

ASSEMBLY BILL NO. 150—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON  
CHILD WELFARE AND JUVENILE JUSTICE)

FEBRUARY 15, 2019

Referred to Committee on Health and Human Services

**SUMMARY**—Authorizing certain adopted children to enter into an agreement to receive services and payments from an agency which provides child welfare services. (BDR 38-453)

**FISCAL NOTE:** Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 3)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 child welfare; authorizing certain adopted children to enter into an agreement with the agency which provides child welfare services that entitles such children to certain services and payments; requiring the agency which provides child welfare services to develop a written plan to assist a child who enters into such an agreement in transitioning into independent living; authorizing the agency which provides child welfare services to request a credit report for a child who enters into such an agreement with the consent of the child; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Existing law authorizes a child whom a court places with a person or entity
- 2 other than a parent and who reaches 18 years of age to request the court to retain
- 3 jurisdiction over the child until the child reaches the age of 21 years. If a court
- 4 retains jurisdiction over a child in such circumstances, the child is required to enter
- 5 into an agreement with the agency which provides child welfare services. Such an
- 6 agreement is required to provide that the child is entitled to: (1) continue receiving



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services from the agency which provides child welfare services; and (2) receive monetary payments directly or to have such payments provided to another entity in an amount not to exceed the rate of payment for foster care. (NRS 432B.594) Existing law additionally requires the agency which provides child welfare services to develop a written plan to assist the child in transitioning into independent living. (NRS 432B.595) If a child determined to be a child in need of protection is adopted before the child reaches 18 years of age, **section 3** of this bill authorizes the child to enter into a similar agreement, but with the agency which provides child welfare services rather than having a court assume jurisdiction over the child. **Section 3** requires such an agreement to specify that, while the agreement is in effect, the child is: (1) entitled to receive services from the agency which provides child welfare services and to receive monetary payments directly or to have such payments provided to another entity; and (2) required to comply with a written plan developed by the agency which provides child welfare services to assist the child in transitioning into independent living. **Section 7** of this bill requires the agency which provides child welfare services to develop such a written plan for the child. **Section 3** provides that the agreement terminates upon a determination by the agency which provides child welfare services that the child is not in compliance or making a good faith attempt to comply with the written plan. **Section 3** also provides for the termination of such an agreement if the child so requests or on the date the child reaches 21 years of age.

**Section 2** of this bill authorizes the agency which provides child welfare services, with the consent of such a child, to request and examine a credit report of the child and provide assistance to the child if an inaccuracy is discovered. **Sections 1, 4-6 and 8** of this bill make conforming changes.

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

**Section 1.** NRS 432.010 is hereby amended to read as follows:  
432.010 As used in this chapter, except as otherwise defined by specific statute or unless the context otherwise requires:  
1. "Administrator" means the Administrator of the Division.  
2. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.  
3. "Child" means a person who ~~is~~ :  
(a) *Is* less than 18 years of age ~~for who remains~~ ;  
(b) *Remains* under the jurisdiction of a court pursuant to NRS 432B.594 ~~or~~ ; *or*  
(c) *Enters into an agreement with an agency which provides child welfare services pursuant to section 3 of this act.*  
4. "Department" means the Department of Health and Human Services.  
5. "Director" means the Director of the Department.  
6. "Division" means the Division of Child and Family Services of the Department.  
7. "Maintenance" means general expenses for care such as board, shelter, clothing, transportation and other necessary or incidental expenses, or any of them, or monetary payments therefor.



8. "Special services" means medical, hospital, psychiatric, surgical or dental services, or any combination thereof.

**Sec. 2.** NRS 432.0395 is hereby amended to read as follows:

432.0395 1. Before an agency which provides child welfare services requests and examines a copy of any credit report pursuant to subsection 2, the agency which provides child welfare services shall, to the greatest extent practicable:

(a) Inform the child of the requirement to request and examine a copy of any credit report that may exist for the child;

(b) Explain to the child the process for resolving any inaccuracy discovered on any such credit report; and

(c) Explain to the child the possible consequences of an inaccuracy on a credit report of the child.

2. An agency which provides child welfare services shall request and examine a copy of any credit report that may exist for each child who remains in the custody of the agency which provides child welfare services for 60 or more consecutive days:

(a) When the child reaches the age of 14 years, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I); or

(b) If the child has reached the age of 14 years before the child is placed in the custody of the agency which provides child welfare services, within 90 days after the placement of the child in the custody of the agency which provides child welfare services, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I).

3. An agency which provides child welfare services shall determine from the examination of a credit report pursuant to this section whether the credit report contains inaccurate information and whether the credit report indicates that identity theft or any other crime has been committed against the child.

4. The agency which provides child welfare services determines that an inaccuracy exists in the credit report of a child, the agency which provides child welfare services must:

(a) Report any information which may indicate identity theft or other crime to the Attorney General;

(b) Make a diligent effort to resolve the inaccuracy as soon as practicable; and

(c) If an inaccuracy remains unresolved after the child has left the custody of the agency which provides child welfare services, notify the child or, if the child has not attained the age of majority, the person responsible for the child's welfare:

(1) That an inaccuracy exists in the credit report of the child;

(2) Of the manner in which to correct the inaccuracy; and



(3) Of any services that may be available in the community to provide assistance in correcting the inaccuracy.

