

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; requiring the Division of Child and Family Services of the Department of Health and Human Services to establish the Extended Young Adult Support Services Program to provide extended youth support services to certain persons between 18 and 21 years of age; 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)



* S B 3 9 7 R 1 *

Sections 23, 27 and 30 of this bill revise terminology so that a person who is between 18 and 21 years of age whose plan for permanent placement on his or her 18th birthday was a permanent living arrangement other than reunification with his or her parents is referred to as a young adult rather than a child. **Section 24** of this bill provides that a young adult remains under the jurisdiction of the court until he or she reaches 21 years of age, but has the same ability to make decisions as an adult who is not subject to the jurisdiction of the court. **Section 25** of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to establish the Extended Young Adult Support Services Program to provide extended youth support services to young adults who would have been eligible previously to receive services upon electing to remain under the jurisdiction of the court. **Section 25** also provides for reporting and the adoption of regulations relating to such a program. **Section 22** of this bill defines the term "Program" to refer to the Program, and **section 28** of this bill provides that a person or governmental organization that provides services to a participant in the Program is not the custodian of that participant.

Existing law requires a court to refer a child who is 17 years of age and in the custody of an agency which provides welfare services to an attorney upon determining that the child is not likely to be returned to the custody of his or her parent before reaching the age of 18 years. (NRS 432B.592) **Section 31** of this bill requires such an attorney to counsel the child concerning the legal consequences of remaining under the jurisdiction of the court, as required by **section 24**. **Section 31** also requires the attorney to counsel the child concerning the legal consequences of participating in the Program and assist the child in deciding whether to participate. **Section 32** of this bill requires the agency which provides child welfare services to provide information concerning the Program to such a child and determine whether the child intends to request to participate in the Program at least 120 days before the child reaches 18 years of age. **Section 32** authorizes a young adult to decide to participate in the Program any time before his or her 21st birthday, notwithstanding any previous decision not to participate or to terminate participation.

Section 33 of this bill requires a participant in the Program to: (1) enter into a written agreement with the agency which provides child welfare services; and (2) be employed or enrolled in certain educational programs or programs to promote employment, if he or she is capable of doing so. **Section 34** of this bill requires the agency which provides child welfare services to develop a written extended youth support services plan to assist a participant in the Program in transitioning to self-sufficiency, and **section 33** requires the participant to make a good faith effort to achieve the goals set forth in the plan. **Section 26** of this bill requires a court that has jurisdiction over a participant to hold an annual hearing to: (1) review the plan developed for the participant; and (2) determine whether the agency which provides child welfare services has made reasonable efforts to assist the participant in meeting the goals prescribed by the plan. **Section 33** also sets forth the conditions under which participation in the Program may be terminated. **Section 33** additionally provides that a participant in the Program is entitled to continue to: (1) receive services from the agency which provides child welfare services; and (2) receive monetary payments from that agency or have those payments provided to another entity. **Section 33** provides that those monetary payments must be in an amount that is sufficient to assist the young adult to achieve self-sufficiency but does not exceed the rate of payment for foster care. **Section 33** authorizes an agency which provides child welfare services or the attorney assigned to the case to request a hearing before the court to address any issue with a participant. **Section 34** prescribes certain additional duties of an agency which provides child welfare services with respect to a participant in the Program. **Sections 1-19** of this bill make various changes so that the provisions of Nevada Revised Statutes relating to a child who is in foster care are consistent and apply to a person who remains in



71 foster care while participating in the Program in the same manner as a child in
72 foster care who is less than 18 years of age.

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

1 **Section 1.** Chapter 424 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Child” means a person who is less than 18 years of age or*
4 *who participates in the Extended Young Adult Support Services*
5 *Program established pursuant to section 25 of this act.*

6 **Sec. 2.** NRS 424.010 is hereby amended to read as follows:

7 424.010 As used in this chapter, unless the context otherwise
8 requires, the words and terms defined in NRS 424.011 to 424.018,
9 inclusive, *and section 1 of this act* have the meanings ascribed to
10 them in those sections.

11 **Sec. 3.** NRS 424.013 is hereby amended to read as follows:

12 424.013 “Family foster home” means a family home in which
13 one to six children ~~{who are under 18 years of age or who remain~~
14 ~~under the jurisdiction of a court pursuant to NRS 432B.594 and}~~
15 who are not related within the first degree of consanguinity or
16 affinity to the person or persons maintaining the home are received,
17 cared for and maintained, for compensation or otherwise, including
18 the provision of free care. The term includes a family home in which
19 such a child is received, cared for and maintained pending
20 completion of proceedings for the adoption of the child by the
21 person or persons maintaining the home.

22 **Sec. 4.** NRS 424.015 is hereby amended to read as follows:

23 424.015 “Group foster home” means a foster home which
24 provides full-time care and services for 7 to 15 children who are:

25 1. ~~{Under 18 years of age or who remain under the jurisdiction~~
26 ~~of a court pursuant to NRS 432B.594;~~

27 ~~—2.}~~ Not related within the first degree of consanguinity or
28 affinity to any natural person maintaining or operating the home;
29 and

30 ~~{3.}~~ 2. Received, cared for and maintained for compensation or
31 otherwise, including the provision of free care.

32 **Sec. 5.** NRS 424.0153 is hereby amended to read as follows:

33 424.0153 “Independent living foster home” means a foster
34 home which provides assistance with the transition to independent
35 living for children who have entered into an agreement to transition
36 to independent living and for children who:

37 1. Are at least 16 years of age ; ~~{but less than 18 years of age or~~
38 ~~who remain under the jurisdiction of a court pursuant to NRS~~
39 ~~432B.594;}~~



2. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

3. Are received, cared for and maintained for compensation or otherwise, including the provision of free care.

Sec. 6. NRS 424.018 is hereby amended to read as follows:

424.018 "Specialized foster home" means a foster home which provides full-time care and services for one to six children who:

1. Require special care for physical, mental or emotional issues;

~~2. [Are under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;~~

~~—3.]~~ Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

~~[4.]~~ 3. Are received, cared for and maintained for compensation or otherwise, including the provision of free care.

