

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Sixth Session
March 23, 2011**

The Committee on Health and Human Services was called to order by Chair April Mastroluca at 1:58 p.m. on Wednesday, March 23, 2011, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman April Mastroluca, Chair
Assemblywoman Peggy Pierce, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Teresa Benitez-Thompson
Assemblyman Steven Brooks
Assemblyman Richard Carrillo
Assemblywoman Lucy Flores
Assemblyman Jason Frierson
Assemblyman Pete Goicoechea
Assemblyman John Hambrick
Assemblyman Scott Hammond
Assemblyman Pete Livermore
Assemblywoman Debbie Smith

COMMITTEE MEMBERS ABSENT:

Assemblyman Mark Sherwood (unexcused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Kirsten Coulombe, Committee Policy Analyst
Risa Lang, Committee Counsel
Linda Whimple, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Amber Howell, Deputy Administrator, Bureau of Services for Child Care,
Division of Child and Family Services, Department of Health and
Human Services
Kevin Schiller, Director, Department of Social Services, Washoe County

Chair Mastroluca:

[Roll was called.] Good afternoon. First I want to acknowledge Mr. Hammond on his excellent basketball skills last night. I believe he scored 26 points. For those of you who missed the game, if you would like to see it, we play again this coming Tuesday in Reno at the Bighorns' game. We are hoping nothing happens to Mr. Hammond.

We have had a light week this week, but we have been able to get quite a few things off our plate. Next Monday we are going to be hearing a presentation on autism, Wednesday we will have three bills on autism, and probably another work session the following Friday. After the week of April 4, we will only have four hearings left to get the rest of our bills through, so it will start to get a little bit busy. Once we pass April 15, we get all the bills from the Senate, so we will start this whole process all over again.

We are going to be reviewing Assembly Bill 110 today.

**Assembly Bill 110: Establishes the Kinship Guardianship Assistance Program.
(BDR 38-196)**

Kirsten Coulombe, Committee Policy Analyst:

Assembly Bill 110 requires the Department of Health and Human Services to establish and administer the Kinship Guardianship Assistance Program in accordance with federal law. This is a bill that we heard at the end of February ([Exhibit C](#)). During that hearing, there was a proposed amendment from the Division of Child and Family Services (DCFS), and at the request of the Chair there was a working group established to work with the Division of Child and Family Services, as well as with Risa Lang, Committee Counsel, to work

through some of those proposed amendments. If you would like, Madam Chair, we do have representatives from DCFS to go over those amendments.

Chair Mastroluca:

Yes, please.

Amber Howell, Deputy Administrator, Bureau of Services for Child Care, Division of Child and Family Services, Department of Health and Human Services:

At the table with me is Jan Fragale, who is a manager within our unit that oversees the federal Title IV-E program (Federal Foster Care Program).

I will go over the amendments with you. I want to thank Risa Lang for her extreme patience in working through this, and for the Committee's patience while we sort through this very important legislation.

The first amendment is to amend the bill to add the new sections to *Nevada Revised Statutes* (NRS) Chapter 432B, Services and Facilities for Care of Children, instead of NRS Chapter 422A, Welfare and Supportive Services. It also places this program within the statute that child welfare agencies adhere to.

The second amendment is located in section 5. This section requires adoption of a state plan, but currently references NRS 422A.260. We want to remove that reference, since NRS Chapter 422A is a welfare chapter and not the child welfare chapter.

In section 5, we also request the removal of the language, "To the extent that money is available for that purpose." This language is not permitted through the Title IV-E program. It is an opt-in/opt-out program, so if the state chooses to opt in, you opt in all of the way. If, later down the road, the state wants to opt out, that is permissible, but you cannot have varying degrees of opting in and opting out depending on money available.

The third amendment is located in section 6. The first is to require in subsection 2 that the relative of the child be licensed. That is a requirement of the Kinship Guardianship Assistance Program. The second is to require the agreement with the relative and the agency be in writing. The third is to add a provision that allows the sibling of a child who qualifies for the program to be placed with the child and receive payments, even if the sibling would not otherwise qualify. This just helps prevent the separation of siblings.

The fourth amendment is located in section 7, and we are requesting to remove paragraph (f). Again, this is similar to section 5, and for the same reason cannot use the language, "To the extent that money is available"

In addition, we would rather address the language ". . . nonrecurring expenses associated with the appointment of the relative as the legal guardian of the child, not to exceed \$2,000 . . ." in policy, as we would not have to change the statute in the event federal law changes. This is similar to our adoption subsidy process, which we have spelled out in detail in policy rather than in statute.

