

Amendment No. 1140

Senate Amendment to Senate Bill No. 257 First Reprint	(BDR 38-662)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	
Adoption of this amendment will REMOVE all appropriations from S.B. 257 R1.	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill proposed to be retained in this amendment.

MKM/RBL



Date: 6/4/2017

S.B. No. 257—Revises provisions relating to the welfare of children.
(BDR 38-662)



SENATE BILL NO. 257—SENATORS FARLEY, CANNIZZARO, SPEARMAN, RATTI, FORD;
ATKINSON, DENIS, MANENDO, PARKS, SEGERBLOM AND WOODHOUSE

MARCH 13, 2017

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the welfare of children.
(BDR 38-662)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Contains Appropriation not included in
Executive Budget.

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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; ~~requiring the State Plan for Temporary Assistance for Needy Families to authorize certain assistance to be provided to a person who provides certain care for a child to whom he or she is not related;~~ expanding the rights of children placed in foster care; creating the Normalcy for Foster Youth Account in the State General Fund; authorizing money in the Account to be used to provide opportunities for children to participate in certain activities; providing civil and criminal immunity to a person with whom a child has been placed who acts in accordance with certain standards in approving or allowing the child to participate in certain activities; ~~requiring the Division of Child and Family Services of the Department of Health and Human Services to hire a consultant to conduct a study of the child welfare system in this State; making appropriations;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires the Director of the Department of Health and Human Services to adopt state plans required by the Federal Government for the administration of public assistance programs, including the State Plan for Temporary Assistance for Needy Families. (NRS 422A.080, 422A.260) Section 1 of this bill requires the Director to include in the State Plan for Temporary Assistance for Needy Families the provision of child only assistance for a caregiver who is caring for a child as a foster parent and who is not related by blood to the child but has a significant emotional and positive relationship with the child.~~

Existing law affords specific rights to children who are placed in a foster home by an agency which provides child welfare services. (NRS 432.500-432.550) **Section 2.5** of this bill adds the right, with respect to the education and vocational training of a foster child, for a foster child to have reasonable access to participate in extracurricular, cultural and personal enrichment activities. **Section 4** of this bill creates the Normalcy for Foster Youth Account in the State General Fund to be administered by the Division of Child and Family Services of the Department of Health and Human Services. ~~and section 7 of this bill appropriates \$500,000 from the State General Fund to the Account.~~ **Section 4** authorizes the Division to use money

in the Account to provide monetary support to certain caregivers of foster children to allow the child to participate in extracurricular, cultural and personal enrichment activities. **Section 4** also authorizes the Division to award grants to agencies which provide child welfare services or nonprofit organizations that provide opportunities for such children to participate in extracurricular, cultural and personal enrichment activities. **Section 5** of this bill provides civil and criminal immunity for a person with whom a child has been placed when approving or allowing the child to participate in extracurricular, cultural and personal enrichment activities if the person acted in accordance with a standard based on the "reasonable and prudent parent standard" as it is defined in federal law. (42 U.S.C. § 675(10)(A))

~~Section 6 of this bill makes an appropriation from the State General Fund of \$28,250,000 to the Division of Child and Family Services of the Department of Health and Human Services to replace the Unified Nevada Information Technology for Youth (UNITY) case management system. Section 8 of this bill makes an appropriation from the State General Fund of \$200,000 to the Division to enter into a contract with an independent consultant to conduct a study of funding for the child welfare system in this State.~~

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

Section 1. ~~Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~The Director shall, to the extent authorized by federal law, include in the State Plan for Temporary Assistance for Needy Families adopted pursuant to NRS 422A.160 provisions for the payment of child only assistance to a fictive kin caregiver on behalf of a child who has been placed with the fictive kin caregiver pursuant to chapter 432B of NRS if all applicable conditions of eligibility are met. As used in this section, "fictive kin" means a person who is not related by blood to a child but has a significant emotional and positive relationship with the child.~~ (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 432.535 is hereby amended to read as follows:

432.535 With respect to the education and vocational training of a child placed in a foster home by an agency which provides child welfare services, the child has the right:

1. To receive fair and equal access to an education, including, without limitation, the right:

(a) To receive an education as required by law;

(b) To have stability in and minimal disruption to his or her education when the child is placed in a foster home;

(c) To attend the school and remain in the scholastic activities that he or she was enrolled in before placement in a foster home, to the extent practicable and if in the best interests of the child;