Sec. 7. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a ~~[resident who remains under the jurisdiction of a court]~~ *participant in the Extended Young Adult Support Services Program established pursuant to [NRS 432B.594,] section 25 of this act*, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a



violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. A licensing authority or a person or entity designated by the licensing authority may conduct an investigation of the background and personal history of a person who is 18 years of age or older who routinely supervises a child in a foster home in the same manner as described in subsection 1.

3. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

4. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to subsection 1 shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

5. The licensing authority or its designee:



(a) Shall conduct an investigation of each licensee, employee and resident pursuant to this section at least once every 5 years after the initial investigation; and

(b) May conduct an investigation of any person who is 18 years of age or older who routinely supervises a child in a foster home at such times as it deems appropriate.

Sec. 8. NRS 424.033 is hereby amended to read as follows:

424.033 1. Each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, resident of a foster home who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ *participant in the Extended Young Adult Support Services Program established pursuant to ~~NRS 432B.594,~~ section 25 of this act,* or a person who is 18 years of age or older who routinely supervises a child in a foster home for whom an investigation is conducted pursuant to subsection 2 of NRS 424.031, must submit to the licensing authority or its approved designee:

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to NRS 424.031; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. The Division shall assist the licensing authority of another state that is conducting a child abuse and neglect screening of a person who has resided in this State by providing information which is necessary to conduct the screening if the person who is the subject of the screening has signed a written permission authorizing the licensing authority to conduct a child abuse and neglect screening. The Division may charge a fee for providing such information in an amount which does not exceed the actual cost to the Division to provide the information.



5. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

6. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been convicted of a crime listed in NRS 424.031.

7. The licensing authority shall immediately inform the applicant for a license to conduct a foster home or the person who is licensed to conduct a foster home whether an employee or resident of the foster home, or any other person who is 18 years of age or older who routinely supervises a child in the foster home for whom an investigation was conducted pursuant to subsection 2 of NRS 424.031, has been convicted of a crime listed in NRS 424.031. The information provided to the applicant for a license to conduct a foster home or the person who is licensed to conduct a foster home must not include specific information relating to any such conviction, including, without limitation, the specific crime for which the person was convicted.

8. The licensing authority may deny an application for a license to operate a foster home or may suspend or revoke such a license if the licensing authority determines that the applicant or licensee has been convicted of a crime listed in NRS 424.031 or has failed to terminate an employee, remove a resident of the foster home who is 18 years of age or older or prevent a person for whom an investigation was conducted pursuant to subsection 2 of NRS 424.031 from being present in the foster home, if such a person has been convicted of any crime listed in NRS 424.031.

Sec. 9. NRS 424.039 is hereby amended to read as follows:

424.039 1. A licensing authority or its approved designee may, in accordance with the procedures set forth in 28 C.F.R. §§ 901 et seq., conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of a resident who is 18 years of age or older of a foster home in which the licensing authority wishes to place a child in an emergency situation, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the Extended Young Adult Support Services Program established pursuant to ~~NRS 432B.594,~~ section 25 of this act, to determine whether the person investigated has been arrested for or convicted of any crime.

2. Upon request of a licensing authority that wishes to place a child in a foster home in an emergency situation, or upon request of the approved designee of the licensing authority, a resident who is 18 years of age or older of the foster home in which the licensing authority wishes to place the child, other than a ~~resident who~~



~~remains under the jurisdiction of a court~~ *participant in the Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,] section 25 of this act,~~* must submit to the licensing authority or its approved designee a complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The licensing authority or its approved designee shall forward the fingerprints to the Central Repository for Nevada Records of Criminal History within the time set forth in federal law or regulation.

3. If a resident who is 18 years of age or older of a foster home in which a licensing authority places a child in an emergency situation, other than a ~~[resident who remains under the jurisdiction of a court]~~ *participant in the Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,] section 25 of this act,~~* refuses to provide a complete set of fingerprints to the licensing authority or its approved designee upon request pursuant to subsection 2, the licensing authority must immediately remove the child from the foster home.

Sec. 10. NRS 424.220 is hereby amended to read as follows:

424.220 1. A foster care agency which places children in an independent living foster home shall develop and implement written policies and procedures relating to children placed in independent living foster homes which must include, without limitation:

(a) A process for ensuring that a potential location for an independent living arrangement meets any standards required by the licensing authority and is evaluated on a regular basis to ensure that it continues to meet such standards;

(b) A procedure for approving a location for an independent living arrangement;

(c) Criteria and procedures for intake and admission into the independent living foster home and discharge from the independent living foster home, including, without limitation, procedures to ensure that the child will be discharged into the care of his or her legal guardian if he or she is less than 18 years of age at the time of his or her discharge;

(d) The conditions under which a child may be discharged from the independent living foster home, including, without limitation, criteria and procedures for implementing an emergency discharge of the child;

(e) Criteria and procedures for terminating the approval of a location for an independent living arrangement;



(f) A detailed plan for determining and maintaining the supervision and visitation of each child after he or she has been placed in a location for an independent living arrangement; and

(g) The types of services that the provider of foster care will obtain or provide to meet the needs of the child during the placement.