The fifth amendment is to amend section 9, to remove the word "records" of the child, and instead refer to it as the "case plan." This is just to be consistent with the child welfare practice; the case plan is where the permanency goal is in, which the Kinship Guardianship Assistance Program goal would be located, so it just provides clarity.

The sixth and last amendment would amend the bill to allow a court to give full faith and credit to the laws of another jurisdiction if a child from this state is placed under a guardianship awarded by the court in another state. This initial transfer of a child outside of this state is through the Interstate Compact for the Transfer of Children [Interstate Compact on the Placement of Children, NRS 127.330] as codified already in Chapter 127 of the NRS. This would allow the State of Nevada to continue to provide kinship payments on behalf of the child, but the court in the other state would oversee the guardianship and could make determinations such as whether or not to end the guardianship, so there would be ongoing monitoring in the other state.

Those are all of the amendments that the Division is recommending, and I would be happy to answer any questions.

Chair Mastroluca:

I have a question regarding amendment No. 6. That is not something that is being added because of the language that we are putting in from the federal government? That is something separate?

Amber Howell:

That is correct.

Chair Mastroluca:

What is the reasoning behind it?

Amber Howell:

We have a number of children who are placed with relatives in other states through the Interstate Compact for the Transfer of Children [Interstate Compact on the Placement of Children, NRS 127.330]. This would allow those relatives to also qualify for the Kinship Guardianship Assistance Program. Otherwise, because our NRS around guardianship have a Nevada residency requirement, allowing us to honor another state's guardianship would allow us to make that payment. Otherwise that relative would not qualify for the program.

Assemblyman Hambrick:

Under the proposed amendment, section 6, subsection 2 requires that the relative of the child must be a provider. Is that going to be an expedited process? I am not sure how many relatives are providers. I understand why you are doing it. If you feel that the relative is a good fit for the youngster, I hope that process goes quickly. All of us in the room have seen bureaucratic slowness, and I want to make sure that the child is not left in limbo pending a successful outcome of that review.

Amber Howell:

The provider, meaning a licensed relative. Through a licensing process in this program, which typically takes 60 days at a maximum, the child will have to be with the relative for a minimum of six months. The licensing will already be established once we get to that place.

Chair Mastroluca:

Mr. Schiller has some experience with this. I know they do this quite a bit in Washoe County, so I asked him to come up and share his process with you.

Kevin Schiller, Director, Department of Social Services, Washoe County:

To answer your question as to how it is expedited, as we intervene through a child abuse and neglect investigation—the way the federal language is written—we have 60 days to license the relative. I want to emphasize that we can place the child prior to that licensing, and if we go past the 60 days in terms of the timing and completion of the licensure, we would lose eligibility until that is instated. It does not preclude us from placement. I can speak more from Washoe County's perspective; all but about 5 percent of our relatives are licensed at the moment.

Assemblyman Livermore:

Does this apply to all people, documented and undocumented?

Kevin Schiller:

Yes. Pursuant to our mandates required for investigation of child abuse and neglect, for statute it would include that. What we find in the Title IV-E reimbursement program is that we have to go through an eligibility process. That eligibility process requires us to go through several factors. In providing these services, one of the areas that we have to identify is the legal status of the family.

Assemblyman Livermore:

If a license were to be granted after the process, does that give them a business status other than being undocumented? Does that put them in kind of a limbo between documented and undocumented? Where does that put them?

Kevin Schiller:

Title IV-E and the licensure pursuant to statute for foster care have no impact on their residency within the country.

Chair Mastroluca:

Are there any other questions? [There was no response.]

Seeing none, I would entertain an amend and do pass motion on A.B. 110.

ASSEMBLYMAN FRIERSON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 110.

ASSEMBLYMAN BROOKS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN SHERWOOD WAS
ABSENT FOR THE VOTE.)

Chair Mastroluca:

Are there any other items to come before the Committee? [There was no response.]

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Is there anyone here for public comment? [There was no response.]

The meeting was adjourned [at 2:10 p.m.].

RESPECTFULLY SUBMITTED:

Linda Whimple
Committee Secretary

APPROVED BY:

Assemblywoman April Mastroluca, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: March 23, 2011

Time of Meeting: 1:58 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 110	C	Kirsten Coulombe	Work Session Document