likely to remain in foster care until the child reaches
16 18 years of age of the assistance available pursuant to
17 NRS 423.137.

18 4. The transition plan developed pursuant to subsection 1
19 must:

20 (a) Be provided to the child;

21 (b) Include a copy of an application for receiving assistance
22 pursuant to NRS 423.137; and

23 (c) Include a list of nonprofit community organizations which
24 receive money pursuant to NRS 423.137 and provide services to
25 assist persons who attained the age of 18 years while children in
26 foster care in this State to make the transition from foster care to
27 economic self-sufficiency.

28 5. An agency which provides child welfare services shall
29 submit each transition plan developed pursuant to this section to
30 the court for its review of the transition plan not later than 6
31 months before the child reaches the age of 18 years. An agency
32 which provides child welfare services may submit the transition
33 plan for review by the court at a hearing to review the placement
34 of the child pursuant to NRS 432B.580 or 432B.590, if the hearing
35 is scheduled not later than 6 months before the child reaches the
36 age of 18 years.

37 6. As used in this section, "court" has the meaning ascribed
38 to it in NRS 62A.180.

39 **Sec. 4.** NRS 432.010 is hereby amended to read as follows:

40 432.010 As used in this chapter, except as otherwise defined by
41 specific statute or unless the context otherwise requires:

42 1. "Administrator" means the Administrator of the Division.

43 2. "Agency which provides child welfare services" has the
44 meaning ascribed to it in NRS 432B.030.



1 3. "Child" means a person ~~Hess~~ **who is:**
2 (a) **Less** than 18 years of age ~~[- or if in school.];~~ **or**
3 (b) ***Eighteen years of age or older and is attending high***
4 ***school,*** until graduation from high school.

5 4. "Division" means the Division of Child and Family Services
6 of the Department of Human Resources.

7 5. "Maintenance" means general expenses for care such as
8 board, shelter, clothing, transportation and other necessary or
9 incidental expenses, or any of them, or monetary payments therefor.

10 6. "Special services" means medical, hospital, psychiatric,
11 surgical or dental services, or any combination thereof.

12 **Sec. 5.** NRS 432.034 is hereby amended to read as follows:

13 432.034 Written statements of information required from
14 responsible relatives of applicants for or recipients of assistance
15 pursuant to NRS 432.010 to 432.085, inclusive, ***and sections 2 and***
16 ***3 of this act*** need not be under oath, but any person who signs such
17 a statement and willfully states therein as true any material matter
18 which he knows to be false is guilty of perjury which is a category
19 D felony and shall be punished as provided in NRS 193.130.

20 **Sec. 6.** NRS 432.037 is hereby amended to read as follows:

21 432.037 1. The Trust Fund for Child Welfare is hereby
22 created. All benefits for survivors or other awards payable to
23 children receiving child welfare services pursuant to NRS 432.010
24 to 432.085, inclusive, ***and sections 2 and 3 of this act*** in a county
25 whose population is less than 100,000 must be deposited in the State
26 Treasury for credit to the Fund.

27 2. The Division shall:

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

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

32 (c) Remit any surplus balance to the parent or legal guardian of
33 the child, or to the child if he is emancipated or has reached the age
34 of 18 years, when the Division is no longer legally responsible for
35 him ~~H~~ ***unless the child has entered into an agreement with an***
36 ***agency which provides child welfare services pursuant to section 2***
37 ***of this act.***

38 3. The Division shall pay interest to each child's separate
39 account maintained in the Trust Fund for Child Welfare at the end
40 of each interest period. Interest must be paid at a rate equal to the
41 average of the interest rates quoted by at least three banking
42 institutions for interest-bearing savings accounts of \$3,000 or less
43 on the first day of each interest period. Interest must be paid on the
44 child's account commencing with the first interest period that the



1 Division is legally responsible for the child. Interest must not be
2 paid for the interest period during which the child ceases to be the
3 legal responsibility of the Division.

4 4. All benefits for survivors or other awards payable to
5 children receiving child welfare services in a county whose
6 population is 100,000 or more pursuant to NRS 432.010 to 432.085,
7 inclusive, *and sections 2 and 3 of this act* must be deposited in the
8 trust fund for child welfare established in the county treasury. A
9 disbursement from the benefits for survivors or other awards of a
10 child which is deposited in the fund may be made to the agency
11 which provides child welfare services for any child welfare services
12 provided to the child with public money.

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

16 **Sec. 7.** NRS 432.085 is hereby amended to read as follows:

17 432.085 1. ~~The~~ *Except as otherwise provided in subsection*
18 *6, the* parents of a child placed in the custody of an agency which
19 provides child welfare services pursuant to the provisions of NRS
20 62A.380 or 432.010 to 432.085, inclusive, *and sections 2 and 3 of*
21 *this act* or chapter 432B of NRS are liable to the agency which
22 provides child welfare services for the cost of maintenance and
23 special services provided to the child.

24 2. The Division shall establish by regulation reasonable
25 schedules for the repayment of money owed by parents pursuant to
26 subsection 1.

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

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

37 5. All money collected pursuant to this section must be
38 deposited:

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

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



1 6. *The parents of a child who has entered into an agreement*
2 *with an agency which provides child welfare services pursuant to*
3 *section 2 of this act are not liable to the agency which provides*
4 *child welfare services for the cost of maintenance and special*
5 *services provided to the child.*

6 **Sec. 8.** This act becomes effective on July 1, 2005.



