

Assembly Bill No. 255—Assemblymen Cohen, Bilbray-Axelrod,
Hansen, Newby and Orentlicher

CHAPTER.....

AN ACT relating to adoption; revising provisions governing financial assistance to the adoptive family of a child with special needs; making appropriations to and authorizing expenditures by the Division of Child and Family Services of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes an agency which provides child welfare services to provide financial assistance to a family that adopts a child with special needs until the child attains majority, becomes self-sustaining, is emancipated or dies. (NRS 127.186) If such a child is still enrolled in school, **section 1** of this bill authorizes an agency which provides child welfare services to provide financial assistance until the child graduates high school or reaches 19 years of age, whichever comes first. **Sections 1.2-1.6** of this bill make appropriations to, and authorize expenditure by, the Division of Child and Family Services of the Department of Health and Human Services for the increased costs of providing such financial assistance.

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

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 under 18 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 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, shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child 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 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 immediately upon written notification to the adoptive parents by the agency which provides child welfare services that continued assistance is denied.

6. All financial assistance provided under this section ceases immediately when the child ~~[attains majority, becomes]~~ :

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting [,-is];

(d) Is emancipated ; or [dies, whichever occurs first.]

(e) Dies.

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

8. A court shall waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if the agency which provides child welfare services or child-placing agency consents to the adoption of such a child pursuant to this section.



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

Sec. 1.2. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Washoe County Child Welfare budget account for increases in the amount of adoption subsidies in Washoe County resulting from the amendatory provisions of section 1 of this act the following sums:

- For the Fiscal Year 2023-2024..... \$180,598
- For the Fiscal Year 2024-2025..... \$142,587

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Child and Family Services of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

- For the Fiscal Year 2023-2024..... \$244,310
- For the Fiscal Year 2024-2025..... \$182,299

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 1.4. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Clark County Child Welfare budget account for increases in the amount of adoption subsidies in Clark County resulting from the amendatory provisions of section 1 of this act the following sums:

- For the Fiscal Year 2023-2024..... \$494,830
- For the Fiscal Year 2024-2025..... \$641,828

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Child and Family Services of the Department of



Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2023-2024	\$694,305
For the Fiscal Year 2024-2025	\$850,107

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 1.6. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Rural Child Welfare budget account for increases in the amount of adoption subsidies in counties other than Washoe and Clark Counties resulting from the amendatory provisions of section 1 of this act the following sums:

For the Fiscal Year 2023-2024	\$58,022
For the Fiscal Year 2024-2025	\$70,772

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Child and Family Services of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2023-2024	\$78,932
For the Fiscal Year 2024-2025	\$90,975

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and



must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 2. This act becomes effective on July 1, 2023.

