

Amendment No. 256

Assembly Amendment to Assembly Bill No. 150	(BDR 38-453)
Proposed by: Assembly Committee on Health and Human Services	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the unfunded mandate from A.B. 150.

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.

EWR/RBL



Date: 4/20/2019

A.B. No. 150—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)



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.]~~ **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.

~~[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;]~~ **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:

- 1 Existing law authorizes a child whom a court places with a person or entity other than a
- 2 parent and who reaches 18 years of age to request the court to retain jurisdiction over the child
- 3 until the child reaches the age of 21 years. If a court retains jurisdiction over a child in such
- 4 circumstances, the child is required to enter into an agreement with the agency which provides
- 5 child welfare services. Such an agreement is required to provide that the child is entitled to:
- 6 (1) continue receiving services from the agency which provides child welfare services; and (2)
- 7 receive monetary payments directly or to have such payments provided to another entity in an
- 8 amount not to exceed the rate of payment for foster care. (NRS 432B.594) Existing law
- 9 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.~~ 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) establish a plan to implement the program; (2) take certain other actions to implement the program; and (3) submit a report to the Legislative Committee on 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:

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 [or who remains];~~
- ~~(b) Remains under the jurisdiction of a court pursuant to NRS 432B.594 [.] ;~~
- ~~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.] (Deleted by amendment.)~~

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. If 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.]~~

~~(Deleted by amendment.)~~

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:~~

~~1. (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~~

~~2. (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;~~

~~which ever occurs first.~~ The Department shall:

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

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

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

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

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

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 who enters into an agreement with the agency which provides child welfare services pursuant to section 3 of this act.] (Deleted by amendment.)~~

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 to a child who enters into an agreement with the agency which provides child welfare services pursuant to section 3 of this act.] (Deleted by amendment.)~~

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 who enters into an agreement with the agency which provides child welfare services pursuant to section 3 of this act.]~~
(Deleted by amendment.)

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.]~~ (Deleted by amendment.)

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.]~~ (Deleted by amendment.)

1 **Sec. 9.** ~~[The provisions of NRS 254.599 do not apply to any additional~~
2 ~~expenses of a local government that are related to the provisions of this act.]~~
3 ~~(Deleted by amendment.)~~

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

6 (a) In consultation with agencies which provide child welfare services,
7 other agencies and organizations that provide social services, attorneys who
8 represent children in the custody of agencies which provide child welfare
9 services and other interested persons and entities, establish a plan to carry out
10 the program described in section 3 of this act. The plan must include, without
11 limitation:

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

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

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

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

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

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

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

32 **Sec. 10.** This act becomes effective ~~[on July 1, 2019,]~~ upon passage and
33 approval.