2. A foster care agency which places children in an independent living foster home shall coordinate with the provider of foster care to:

(a) Ensure that each child is enrolled in academic, vocational education or career and technical education services appropriate to meet the needs of the child;

(b) Monitor the educational progress of each child as often as necessary;

(c) Assist each child in obtaining routine and emergency medical care and dental care;

(d) Evaluate the needs of each child for financial assistance upon intake and monthly thereafter or more often if necessary;

(e) Provide the resources to meet the basic needs of each child, including, without limitation, clothing, food and shelter;

(f) Provide assistance to each child in locating, securing and maintaining employment;

(g) Provide training in life skills to meet the needs of each child;

(h) Support each ~~child who remains under the jurisdiction of a court~~ *participant in the Extended Young Adult Support Services Program established pursuant to [NRS 432B.594.] section 25 of this act;* and

(i) Obtain and provide a system for responding to a crisis that is accessible to the child 24 hours a day, 7 days a week, including holidays, and provide training to each child on how to access and use the system.

3. A foster care agency which places children in an independent living foster home shall provide an orientation and training to each child admitted to its program for independent living.

Sec. 11. 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 less than 18 years of age or who ~~remains under the jurisdiction of a court~~ *participates in the Extended Young Adult Support Services Program pursuant to [NRS 432B.594.] section 25 of this act.*



1 4. "Department" means the Department of Health and Human
2 Services.

3 5. "Director" means the Director of the Department.

4 6. "Division" means the Division of Child and Family Services
5 of the Department.

6 7. "Maintenance" means general expenses for care such as
7 board, shelter, clothing, transportation and other necessary or
8 incidental expenses, or any of them, or monetary payments therefor.

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

11 **Sec. 12.** NRS 432.0395 is hereby amended to read as follows:

12 432.0395 1. Before an agency which provides child welfare
13 services requests and examines a copy of any credit report pursuant
14 to subsection 2, the agency which provides child welfare services
15 shall, to the greatest extent practicable:

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

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

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

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

26 (a) When the child reaches the age of 14 years, and then at least
27 once annually thereafter as required pursuant to 42 U.S.C. §
28 675(5)(I); or

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

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

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

43 (a) Report any information which may indicate identity theft or
44 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~~ *participates in the Extended Young Adult Support Services Program* pursuant to ~~[NRS 432B.594.]~~ *section 25 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. 13. NRS 432A.0245 is hereby amended to read as follows:

432A.0245 1. "Child care institution" means a facility which provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

(a) Education to the children according to a curriculum approved by the Department of Education;

(b) Services to children who have been diagnosed as severely emotionally disturbed as defined in NRS 433B.045, including, without limitation, services relating to mental health and education; or

(c) Emergency shelter to children who have been placed in protective custody pursuant to chapter 432B of NRS.

2. As used in this section, "child" includes a person who is less than 18 years of age or who ~~remains under the jurisdiction of a court~~ *participates in the Extended Young Adult Support Services Program established* pursuant to ~~[NRS 432B.594.]~~ *section 25 of this act*.

Sec. 14. NRS 432A.160 is hereby amended to read as follows:

432A.160 1. Except as otherwise provided in this section, the Division may issue a provisional license, effective for a period not exceeding 1 year, to a child care facility which:



(a) Is in operation at the time of adoption of standards and other regulations pursuant to the provisions of this chapter, if the Division determines that the facility requires a reasonable time under the particular circumstances, not to exceed 1 year from the date of the adoption, within which to comply with the standards and other regulations;

(b) Has failed to comply with the standards and other regulations, if the Division determines that the facility is in the process of making the necessary changes or has agreed to effect the changes within a reasonable time; or

(c) Is in the process of applying for a license, if the Division determines that the facility requires a reasonable time within which to comply with the standards and other regulations.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Division from refusing to renew or from revoking or suspending any license in any instance where the Division considers that action necessary for the health and safety of the occupants of any facility or the clients of any outdoor youth program.

3. A provisional license must not be issued pursuant to this section unless the Division has completed an investigation into the qualifications and background of the applicant and the employees of the applicant pursuant to NRS 432A.170 to ensure that the applicant and each employee of the applicant, or every resident of the child care facility who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ *participant in the Extended Young Adult Support Services Program established pursuant to ~~NRS 432B.594,~~ section 25 of this act*, or participant in any outdoor youth program who is 18 years of age or older, has not been convicted of a crime listed in subsection 2 of NRS 432A.170 and has not had a substantiated report of child abuse or neglect made against him or her.

Sec. 15. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. Subject to the provisions of subsection 7, the Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee,



operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ **participant in the Extended Young Adult Support Services Program established pursuant to ~~NRS 432B.594,~~ section 25 of this act**, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- (e) Any crime against a child, including, without limitation, abuse, neglect or endangerment of a child, contributory delinquency or pornography involving a minor;
- (f) Arson;
- (g) Assault;
- (h) Battery, including, without limitation, battery which constitutes domestic violence;
- (i) Kidnapping;
- (j) Any offense relating to the possession or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS within the immediately preceding 5 years;
- (k) Any offense relating to the distribution or manufacture of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, including, without limitation, possession of a controlled substance for the purpose of sale;
- (l) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
- (m) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;
- (n) A crime that constitutes domestic violence pursuant to NRS 33.018;
- (o) A violation of NRS 484C.430; or
- (p) A violation of NRS 484C.110 or 484C.120 within the immediately preceding 5 years.



3. Subject to the provisions of subsection 7, the Division shall request information concerning every applicant, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,]~~ section 25 of this act, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for its report concerning a conviction in this State of any of the crimes set forth in subsection 2 and for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ participant in the Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,]~~ section 25 of this act, or participant in an outdoor youth program who is 18 years of age or older for an initial background check not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program and before the employee, resident or participant has direct contact with any child at the child care facility, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

(c) Operator of a small child care establishment before the operator begins operating the establishment, and then at least once every 5 years after the establishment begins operating.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation



1 of the background and personal history of the person has been
2 conducted.