5. An agency which provides child welfare services may, upon consent of a child who remains under the jurisdiction of a court pursuant to NRS 432B.594 ~~§~~ *or who enters into an agreement with the agency which provides child welfare services pursuant to section 3 of this act*, continue to request and examine a credit report of the child and provide assistance to the child if an inaccuracy is discovered.

6. The Attorney General may investigate each potential instance of identity theft or crime reported pursuant to subsection 4 and prosecute in accordance with law each person responsible for any identity theft identified in the investigation.

**Sec. 3.** Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A child who is at least 18 years of age may enter into a written agreement with the agency which provides child welfare services described in subsection 2 if the child was:*

*(a) Determined to be a child in need of protection pursuant to NRS 432B.550 and placed by a court with a person or entity other than a parent; and*

*(b) Adopted at any time after such placement before reaching 18 years of age.*

*2. An agreement entered into pursuant to subsection 1 must include, without limitation, provisions specifying that:*

*(a) The child voluntarily entered into the agreement;*

*(b) While the agreement is in effect, the child is entitled to receive services from the agency which provides child welfare services and to receive monetary payments directly or to have such payments provided to another entity as designated in the plan developed pursuant to NRS 432B.595 in an amount not to exceed the rate of payment for foster care;*

*(c) While the agreement is in effect, the child is required to comply with the written plan developed pursuant to NRS 432B.595; and*

*(d) The agreement terminates:*

*(1) Upon a determination by the agency which provides child welfare services that the child is not in compliance or making a good faith attempt to comply with the written plan developed pursuant to section NRS 432B.595;*

*(2) Upon a request by the child to terminate the agreement;*  
*or*

*(3) On the date on which the child reaches 21 years of age, whichever occurs first.*



**Sec. 4.** NRS 432B.040 is hereby amended to read as follows:  
432B.040 "Child" means a person under the age of 18 years or, if in school, until graduation from high school. The term does not include a child who remains under the jurisdiction of the court pursuant to NRS 432B.594 ~~or~~ *or who enters into an agreement with the agency which provides child welfare services pursuant to section 3 of this act.*

**Sec. 5.** NRS 432B.060 is hereby amended to read as follows:  
432B.060 "Custodian" means a person or a governmental organization, other than a parent or legal guardian, who has been awarded legal custody of a child. The term does not include a person or governmental organization who continues to provide services to a child that remains under the jurisdiction of a court pursuant to NRS 432B.594 ~~or~~ *or to a child who enters into an agreement with the agency which provides child welfare services pursuant to section 3 of this act.*

**Sec. 6.** NRS 432B.591 is hereby amended to read as follows:  
432B.591 As used in NRS 432B.591 to 432B.595, inclusive, *and section 3 of this act*, "child" means a person who is:

1. Under the age of 18 years; and
2. Over the age of 18 years and who remains under the jurisdiction of the court pursuant to NRS 432B.594 ~~or~~ *or who enters into an agreement with the agency which provides child welfare services pursuant to section 3 of this act.*

**Sec. 7.** NRS 432B.595 is hereby amended to read as follows:  
432B.595 1. If *a child enters into an agreement with the agency which provides child welfare services pursuant to section 3 of this act* or the court retains jurisdiction over a child pursuant to NRS 432B.594, the agency which provides child welfare services shall develop a written plan to assist the child in transitioning to independent living. Such a plan must include, without limitation, the following goals:

(a) That the child save enough money to pay for his or her monthly expenses for at least 3 months;

(b) If the child has not graduated from high school or obtained a general equivalency diploma or an equivalent document, that the child remain enrolled in high school or a program to obtain a general equivalency diploma or an equivalent document until graduation or completion of the program;

(c) If the child has graduated from high school or obtained a general equivalency diploma or an equivalent document, that the child:

- (1) Enroll in a program of postsecondary or vocational education;



(2) Enroll or participate in a program or activity designed to promote or remove obstacles to employment; or

(3) Obtain or actively seek employment which is at least 80 hours per month;

(d) That the child secure housing;

(e) That the child have adequate income to meet his or her monthly expenses;

(f) That the child identify an adult who will be available to provide support to the child;

(g) If applicable, that the child have established appropriate supportive services to address any mental health or developmental needs of the child; and

(h) If a child is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, that the child have goals which are appropriate for the child based upon the needs of the child.

2. During the period in which *the agreement remains in effect or* the court retains jurisdiction over the child, *as applicable*, the agency which provides child welfare services shall:

(a) Monitor the plan developed pursuant to subsection 1 and adjust the plan as necessary;

(b) Contact the child by telephone at least once each month and in person at least quarterly;

(c) Ensure that the child meets with a person who will provide guidance to the child and make the child aware of the services which will be available to the child; and

(d) Conduct a meeting with the child at least 30 days, but not more than 45 days, before the jurisdiction of the court is terminated to determine whether the child requires any additional guidance.

**Sec. 8.** NRS 392.287 is hereby amended to read as follows:

392.287 “Child” means a person under the age of 18 years or, if a pupil, until graduation from high school. The term does not include a child who remains under the jurisdiction of the court pursuant to NRS 432B.594 ~~§~~ *or who enters into an agreement pursuant to section 3 of this act.*

**Sec. 9.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 10.** This act becomes effective on July 1, 2019.

