

Amendment No. 691

Assembly Amendment to Assembly Bill No. 498	(BDR 38-452)
Proposed by: Assembly Committee on Health and Human Services	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

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.



ASSEMBLY BILL NO. 498—COMMITTEE ON
HEALTH AND HUMAN SERVICES

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

APRIL 11, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to fictive kin caregivers. (BDR 38-452)

FISCAL NOTE: Effect on Local Government: No.
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 children; requiring, to the extent authorized by federal law, certain assistance to be provided to a person who provides certain care for a child to whom he or she is not related; 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, to the extent authorized by federal law, 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 in foster care and who is not related by blood to the child but has a significant emotional and positive relationship with the child. **Section 2** of this bill makes a conforming change.

Existing federal law authorizes states to establish a program to provide financial assistance to certain relatives of children in foster care who become the legal guardians of such children. (42 U.S.C. §§ 671 and 673) Under federal law, the Federal Government reimburses states that establish such a program for a portion of the costs of the program. (42 U.S.C. § 674) Existing law requires the Department to: (1) establish and administer the Kinship Guardianship Assistance Program in accordance with the federal law to provide financial assistance to a relative of a child who is appointed as the legal guardian of the child under certain circumstances; and (2) adopt a state plan for the administration of the Program. **Section 8** of this bill requires the Department, to the extent authorized by federal law, to include in the state plan a provision to provide assistance pursuant to the Program to a fictive kin who has been appointed the legal guardian of a child in foster care. **Section 5** of this bill defines "fictive kin" as a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child. If this provision of the state plan is approved by the Federal Government, **section 6** of this bill defines the term "relative" for the purposes of the Program to include a fictive kin of a child so that such a fictive kin is eligible for assistance pursuant to the Program. **Sections 7 and 9** of this bill make conforming changes.

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:

1. 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.260, provisions for the payment of child-only assistance to a fictive kin on behalf of a child who has been placed with the fictive kin pursuant to chapter 432B of NRS, if all applicable conditions of eligibility are met.

2. 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.

Sec. 2. NRS 422A.500 is hereby amended to read as follows:

422A.500 As used in NRS 422A.500 to 422A.600, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 422A.505 to 422A.520, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.

Sec. 4. *As used in NRS 432B.621 to 432B.626, inclusive, and sections 4, 5 and 6 of this act, unless the context otherwise requires, the words and terms defined in NRS 432B.621 and sections 5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"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.*

Sec. 6. *"Relative" includes, without limitation, a fictive kin, if the Federal Government approves a state plan for the administration of the Program which is adopted pursuant to subsection 2 of NRS 432B.622 and which provides for the provision of assistance to a fictive kin of a child pursuant to the Program.*

Sec. 7. NRS 432B.621 is hereby amended to read as follows:

432B.621 ~~[As used in NRS 432B.621 to 432B.626, inclusive, unless the context otherwise requires,]~~ "Program" means the Kinship Guardianship Assistance Program established and administered by the Department pursuant to NRS 432B.622.

Sec. 8. NRS 432B.622 is hereby amended to read as follows:

432B.622 1. The Department, through a division of the Department designated by the Director, shall establish and administer the Kinship Guardianship Assistance Program to provide assistance pursuant to the provisions of NRS 432B.621 to 432B.626, inclusive, *and sections 4, 5 and 6 of this act* and 42 U.S.C. §§ 671 and 673.

2. The Department shall adopt a state plan for the administration of the Program. *To the extent authorized by federal law, the Department shall include in the state plan for the administration of the Program a provision to provide assistance to a fictive kin of a child pursuant to the Program.*

3. An agency which provides child welfare services may enter into an agreement to provide assistance to a relative of a child pursuant to the Program. Such an agreement may be entered into with a relative who is located outside the State of Nevada. If a guardianship for the child is established in the other state, the agency which provides child welfare services must comply with any order of the court of the state in which the child resides concerning the guardianship.

1 **Sec. 9.** NRS 232.320 is hereby amended to read as follows:

2 232.320 1. The Director:

3 (a) Shall appoint, with the consent of the Governor, administrators of the
4 divisions of the Department, who are respectively designated as follows:

5 (1) The Administrator of the Aging and Disability Services Division;

6 (2) The Administrator of the Division of Welfare and Supportive Services;

7 (3) The Administrator of the Division of Child and Family Services;

8 (4) The Administrator of the Division of Health Care Financing and
9 Policy; and

10 (5) The Administrator of the Division of Public and Behavioral Health.

11 (b) Shall administer, through the divisions of the Department, the provisions of
12 chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A
13 and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410,
14 inclusive, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626,
15 inclusive, **and sections 4, 5 and 6 of this act**, 444.002 to 444.430, inclusive, and
16 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the
17 functions of the divisions of the Department, but is not responsible for the clinical
18 activities of the Division of Public and Behavioral Health or the professional line
19 activities of the other divisions.

20 (c) Shall administer any state program for persons with developmental
21 disabilities established pursuant to the Developmental Disabilities Assistance and
22 Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

23 (d) Shall, after considering advice from agencies of local governments and
24 nonprofit organizations which provide social services, adopt a master plan for the
25 provision of human services in this State. The Director shall revise the plan
26 biennially and deliver a copy of the plan to the Governor and the Legislature at the
27 beginning of each regular session. The plan must:

28 (1) Identify and assess the plans and programs of the Department for the
29 provision of human services, and any duplication of those services by federal, state
30 and local agencies;

31 (2) Set forth priorities for the provision of those services;

32 (3) Provide for communication and the coordination of those services
33 among nonprofit organizations, agencies of local government, the State and the
34 Federal Government;

35 (4) Identify the sources of funding for services provided by the Department
36 and the allocation of that funding;

37 (5) Set forth sufficient information to assist the Department in providing
38 those services and in the planning and budgeting for the future provision of those
39 services; and

40 (6) Contain any other information necessary for the Department to
41 communicate effectively with the Federal Government concerning demographic
42 trends, formulas for the distribution of federal money and any need for the
43 modification of programs administered by the Department.

44 (e) May, by regulation, require nonprofit organizations and state and local
45 governmental agencies to provide information regarding the programs of those
46 organizations and agencies, excluding detailed information relating to their budgets
47 and payrolls, which the Director deems necessary for the performance of the duties
48 imposed upon him or her pursuant to this section.

49 (f) Has such other powers and duties as are provided by law.

50 2. Notwithstanding any other provision of law, the Director, or the Director's
51 designee, is responsible for appointing and removing subordinate officers and
52 employees of the Department, other than the State Public Defender of the Office of
53 State Public Defender who is appointed pursuant to NRS 180.010.

1 **Sec. 10.** This act becomes effective upon passage and approval for the
2 purposes of adopting regulations and performing any other preparatory
3 administrative tasks that are necessary to carry out the provisions of this act,
4 and on July 1, ~~2019~~ 2020, for all other purposes.