

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 youth who is at least 18 years of age, but less than
14 22 years of age, and who was in foster care when he reached 18 years of age to
15 enter into an agreement with an agency which provides child welfare services to



continue to receive maintenance and special services. Such an agreement may be entered only if the youth is enrolled as a full-time student at a university, college, trade school or technical school and maintains at least a 2.0 grade point average, unless the youth is exempt from that requirement because of a disability. Any such agreement must not extend beyond the 22nd birthday of the youth.

This bill requires an agency which provides child welfare services to develop a plan for a child to transition from foster care to economic self-sufficiency. This plan must be developed for each child who is likely to remain in foster care until the age of 18 years. The plan must include, among other items, the manner in which the agency will assist the child in obtaining such things as a social security card, medical insurance and housing assistance. The plan must be submitted to the court 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:

Section 1. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Except as otherwise provided in subsection 2, a youth who is in foster care may enter into an agreement with an agency which provides child welfare services to continue to receive maintenance and special services if the youth:*

(a) Is enrolled as a full-time student at a university, college, trade school or technical school; and

(b) Maintains at least a 2.0 grade point average on a 4.0 grading scale.

2. The Division shall establish criteria with respect to youth who have a documented physical or mental disability to exempt those youth from the requirement to be enrolled full time to enter into an agreement pursuant to subsection 1.

3. At intervals specified in the agreement by the agency which provides child welfare services, the youth must submit to the agency which provides child welfare services documentation evidencing his satisfaction of the requirements of subsection 1 to the extent that he is not exempt pursuant to subsection 2.

4. The term of any agreement entered into pursuant to subsection 1 must not extend beyond the 22nd birthday of the youth.

5. The agreement may be terminated by:

(a) Mutual agreement;

(b) The agency which provides child welfare services if the youth fails to comply with any term or condition in the agreement; or

(c) The youth if the youth no longer wishes to receive maintenance and special services pursuant to the agreement.



1 6. As used in this section, "youth" means a person who is 18
2 years of age or older but less than 22 years of age and who was in
3 foster care when he reached 18 years of age.

4 Sec. 3. 1. An agency which provides child welfare services
5 shall develop a transition plan for each child placed in its custody
6 who is placed in foster care and who is likely to remain in foster
7 care until the child reaches 18 years of age concerning the
8 transition of the child from foster care to economic
9 self-sufficiency.

10 2. The transition plan must include, without limitation, the
11 manner in which the agency which provides child welfare services
12 will assist the child in obtaining:

13 (a) A social security card;

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

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

19 (d) Medical insurance;

20 (e) Disability benefits from the federal social security system, if
21 appropriate;

22 (f) Housing assistance; and

23 (g) Services provided by the Division of Mental Health and
24 Developmental Services of the Department of Human Resources,
25 if appropriate.

26 3. An agency which provides child welfare services shall
27 inform each child placed in its custody who is placed in foster care
28 and who is likely to remain in foster care until the child reaches
29 18 years of age of the assistance available pursuant to
30 NRS 423.137.

31 4. The transition plan developed pursuant to subsection 1
32 must:

33 (a) Be provided to the child;

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

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

41 5. An agency which provides child welfare services shall
42 submit each transition plan developed pursuant to this section to
43 the court for its review of the transition plan not later than 6
44 months before the child reaches the age of 18 years. An agency



1 *which provides child welfare services may submit the transition*
2 *plan for review by the court at a hearing to review the placement*
3 *of the child pursuant to NRS 432B.580 or 432B.590, if the hearing*
4 *is scheduled not later than 6 months before the child reaches the*
5 *age of 18 years.*

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

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

9 432.010 As used in this chapter, except as otherwise defined by
10 specific statute or unless the context otherwise requires:

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

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

14 3. "Child" means a person ~~Hess~~ *who is:*

15 (a) *Less* than 18 years of age ~~[, or if in school.]~~; *or*

16 (b) *Eighteen years of age or older and is attending high*
17 *school,* until graduation from high school.

18 4. "Division" means the Division of Child and Family Services
19 of the Department of Human Resources.

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

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

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

26 432.034 Written statements of information required from
27 responsible relatives of applicants for or recipients of assistance
28 pursuant to NRS 432.010 to 432.085, inclusive, *and sections 2 and*
29 *3 of this act* need not be under oath, but any person who signs such
30 a statement and willfully states therein as true any material matter
31 which he knows to be false is guilty of perjury which is a category
32 D felony and shall be punished as provided in NRS 193.130.

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

34 432.037 1. The Trust Fund for Child Welfare is hereby
35 created. All benefits for survivors or other awards payable to
36 children receiving child welfare services pursuant to NRS 432.010
37 to 432.085, inclusive, *and sections 2 and 3 of this act* in a county
38 whose population is less than 100,000 must be deposited in the State
39 Treasury for credit to the Fund.

40 2. The Division shall:

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

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



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

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

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

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

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

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

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

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

4. If a parent refuses to pay an agency which provides child welfare services for money owed under this section, the agency



1 which provides child welfare services may bring a civil action to
2 recover all money owed with interest thereon at the rate of 7 percent
3 per year commencing 30 days after an itemized statement of the
4 amount owed is submitted to the parents.

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

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

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

13 *6. The parents of a youth who has entered into an agreement*
14 *with an agency which provides child welfare services pursuant to*
15 *section 2 of this act are not liable to the agency which provides*
16 *child welfare services for the cost of maintenance and special*
17 *services provided to the youth.*

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