3 7. The provisions of subsections 2, 3 and 5 apply to a small
4 child care establishment and an operator of a small child care
5 establishment if the operator of such an establishment has applied or
6 registered with the Division of Welfare and Supportive Services of
7 the Department pursuant to NRS 432A.1756.

8 **Sec. 16.** NRS 432A.175 is hereby amended to read as follows:

9 432A.175 1. Subject to the provisions of subsection 2:

10 (a) Every applicant for a license to operate a child care facility,
11 licensee, operator of a small child care establishment, employee of
12 an applicant, licensee or small child care establishment, resident of a
13 child care facility or small child care establishment who is 18 years
14 of age or older, other than a ~~resident who remains under the~~
15 ~~jurisdiction of a court~~ *participant in the Extended Young Adult*
16 *Support Services Program established* pursuant to ~~NRS~~
17 ~~432B.594,~~ *section 25 of this act*, or participant in an outdoor youth
18 program who is 18 years of age or older, shall submit to the
19 Division, or to the person or agency designated by the Division, to
20 enable the Division to conduct an investigation pursuant to NRS
21 432A.170, a:

22 (1) Complete set of fingerprints and a written authorization
23 for the Division or its designee to forward the fingerprints to the
24 Central Repository for Nevada Records of Criminal History for its
25 report and for submission to the Federal Bureau of Investigation for
26 its report;

27 (2) Written statement detailing any prior criminal
28 convictions; and

29 (3) Written authorization for the Division to obtain any
30 information that may be available from the Statewide Central
31 Registry for the Collection of Information Concerning the Abuse or
32 Neglect of a Child established pursuant to NRS 432.100.

33 (b) If an employee of an applicant for a license to operate a child
34 care facility, licensee or small child care establishment, a resident of
35 a child care facility or small child care establishment who is 18
36 years of age or older, other than a ~~resident who remains under the~~
37 ~~jurisdiction of a court~~ *participant in the Extended Young Adult*
38 *Support Services Program established* pursuant to ~~NRS~~
39 ~~432B.594,~~ *section 25 of this act*, or participant in an outdoor youth
40 program who is 18 years of age or older, has been convicted of any
41 crime listed in subsection 2 of NRS 432A.170 or has had a
42 substantiated report of child abuse or neglect filed against him or
43 her, the Division shall immediately notify the applicant, licensee or
44 small child care establishment who shall then comply with the
45 provisions of NRS 432A.1755.



(c) An applicant for a license to operate a child care facility, licensee or operator of a small child care establishment shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee, beginning the residency of a resident who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ **participant in the Extended Young Adult Support Services Program established** pursuant to ~~NRS 432B.594,~~ **section 25 of this act**, or beginning the participation of a participant in an outdoor youth program who is 18 years of age or older.

(d) An employee of an applicant for a license to operate a child care facility, licensee or operator of a small child care establishment shall notify the applicant, licensee or operator not later than 24 hours after:

(1) Being charged with or convicted of a crime listed in subsection 2 of NRS 432A.170;

(2) Receiving notice that he or she is the subject of an investigation for child abuse or neglect; or

(3) Receiving notice that a report of abuse or neglect has been substantiated against him or her.

(e) A resident of a child care facility or small child care establishment who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ **participant in the Extended Young Adult Support Services Program established** pursuant to ~~NRS 432B.594,~~ **section 25 of this act**, or participant in an outdoor youth program who is 18 years of age or older shall notify the licensee of the child care facility, operator of the small child care establishment or outdoor youth program, as applicable, not later than 24 hours after:

(1) Being charged with or convicted of a crime listed in paragraph (b);

(2) Receiving notice that he or she is the subject of an investigation for child abuse or neglect; or

(3) Receiving notice that a report of abuse or neglect has been substantiated against him or her.

(f) An applicant for a license to operate a child care facility, licensee or operator of a small child care establishment shall notify the Division within 2 days after receiving notice that:

(1) The applicant, licensee or operator, an employee of the applicant, licensee or small child care establishment, a resident of the child care facility or small child care establishment who is 18 years of age or older, other than a ~~resident who remains under the jurisdiction of a court~~ **participant in the Extended Young Adult Support Services Program established** pursuant to ~~NRS 432B.594,~~ **section 25 of this act**, or participant in an outdoor youth



1 program who is 18 years of age or older, or a facility, establishment
2 or program operated by the applicant, licensee or operator is the
3 subject of a lawsuit or any disciplinary proceeding; or

4 (2) The applicant, licensee or operator or an employee, a
5 resident or a participant has been charged with a crime listed in
6 subsection 2 of NRS 432A.170 or is being investigated for child
7 abuse or neglect.

8 2. The provisions of this section apply to a small child care
9 establishment and an operator of a small child care establishment if
10 the operator of such an establishment has applied or registered with
11 the Division of Welfare and Supportive Services of the Department
12 pursuant to NRS 432A.1756.

13 3. The Division shall adopt regulations to establish civil
14 penalties to be imposed against any person, state or local
15 government unit or agency thereof that fails to comply with the
16 requirements of this section.

