
SENATE BILL NO. 23—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DIVISION OF CHILD AND FAMILY SERVICES)

PREFILED DECEMBER 13, 2010

Referred to Committee on Judiciary

SUMMARY—Clarifies the entity responsible for carrying out certain duties relating to the adoption of a child with special needs. (BDR 11-459)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 the adoption of children; clarifying the entity responsible for carrying out certain duties relating to the adoption of a child with special needs; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires that an agency which provides child welfare service or a
2 licensed child-placing agency may consent to the adoption of a child with special
3 needs who is in the custody of the agency if it would be in the best interests of the
4 child to be placed in that adoptive home. The agency which provides child welfare
5 service or the child-placing agency must evaluate the child to identify any special
6 needs he or she has and must notify the proposed adoptive parents that they may be
7 eligible for financial assistance for adopting a child with special needs. The agency
8 must also assist the proposed adoptive parents in applying for and satisfying any
9 prerequisites necessary to receive the financial assistance. (NRS 127.186) This bill
10 clarifies that the agency which has custody of the child is responsible for
11 scheduling any necessary evaluations of the child, notifying the proposed adoptive
12 parents about financial assistance and assisting the proposed adoptive parents in
13 applying for and satisfying prerequisites for financial assistance.



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

- 1 **Section 1.** NRS 127.186 is hereby amended to read as follows:
2 127.186 1. The agency which provides child welfare service
3 or a child-placing agency licensed by the Division pursuant to this
4 chapter may consent to the adoption of a child under 18 years of age
5 with special needs due to race, age or physical or mental problems
6 who is in the custody of the agency which provides child welfare
7 services or the licensed agency by proposed adoptive parents when,
8 in the judgment of the agency which provides child welfare services
9 or the child-placing agency, it would be in the best interests of the
10 child to be placed in that adoptive home.
11 2. The agency which provides child welfare services or child-
12 placing agency , *whichever has custody of the child*, shall in a
13 timely and diligent manner:
14 (a) Schedule any evaluations necessary to identify any special
15 needs the child may have.
16 (b) If it determines that the child has any special needs:
17 (1) Notify the proposed adoptive parents:
18 (I) That they may be eligible for a grant of financial
19 assistance pursuant to this section; and
20 (II) The manner in which to apply for such financial
21 assistance; and
22 (2) Assist the proposed adoptive parents in applying for and
23 satisfying any other prerequisites necessary to obtain a grant of
24 financial assistance pursuant to this section and any other relevant
25 subsidies and services which may be available.
26 3. The agency which provides child welfare services may grant
27 financial assistance for attorney's fees in the adoption proceeding,
28 for maintenance and for preexisting physical or mental conditions to
29 the adoptive parents of a child with special needs out of money
30 provided for that purpose if the head of the agency which provides
31 child welfare services or his or her designee has reviewed and
32 approved in writing the grant of financial assistance.
33 4. The grant of financial assistance must be limited, both as to
34 amount and duration, by agreement in writing between the agency
35 which provides child welfare services and the adoptive parents.
36 Such an agreement must not become effective before the entry of
37 the order of adoption.
38 5. Any grant of financial assistance must be reviewed and
39 evaluated at least once annually by the agency which provides child
40 welfare services. The evaluation must be presented for approval to
41 the head of the agency which provides child welfare services or his
42 or her designee. Financial assistance must be discontinued



1 immediately upon written notification to the adoptive parents by the
2 agency which provides child welfare services that continued
3 assistance is denied.

4 6. All financial assistance provided under this section ceases
5 immediately when the child attains majority, becomes self-
6 supporting, is emancipated or dies, whichever occurs first.

7 7. Neither a grant of financial assistance pursuant to this
8 section nor any discontinuance of such assistance affects the legal
9 status or respective obligations of any party to the adoption.

10 8. A court shall waive all court costs of the proposed adoptive
11 parents in an adoption proceeding for a child with special needs if
12 the agency which provides child welfare services or child-placing
13 agency consents to the adoption of such a child pursuant to this
14 section.

15 9. The Division, in consultation with each agency which
16 provides child welfare services, shall adopt regulations regarding
17 eligibility for and the procedures for applying for a grant of financial
18 assistance pursuant to this section.

19 **Sec. 2.** This act becomes effective upon passage and approval.

