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FIRST REPRINT

A.B. 150

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—Establishes a program to allow certain persons over 18 years of age to remain in foster care. (BDR 38-453)

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 child welfare; establishing a program to allow certain persons over 18 years of age to remain in foster care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a child whom a court places with a person or entity other than a parent and who reaches 18 years of age to request the court to retain jurisdiction over the child until the child reaches the age of 21 years. If a court retains jurisdiction over a child in such circumstances, the child is required to enter into an agreement with the agency which provides child welfare services. Such an agreement is required to provide that the child is entitled to: (1) continue receiving 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) Existing federal law allows states to receive federal financial participation for foster care payments for persons who are between 18 and 21 years of age under certain circumstances. (42 U.S.C. §§ 670 et seq.) **Section 3** of this bill requires the Department of Health and Human Services to take any action necessary to obtain such federal financial participation. If such federal financial participation is obtained, **section 3** requires the Department to establish a program to allow such children to voluntarily remain in foster care. **Section 9.5** of this bill requires the Division of Child and Family Services of the Department to: (1)



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20 establish a plan to implement the program; (2) take certain other actions to
21 implement the program; and (3) submit a report to the Legislative Committee on
22 Child Welfare and Juvenile Justice concerning the implementation of the program.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

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

5 *The Department shall:*

6 1. *Take any action necessary to obtain federal financial*
7 *participation under 42 U.S.C. §§ 670 et seq. to establish a program*
8 *to allow a person who is 18 years of age or older and meets the*
9 *criteria prescribed in 42 U.S.C. § 675(8)(B) to voluntarily remain*
10 *in foster care until he or she reaches 21 years of age under*
11 *conditions prescribed by regulation of the Department; and*

12 2. *If the Department obtains federal financial participation*
13 *pursuant to subsection 1:*

14 (a) *Pay the nonfederal share of the costs of the program*
15 *described in subsection 1;*

16 (b) *Adopt any regulations necessary to carry out the program*
17 *described in subsection 1, including, without limitation,*
18 *regulations that establish the conditions under which a person*
19 *described in subsection 1 may voluntarily remain in foster care*
20 *until he or she reaches 21 years of age; and*

21 (c) *Take any other action necessary to carry out the program*
22 *described in subsection 1.*

23 **Sec. 4.** (Deleted by amendment.)

24 **Sec. 5.** (Deleted by amendment.)

25 **Sec. 6.** (Deleted by amendment.)

26 **Sec. 7.** (Deleted by amendment.)

27 **Sec. 8.** (Deleted by amendment.)

28 **Sec. 9.** (Deleted by amendment.)

29 **Sec. 9.5.** 1. The Division of Child and Family Services of
30 the Department of Health and Human Services shall:

31 (a) In consultation with agencies which provide child welfare
32 services, other agencies and organizations that provide social
33 services, attorneys who represent children in the custody of agencies
34 which provide child welfare services and other interested persons
35 and entities, establish a plan to carry out the program described in
36 section 3 of this act. The plan must include, without limitation:



(1) A timeline for carrying out the program described in section 3 of this act, the process for carrying out the program and an analysis of the fiscal impact of the program; and

(2) An analysis of the implementation and effect of the program established pursuant to NRS 432B.591 to 432B.595, inclusive, that allows a child who is over 18 years of age to voluntarily remain under the jurisdiction of a court under the conditions prescribed by NRS 432B.594.

(b) As soon as practicable but not later than September 30, 2020, apply to the Administration for Children and Families of the United States Department of Health and Human Services to amend the state plan for foster care and adoption assistance submitted pursuant to 42 U.S.C. § 671 as necessary to carry out the provisions of section 3 of this act.

(c) On or before October 1, 2020, submit to the Legislative Committee on Child Welfare and Juvenile Justice:

(1) A report concerning the status of the plan described in paragraph (a) and the program described in section 3 of this act; and

(2) Any recommendations for legislation necessary to improve the implementation of the program described in section 3 of this act.

2. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 10. This act becomes effective upon passage and approval.