17 **Sec. 17.** NRS 432A.1755 is hereby amended to read as
18 follows:

19 432A.1755 1. Subject to the provisions of subsection 2:

20 (a) Except as otherwise provided in paragraph (c), upon
21 receiving information pursuant to NRS 432A.175 from the Central
22 Repository for Nevada Records of Criminal History or the Statewide
23 Central Registry for the Collection of Information Concerning the
24 Abuse or Neglect of a Child established pursuant to NRS 432.100 or
25 from an employee of an applicant for a license to operate a child
26 care facility, a licensee or a small child care establishment, a
27 resident of a child care facility or small child care establishment
28 who is 18 years of age or older, other than a ~~resident who remains~~
29 ~~under the jurisdiction of a court~~ **participant in the Extended Young**
30 **Adult Support Services Program established pursuant to ~~NRS~~**
31 **~~432B.594,~~ section 25 of this act,** or participant in an outdoor youth
32 program who is 18 years of age or older or from any other source
33 that such an employee, resident or participant has been convicted of
34 a crime listed in subsection 2 of NRS 432A.170 or has had a
35 substantiated report of child abuse or neglect made against him or
36 her, the applicant, licensee or operator of the small child care
37 establishment shall terminate the employment of the employee or
38 remove the resident from the facility or establishment or participant
39 from the outdoor youth program after allowing the employee,
40 resident or participant time to correct the information as required
41 pursuant to paragraph (b).

42 (b) If an employee, resident or participant believes that the
43 information provided to the applicant, licensee or operator pursuant
44 to paragraph (a) is incorrect, the employee, resident or participant
45 must inform the applicant, licensee or operator immediately. The



1 applicant, licensee or operator shall give any such employee,
2 resident or participant 30 days to correct the information.

3 (c) The Division may establish by regulation a process by which
4 it may review evidence upon request to determine whether an
5 employee of an applicant for a license to operate a child care
6 facility, a licensee or operator of a small child care establishment, a
7 resident of a child care facility who is 18 years of age or older, other
8 than a ~~resident who remains under the jurisdiction of a court~~
9 **participant in the Extended Young Adult Support Services**
10 **Program established pursuant to ~~NRS 432B.594,~~ section 25 of**
11 **this act,** or a participant in an outdoor youth program who is 18
12 years of age or older has been convicted of a crime listed in
13 subsection 2 of NRS 432A.170 or has had a substantiated report of
14 child abuse or neglect made against him or her may remain
15 employed or continue to reside in the facility or establishment, as
16 applicable, despite the conviction. Any such review must be
17 conducted in a manner which does not discriminate against a person
18 in violation of 42 U.S.C. § 2000e et seq.

19 (d) If a process for review is established pursuant to paragraph
20 (c), an employee, resident or participant, as applicable, may request
21 such a review in the manner established by the Division. Any
22 determination made by the Division is final for purposes of judicial
23 review.

24 (e) During any period in which an employee, resident or
25 participant seeks to correct information pursuant to paragraph (b) or
26 requests a review of information pursuant to paragraph (d), it is
27 within the discretion of the applicant, licensee or operator whether
28 to allow the employee, resident or participant to continue to work
29 for or reside at the child care facility or small child care
30 establishment or participate in the outdoor youth program, as
31 applicable, except that the employee, resident or participant shall not
32 have contact with a child without supervision during such a period.

33 2. The provisions of this section apply to a small child care
34 establishment and an operator of a small child care establishment if
35 the operator of such an establishment has applied or registered with
36 the Division of Welfare and Supportive Services of the Department
37 pursuant to NRS 432A.1756.

38 3. The Division shall adopt regulations to establish civil
39 penalties to be imposed against any person, state or local
40 government unit or agency thereof that fails to comply with the
41 requirements of this section.

42 **Sec. 18.** NRS 432A.1785 is hereby amended to read as
43 follows:

44 432A.1785 1. Subject to the provisions of subsection 3, each
45 applicant for a license to operate a child care facility, licensee and



operator of a small child care establishment shall maintain records of the information concerning employees of the child care facility or small child care establishment and any residents of the child care facility or small child care establishment who are 18 years of age or older, other than ~~residents who remain under the jurisdiction of a court~~ participants in the Extended Young Adult Support Services Program established pursuant to ~~NRS 432B.594,~~ section 25 of this act, or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;

(b) Proof that the applicant, licensee or operator submitted fingerprints to the Central Repository for Nevada Records of Criminal History; and

(c) The written authorization to obtain information from the Central Repository and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employee's employment with or the resident's presence at the child care facility or small child care establishment or the participant's presence in the outdoor youth program; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

3. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has registered with the Division of Welfare and Supportive Services of the Department pursuant to NRS 432A.1756.

Sec. 19. NRS 432A.190 is hereby amended to read as follows:

432A.190 1. The Division may deny an application for a license to operate a child care facility or may suspend or revoke such a license upon any of the following grounds:

(a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.



(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the clients of the outdoor youth program.

(e) Conviction of any crime listed in subsection 2 of NRS 432A.170 committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older.

(f) Failure to comply with the provisions of NRS 432A.178.

(g) Substantiation of a report of child abuse or neglect made against the applicant or licensee.

(h) Conduct which is found to pose a threat to the health or welfare of a child or which demonstrates that the applicant or licensee is otherwise unfit to work with children.

(i) Violation by the applicant or licensee of the provisions of NRS 432A.1755 by continuing to employ a person, allowing a resident who is 18 years of age or older, other than ~~{a resident who remains under the jurisdiction of a court}~~ **participant in the Extended Young Adult Support Services Program established pursuant to ~~[NRS 432B.594,] section 25 of this act,~~** to continue to reside in the child care facility or allowing a participant in an outdoor youth program to continue to participate in the program if the employee, or the resident or participant who is 18 years of age or older, has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a child care facility if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a child care facility pursuant to subsection 2. The Division shall provide to a child care facility:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;



(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➤ The facility shall make the information available to the public pursuant to NRS 432A.178.

4. In addition to any other disciplinary action, the Division may impose an administrative fine for a violation of any provision of this chapter or any regulation adopted pursuant thereto. The Division shall afford to any person so fined an opportunity for a hearing. Any money collected for the imposition of such a fine must be credited to the State General Fund.

