

ASSEMBLY BILL NO. 453—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the adoption of persons with special needs. (BDR 11-1072)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in **bold italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to adoption; authorizing an agency which provides child welfare services or a licensed child-placing agency to consent to certain adoptions; revising provisions governing certain financial assistance provided to the adoptive parents of a person with special needs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an agency which provides child welfare services or a licensed child-placing agency to consent to the adoption of a child under 18 years of age with special needs when the adoption is in the best interests of the child. Existing law authorizes an agency which provides child welfare services to provide certain financial assistance to a person who adopts such a child until the child attains majority, becomes self-sustaining, is emancipated or dies, whichever occurs first. (NRS 127.186) **Section 1** of this bill authorizes: (1) an agency which provides child welfare services or a licensed child-placing agency to consent to such an adoption for any person under 21 years of age with special needs; and (2) an agency which provides child welfare services to provide financial assistance to the adoptive parents until the adopted person reaches 21 years of age. **Section 2** of this bill makes a conforming change to reflect that **section 1** authorizes an agency which provides child welfare services or a licensed child-placing agency to consent to the adoption of a person with special needs who is above the age of majority but under 21 years of age.



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

Section 1. NRS 127.186 is hereby amended to read as follows:

127.186 1. The agency which provides child welfare services or a child-placing agency licensed by the Division pursuant to this chapter may consent to the adoption of a ~~{child}~~ **person** under ~~{18}~~ **21** years of age with special needs due to race, age or physical or mental problems who is in the custody of the agency which provides child welfare services or the licensed agency by proposed adoptive parents when, in the judgment of the agency which provides child welfare services or the child-placing agency, it would be in the best interests of the ~~{child}~~ **person** to be placed in that adoptive home.

2. The agency which provides child welfare services or child-placing agency, whichever has custody of the ~~{child}~~ **person**, shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the ~~{child}~~ **person** may have.

(b) If it determines that the ~~{child}~~ **person** has any special needs:

(1) Notify the proposed adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the proposed adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. The agency which provides child welfare services may grant financial assistance for attorney's fees in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents of a ~~{child}~~ **person** with special needs out of money provided for that purpose if the head of the agency which provides child welfare services or his or her designee has reviewed and approved in writing the grant of financial assistance.

4. The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the agency which provides child welfare services and the adoptive parents. Such an agreement must not become effective before the entry of the order of adoption.

5. Any grant of financial assistance must be reviewed and evaluated at least once annually by the agency which provides child welfare services. The evaluation must be presented for approval to the head of the agency which provides child welfare services or his or her designee. Financial assistance must be discontinued



1 immediately upon written notification to the adoptive parents by the
2 agency which provides child welfare services that continued
3 assistance is denied.

4 6. All financial assistance provided under this section ceases
5 immediately when the ~~{child}~~ **person** attains ~~{majority,}~~ **21 years of**
6 **age**, becomes self-supporting, is emancipated or dies, whichever
7 occurs first.

8 7. Neither a grant of financial assistance pursuant to this
9 section nor any discontinuance of such assistance affects the legal
10 status or respective obligations of any party to the adoption.

11 8. A court shall waive all court costs of the proposed adoptive
12 parents in an adoption proceeding for a ~~{child}~~ **person** with special
13 needs if the agency which provides child welfare services or child-
14 placing agency consents to the adoption of such a ~~{child}~~ **person**
15 pursuant to this section.

16 9. The Division, in consultation with each agency which
17 provides child welfare services, shall adopt regulations regarding
18 eligibility for and the procedures for applying for a grant of financial
19 assistance pursuant to this section.

20 **Sec. 2.** NRS 19.034 is hereby amended to read as follows:

21 19.034 1. If the agency which provides child welfare
22 services, or a child-placing agency licensed by the Division of Child
23 and Family Services of the Department of Health and Human
24 Services pursuant to chapter 127 of NRS, consents to the adoption
25 of a ~~{child}~~ **person** with special needs pursuant to NRS 127.186, the
26 clerk of the court shall reduce the total filing fee to not more than \$1
27 for filing the petition to adopt such a ~~{child}~~ **person.**

28 2. If a natural parent or adoptive parent who has entered into an
29 agreement that provides for postadoptive contact pursuant to NRS
30 127.187 files a petition pursuant to subsection 1 or 2 of NRS
31 127.1885, the clerk of the court shall reduce the total filing fee to
32 not more than \$1 for filing the petition.

33 **Sec. 3.** This act becomes effective on July 1, 2023.