(d) To have educational records transferred in a timely manner from the school that he or she was enrolled in before placement in a foster home to a new school, if any;

(e) Not to be identified as a foster child to other students at his or her school by an employee of a school district, including, without limitation, a school administrator, teacher or instructional aide;

(f) To receive any educational screening, assessment or testing required by law;

(g) To be referred to and receive educational evaluation and services as soon as practicable after the need for such services has been identified, including, without limitation, access to special education and special services to meet the unique needs

of a child with educational or behavioral disabilities or impairments that adversely affect the child's educational performance;

(h) To have access to information regarding relevant educational opportunities, including, without limitation, course work for vocational and postsecondary educational programs and financial aid for postsecondary education, once the child is 16 years of age or older; and

(i) To attend a class or program concerning independent living for which he or she is qualified that is offered by the agency which provides child welfare services or another agency or contractor of the State.

2. To ~~participate~~ *reasonable participation* in extracurricular, cultural and personal enrichment activities which are consistent with the age and developmental level of the child.

3. To work and to receive vocational training, to the extent permitted by statute and consistent with the age and developmental level of the child.

4. To have access to transportation, if practicable, to allow the child to participate in extracurricular, cultural, personal and work activities.

Sec. 3. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. 1. *The Normalcy for Foster Youth Account is hereby created in the State General Fund.*

2. *The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.*

3. *The Division of Child and Family Services may use money in the Account to:*

(a) *Provide monetary support to a provider of foster care who provides opportunities to a child in his or her care to participate in extracurricular, cultural or personal enrichment activities; and*

(b) *Award grants to agencies which provide child welfare services or nonprofit organizations that provide opportunities to children in foster care to participate in extracurricular, cultural or personal enrichment activities.*

4. *The Division of Child and Family Services may accept gifts, grants, bequests and other contributions from any source for the purpose of carrying out the provisions of this section.*

5. *Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

Sec. 5. 1. *Except as otherwise provided in subsection 2, a person with whom a child has been placed pursuant to this chapter is immune from civil or criminal liability for approving or allowing the child to participate in extracurricular, cultural or personal enrichment activities if, in approving or allowing the child to participate in such activities, the person acted as a reasonable and prudent parent would have acted under the same circumstances to maintain the health, safety and best interests of the child while at the same time encouraging the emotional and developmental growth of the child.*

2. *The provisions of subsection 1 do not confer any immunity from civil or criminal liability for a person who violates an order of a court of competent jurisdiction.*

Sec. 6. ~~1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services the sum of \$28,250,000 for the replacement of the Unified Nevada Information Technology for Youth case management system with a new child welfare case management system.~~

~~2. Any remaining balance of the appropriation made by this section must not be committed for expenditure after June 30, 2022, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022.]~~ (Deleted by amendment.)

Sec. 7. ~~1. There is hereby appropriated from the State General Fund to the Normalecy for Foster Youth Account created by section 4 of this act the sum of \$500,000.~~

~~2. Any remaining balance of the appropriation made by this section must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.]~~ (Deleted by amendment.)

Sec. 8. ~~1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services the sum of \$200,000 for the Administrator of the Division to enter into a contract with a qualified, independent consultant to conduct a study of the funding of the child welfare system in this State.~~

~~2. The consultant shall conduct an analysis of:~~

~~(a) The current block grant model of funding of agencies which provide child welfare services, including a determination of whether such block grant funding is appropriate and sufficient to meet the needs of agencies which provide child welfare services and what other funding models, if any, would be more appropriate funding mechanisms;~~

~~(b) Potential sources of funding to support agencies which provide child welfare services in this State; and~~

~~(c) Sources of funding, including, without limitation, federal, state, local and private programs, for programs that support the welfare of children in this State, including, without limitation, funding for medical care, mental health and substance abuse treatment, education, juvenile justice and child care.~~

~~3. On or before September 1, 2018, the consultant hired pursuant to subsection 1 shall submit a report of the results of the study required pursuant to subsection 1 and any recommendations for legislation to the Director of the Department of Health and Human Services. Upon receipt of the report, the Director of the Department shall transmit the report to the Director of the Legislative Counsel Bureau for transmittal to the 80th Session of the Nevada Legislature.~~

~~4. Any remaining balance of the appropriation made by this section must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.]~~ (Deleted by amendment.)

Sec. 9. This act becomes effective on July 1, 2017.