Sec. 20. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 21 to 26, inclusive, of this act.

Sec. 21. *As used in NRS 432B.591 to 432B.595, inclusive, and sections 21 to 26, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 432B.591 and sections 22 and 23 of this act have the meanings ascribed to them in those sections.*

Sec. 22. *“Program” means the Extended Young Adult Support Services Program established pursuant to section 25 of this act.*

Sec. 23. *“Young adult” means a person who is at least 18 years of age but less than 21 years of age and whose plan for permanent placement adopted pursuant to NRS 432B.553 was, on his or her 18th birthday, a permanent living arrangement other than reunification with his or her parents.*

Sec. 24. 1. *A court shall retain jurisdiction over a young adult until the young adult reaches 21 years of age.*

2. *While under the jurisdiction of the court, a young adult has the same authority to make decisions as a person who is over 18 years of age and who is not subject to the jurisdiction of the court.*

Sec. 25. 1. *The Division of Child and Family Services shall establish and administer the Extended Young Adult Support Services Program to provide extended support services to young adults pursuant to the provisions of NRS 432B.591 to 432B.595, inclusive, and sections 21 to 26, inclusive, of this act and 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, the Division of Child and Family Services shall submit a report regarding the Program, including, without limitation, the number of participants and the costs for providing the extended support 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 the Program. Such regulations, must, without limitation, ensure that the Program complies with the Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351, 42 U.S.C. § 675.*

Sec. 26. 1. *Except as otherwise provided in subsection 4, the court shall, within 12 months after the date on which a participant entered into a written agreement pursuant to NRS 432B.594 and each year thereafter, hold a hearing to:*

(a) *Review the plan developed pursuant to NRS 432B.595; and*

(b) *Determine whether the agency which provides child welfare services has made reasonable efforts to assist the participant in meeting the goals prescribed in the plan.*

2. *Except as otherwise provided in this subsection, notice of the hearing must be given by regular or certified mail. Notice may be given to the participant or his or her attorney by electronic mail if the participant or his or her attorney, as applicable, agrees to receive notice in this manner.*

3. *Unless required by the court or panel, the young adult is not required to be present at the hearing.*

4. *The court may enter an order directing the hearing required by this section be conducted by a panel of three or more persons appointed by mutual consent of the judge or judges of the court. The persons so appointed shall serve without compensation at the pleasure of the court.*

Sec. 27. 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.¶~~

Sec. 28. 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.¶~~ *participant in the Extended Young Adult Support Services Program established pursuant to section 25 of this act.*

Sec. 29. NRS 432B.391 is hereby amended to read as follows:
432B.391 1. An agency which provides child welfare services or its approved designee may, in accordance with the



procedures set forth in 28 C.F.R. §§ 901 et. seq., conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of a resident who is 18 years of age or older of a home in which the agency which provides child welfare services wishes to place a child in an emergency situation, other than a ~~resident who remains under the jurisdiction of a court~~ **participant in the Extended Young Adult Support Services Program established** pursuant to ~~NRS 432B.594,~~ **section 25 of this act**, to determine whether the person investigated has been arrested for or convicted of any crime.

2. Upon request of an agency which provides child welfare services that wishes to place a child in a home in an emergency situation, or upon request of the approved designee of the agency which provides child welfare services, a resident who is 18 years of age or older of the home in which the agency which provides child welfare services wishes to place the child, other than a ~~resident who remains under the jurisdiction of a court~~ **participant in the Extended Young Adult Support Services Program established** pursuant to ~~NRS 432B.594,~~ **section 25 of this act**, must submit to the agency which provides child welfare services or its approved designee a complete set of fingerprints and written permission authorizing the agency which provides child welfare services or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The agency which provides child welfare services or its approved designee shall forward the fingerprints to the Central Repository for Nevada Records of Criminal History within the time set forth in federal law or regulation.

3. If a resident who is 18 years of age or older of a home in which an agency which provides child welfare services places a child in an emergency situation, other than a ~~resident who remains under the jurisdiction of a court~~ **participant in the Extended Young Adult Support Services Program established** pursuant to ~~NRS 432B.594,~~ **section 25 of this act**, refuses to provide a complete set of fingerprints to the agency which provides child welfare services or its approved designee upon request pursuant to subsection 2, the agency which provides child welfare services must immediately remove the child from the home.

Sec. 30. NRS 432B.591 is hereby amended to read as follows:

432B.591 ~~{As used in NRS 432B.591 to 432B.595, inclusive, “child”}~~ **“Child”** means a person who is **;**

~~1. Under~~ **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.~~



Sec. 31. 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}~~ :

(a) *Counsel* the child regarding the legal consequences of ~~{remaining}~~ :

(1) *Remaining* under the jurisdiction of the court ~~{after reaching 18 years of age}~~ pursuant to section 24 of this act, regardless of whether the child elects to participate in the Program; and

(2) *Participating in the Program*; and ~~{assist}~~

(b) *Assist* the child in deciding whether to ~~{remain under the jurisdiction of the court.}~~ *participate in the Program.*

Sec. 32. 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}~~ :

(a) *Provide information to the child regarding the Program, including, without limitation, eligibility requirements for participation in the Program and extended young adult support services available to participants in the Program; and*

(b) *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.}~~ *to participate in the Program.*

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, 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, *and notwithstanding any previous decision to terminate participation in the Program*, any time before reaching the age of ~~{18}~~ 21 years, ~~{the child}~~ a young adult may ~~{:~~



1 ~~—(a) Inform the agency which provides child welfare services that~~
2 ~~the child intends to request that the court continue jurisdiction over~~
3 ~~the child pursuant to NRS 432B.594, and the agency shall revise its~~
4 ~~recommendation to the court accordingly; or~~

