

SENATE BILL NO. 397—COMMITTEE ON
HEALTH AND HUMAN SERVICES

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

MARCH 26, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to certain persons who remain in foster care beyond the age of 18 years. (BDR 38-502)

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 protection of children; revising provisions relating to certain persons who remain in foster care beyond the age of 18 years; 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) The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 allows states to receive federal Title IV-E reimbursement for costs associated with providing support services for persons to remain in foster care up to age 21. (Pub. L. No. 110-351) This bill authorizes an agency which provides child welfare services to establish a program to provide extended foster care services to such a child pursuant to that federal law. This bill also provides for reporting and the adoption of regulations relating to such a program.



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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An agency which provides child welfare services may establish a program to provide extended foster care services to a child pursuant to the Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351, 42 U.S.C. § 675.

2. On or before September 1 of each year, an agency which provides child welfare services shall submit a report regarding the program established pursuant to subsection 1, including, without limitation, the number of participants and the costs for providing the services, for submittal to:

(a) The Interim Finance Committee if the report is received during an odd-numbered year; or

(b) The next regular session of the Legislature if the report is received during an even-numbered year.

3. The Division of Child and Family Services shall adopt regulations governing a program established pursuant to subsection 1.

Sec. 2. NRS 432B.591 is hereby amended to read as follows:

432B.591 As used in NRS 432B.591 to 432B.595, inclusive, *and section 1 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 receives extended foster care services provided by a program established by an agency which provides child welfare services pursuant to section 1 of this act.*

Sec. 3. NRS 432B.592 is hereby amended to read as follows:

432B.592 1. A court shall refer a child who is in the custody of an agency which provides child welfare services to an attorney in the county who provides legal services without a charge to abused or neglected children if the court determines that the child:

(a) Has reached the age of 17 years; and

(b) Is not likely to be returned to the custody of his or her parent before reaching the age of 18 years.

2. The court shall request the attorney to whom such a child is referred to counsel the child regarding the legal consequences of remaining under the jurisdiction of the court after reaching 18 years of age and assist the child in deciding whether to remain under the jurisdiction of the court ~~or~~ *pursuant to NRS 432B.594 or whether to receive extended foster care services provided by a program*



established by an agency which provides child welfare services pursuant to section 1 of this act.

Sec. 4. NRS 432B.593 is hereby amended to read as follows:

432B.593 1. At least 120 days before the date on which a child who is in the custody of an agency which provides child welfare services reaches the age of 18 years, the agency which provides child welfare services shall meet with the child to determine whether the child intends to request that the court retain jurisdiction over the child pursuant to NRS 432B.594 after the child reaches the age of 18 years ~~or~~ *or to receive extended foster care services provided by a program established by an agency which provides child welfare services pursuant to section 1 of this act.*

2. If the child indicates during the meeting held pursuant to subsection 1 that the child does not intend to request that the court retain jurisdiction over the child ~~or~~ *or to receive extended foster care services provided by a program established by an agency which provides child welfare services pursuant to section 1 of this act*, the agency which provides child welfare services shall recommend that the court terminate jurisdiction over the child when the child reaches the age of 18 years.

3. Notwithstanding a determination made by a child during a meeting held pursuant to subsection 1, any time before reaching the age of 18 years, the child may:

(a) Inform the agency which provides child welfare services that the child intends to *receive extended foster care services provided by a program established by an agency which provides child welfare services pursuant to section 1 of this act* or request that the court continue jurisdiction over the child pursuant to NRS 432B.594, and the agency shall revise its recommendation to the court accordingly; or

(b) Request that the court retain jurisdiction over the child pursuant to NRS 432B.594, and the court shall accept jurisdiction.

4. A child who enters into an agreement with an agency which provides child welfare services before the child reaches the age of 18 years to allow the child to live independently is not prohibited from requesting that the court retain jurisdiction over the child pursuant to NRS 432B.594, and such a child is entitled to the same rights and protections set forth in NRS 432B.591 to 432B.595, inclusive, *and section 1 of this act*, as provided to any other child.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee



1 on Finance, may vote on this act before the expiration of the period
2 prescribed for the return of a fiscal note in NRS 218D.475. This
3 section applies retroactively from and after March 22, 2021.

4 **Sec. 7.** This act becomes effective upon passage and approval.