5 ~~—(b) Request that the court retain jurisdiction over the child~~
6 ~~pursuant to NRS 432B.594, and the court shall accept jurisdiction.]~~
7 ~~request to participate in the Program.~~

8 **3. The agency which provided child welfare services to a**
9 **young adult before his or her 18th birthday:**

10 **(a) Shall, upon the request of the young adult to participate in**
11 **the Program made on or after his or her 18th birthday, assist the**
12 **young adult to enroll in the Program.**

13 **(b) May refer the young adult to an attorney who provides**
14 **legal services without a charge to assist the young adult to enroll**
15 **in the Program.**

16 **4. A child who enters into an agreement with an agency which**
17 **provides child welfare services before the child reaches the age of**
18 **18 years to allow the child to live independently is not prohibited**
19 **from ~~requesting that the court retain jurisdiction over the child~~**
20 **pursuant to NRS 432B.594,] **electing to participate in the Program,****
21 **and ~~such a child is~~ would be entitled to the same rights and**
22 **protections set forth in NRS 432B.591 to 432B.595, inclusive, **and****
23 **sections 21 to 26, inclusive, of this act, as provided to any other**
24 **~~child.] young adult under the Program.~~**

25 **Sec. 33. NRS 432B.594 is hereby amended to read as follows:**

26 **432B.594 1. ~~[A court which orders a child to be placed other~~**
27 **~~than with a parent and which has jurisdiction over the child when~~**
28 **~~the child reaches the age of 18 years shall retain jurisdiction over the~~**
29 **~~child if the child so requests.] **To be eligible to participate in the**~~**
30 **Program, a young adult must:**

31 **(a) Enter into a written agreement with the agency that**
32 **provides child welfare services that satisfies the requirements**
33 **prescribed in subsection 3;**

34 **(b) Be:**

35 **(1) Enrolled in a program of secondary education or an**
36 **educational program leading to a general educational**
37 **development certificate or an equivalent document;**

38 **(2) Enrolled in a program of postsecondary or vocational**
39 **education;**

40 **(3) Enrolled or participating in a program or activity**
41 **designed to promote employment or remove obstacles to**
42 **employment;**

43 **(4) Employed at least 80 hours per month; or**



(5) Incapable of satisfying any of the requirements prescribed in paragraphs (1) through (4), inclusive, due to a documented medical or cognitive condition; and

(c) Make a good faith effort to achieve the goals set forth in the plan developed pursuant to NRS 432B.595.

2. Except as otherwise provided in this section, ~~jurisdiction over a child that is retained pursuant to subsection 1 continues~~ a young adult may continue to participate in the Program until:

(a) The agency which provides child welfare services, the ~~child~~ young adult and the attorney of the ~~child~~ young adult agree to terminate ~~the jurisdiction;~~ participation in the Program;

(b) The court determines that:

(1) The ~~child~~ young adult has achieved the goals set forth in the plan developed pursuant to NRS 432B.595;

(2) The ~~child~~ young adult is not making a good faith effort to achieve the goals set forth in the plan developed pursuant to NRS 432B.595; or

(3) The circumstances of the ~~child~~ young adult have changed in such a manner that it is infeasible for the ~~child~~ young adult to achieve the goals set forth in the plan developed pursuant to NRS 432B.595;

(c) The ~~child~~ young adult requests that ~~jurisdiction~~ participation in the Program be terminated; or

(d) The ~~child~~ young adult reaches the age of 21 years, whichever occurs first.

3. ~~If the court that retains jurisdiction over a child pursuant to this section transfers jurisdiction to another court in this State, the court which accepts jurisdiction must retain jurisdiction over the case for the period provided pursuant to this section.~~

— 4. — A child who requests that the court retain jurisdiction over the child pursuant to this section must, upon reaching the age of 18 years, enter into a ~~The~~ written agreement ~~with the agency which provides child welfare services. The agreement, which~~ to participate in the Program required by subsection 1 must be filed with the court ~~and~~ must include, without limitation, ~~the following~~ provisions ~~which~~ ~~must~~ specify that:

(a) The ~~child~~ young adult voluntarily requested ~~that the court retain jurisdiction over the child;~~ to participate in the Program;

(b) While ~~under the jurisdiction of the court,~~ participating in the Program, the ~~child~~ young adult is entitled to continue 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 manner prescribed in the plan developed pursuant to NRS 432B.595 in an amount sufficient to assist the young adult to achieve self-



sufficiency which does not ~~{to}~~ exceed the rate of payment for foster care;

(c) While ~~{under the jurisdiction of the court,}~~ *participating in the Program*, the ~~{child}~~ *young adult* will no longer be under the legal custody of the agency which provides child welfare services, and ~~{the}~~ *any* proceedings ~~{concerning the child}~~ conducted pursuant to NRS 432B.410 to 432B.590, inclusive, will terminate;

(d) The ~~{child}~~ *young adult* may, at any time, request that ~~{jurisdiction over the child}~~ *his or her participation in the Program* be terminated; and

(e) If there is an issue concerning the ~~{child while under the jurisdiction of the court,}~~ the ~~{child}~~ *participant, the participant* and the agency which provides child welfare services agree to attempt to resolve the issue before requesting a hearing before the court to address the issue.

~~{5-}~~ 4. If an issue arises concerning a ~~{child who remains under the jurisdiction of the court, the child,}~~ *participant*, the agency which provides child welfare services or the attorney assigned to the case may request a hearing before the court to address the issue. Before requesting such a hearing, the ~~{child}~~ *participant* and the agency which provides child welfare services must attempt to resolve the issue.

~~{6-}~~ 5. If the agency which provides child welfare services wishes to ~~{have the court}~~ terminate ~~{jurisdiction over}~~ the ~~{child,}~~ *participation of a young adult in the Program*, the agency which provides child welfare services must send a notice to the ~~{child}~~ *participant* and ~~{the}~~ *his or her* attorney ~~{of the child informing the child and the attorney of the child}~~ that the ~~{child}~~ *participant* has 15 days after receipt of the notice in which to request an informal administrative review. If, during the administrative review, a resolution is not reached, the ~~{child}~~ *participant* or the attorney of the ~~{child}~~ *participant* may request a hearing before the court pursuant to subsection ~~{5-}~~ 4. If the ~~{child}~~ *young adult* and the attorney of the ~~{child}~~ *young adult* agree to ~~{have jurisdiction terminated}~~ *terminate participation* or do not request an informal administrative review, ~~{the jurisdiction of the court}~~ *participation in the Program* must terminate upon notice to the court by the agency which provides child welfare services.

~~{7-}~~ 6. A ~~{child, while under the jurisdiction of the court pursuant to this section,}~~ *participant* is entitled to continue to receive services and monetary payments from the agency which provides child welfare services ~~{directly or to have such payments provided to another person or entity as designated}~~ *in the manner prescribed* in the plan developed pursuant to NRS 432B.595 in an amount *sufficient to assist the young adult to achieve self-*



sufficiency which does not ~~{to}~~ exceed the rate of payment for foster care.

~~{8-}~~ 7. The court may issue any order which it deems appropriate or necessary to ensure:

(a) That the agency which provides child welfare services provides the services and monetary payments which the ~~{child}~~ *participant* is entitled to receive ~~{-}~~ *as prescribed by the plan developed pursuant to NRS 432B.595;* and

(b) That the ~~{child who remains under the jurisdiction of the court}~~ *participant* is working towards achieving the goals of the plan developed pursuant to NRS 432B.595.

Sec. 34. NRS 432B.595 is hereby amended to read as follows:

432B.595 1. ~~{If the court retains jurisdiction over a child pursuant to NRS 432B.594,}~~ *Upon the request of a young adult who satisfies the requirements of subsection 1 of NRS 432B.594 to participate in the Program,* the agency which provides child welfare services shall develop a written *extended youth support services* plan to assist the ~~{child}~~ *young adult* in transitioning to ~~{independent living,}~~ *self-sufficiency*. Such a plan must include, without limitation ~~{, the following goals:}~~ :

(a) *The persons or entities that will receive payments from the agency which provides child welfare services and the manner in which such payments will be allocated. The agency which provides child welfare services may make payments to more than one person or entity authorized to receive payments pursuant to subsection 2.*

(b) *The goals set forth in subsection 3.*

2. *The plan developed pursuant to subsection 1 may provide for the agency which provides child welfare services to make direct payments to:*

(a) *A foster home.*

(b) *A qualified residential treatment program.*

(c) *A child care institution.*

(d) *A person or entity, including, without limitation, a relative or fictive kin, who provides a supervised arrangement for independent living where the participant resides.*

(e) *A landlord, property manager or other entity that collects rental payments for housing.*

(f) *A participant.*

(g) *Any combination of the persons or entities listed in paragraphs (a) to (g), inclusive.*

3. *The plan developed pursuant to subsection 1 must include, without limitation, the following goals:*

(a) That the ~~{child}~~ *young adult* 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}~~ **young adult** obtain a **high school diploma or** general equivalency diploma ; ~~for an equivalent document until graduation or completion of the program;~~

(c) If the ~~{child}~~ **young adult** has graduated from high school or obtained a general equivalency diploma or an equivalent document, that the ~~{child;}~~ **young adult:**

(1) ~~{Enroll in}~~ **Complete** a program of postsecondary or vocational education;

(2) ~~{Enroll or participate in}~~ **Complete** a program or activity designed to promote **employment** or remove obstacles to employment; or

(3) ~~{Obtain or actively seek employment which is}~~ **Be employed** at least 80 hours per month;

(d) That the ~~{child}~~ **young adult** secure housing;

(e) That the ~~{child}~~ **young adult** have adequate income to meet his or her monthly expenses;

(f) That the ~~{child}~~ **young adult** identify an adult who will be available to provide support to the ~~{child;}~~ **young adult; and**

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

~~—(h)}~~ **young adult.**

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

~~— 2. During the period in which the court retains jurisdiction over the child, the}~~ **young adult.**

5. **Based upon the needs of a participant, the agency which provides child welfare services may, at any time, after consulting with the participant, revise:**

(a) **The persons or entities to whom a payment is made pursuant to subsection 2.**

(b) **The manner in which payments are allocated between persons or entities to whom payments are made pursuant to subsection 2.**

6. **The plan developed pursuant to subsection 1 must be annually reviewed and mutually agreed upon by the young adult and the agency which provides child welfare services at the hearing required by section 26 of this act.**

7. **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}~~ *young adult* by telephone at least once each month and in person at least quarterly;

(c) Ensure that the ~~{child}~~ *young adult* 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}~~ *young adult*; and

(d) Conduct a meeting with the ~~{child}~~ *young adult* at least 30 days, but not more than 45 days, before ~~{the jurisdiction of the court is terminated}~~ *he or she reaches the age of 21 years* to determine whether the ~~{child}~~ *young adult* requires any additional guidance.

8. As used in this section:

(a) *“Child care institution” has the meaning ascribed to it in NRS 432A.0245.*

(b) *“Foster home” has the meaning ascribed to it in NRS 424.014.*

(c) *“Qualified residential treatment program” has the meaning ascribed to it in 42 U.S.C. § 672.*

Sec. 35. 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. 36. 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 on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 37. This act becomes effective upon passage and approval.

