

SENATE BILL NO. 257—SENATORS FARLEY, CANNIZZARO,
SPEARMAN, RATTI, FORD; ATKINSON, DENIS, MANENDO,
PARKS, SEGERBLOM AND WOODHOUSE

MARCH 13, 2017

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the welfare of
children. (BDR 38-662)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Contains Appropriation not included
in Executive Budget.

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

AN ACT relating to children; requiring the State Plan for
Temporary Assistance for Needy Families to authorize
certain assistance to be provided to a person who provides
certain care for a child to whom he or she is not related;
expanding the rights of children placed in foster care;
creating the Normalcy for Foster Youth Account in the
State General Fund; authorizing money in the Account to
be used to provide opportunities for children to participate
in certain activities; providing civil and criminal
immunity to a person with whom a child has been placed
who acts in accordance with certain standards in
approving or allowing the child to participate in certain
activities; requiring the Division of Child and Family
Services of the Department of Health and Human
Services to hire a consultant to conduct a study of the
child welfare system in this State; making appropriations;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the Director of the Department of Health and Human
- 2 Services to adopt state plans required by the Federal Government for the
- 3 administration of public assistance programs, including the State Plan for
- 4 Temporary Assistance for Needy Families. (NRS 422A.080, 422A.260) **Section 1**
- 5 of this bill requires the Director to include in the State Plan for Temporary
- 6 Assistance for Needy Families the provision of child-only assistance for a caregiver



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7 who is caring for a child as a foster parent and who is not related by blood to the
8 child but has a significant emotional and positive relationship with the child.

9 Existing law affords specific rights to children who are placed in a foster home
10 by an agency which provides child welfare services. (NRS 432.500-432.550)

11 **Section 2.5** of this bill adds the right, with respect to the education and vocational
12 training of a foster child, for a foster child to have reasonable access to participate
13 in extracurricular, cultural and personal enrichment activities. **Section 4** of this bill
14 creates the Normalcy for Foster Youth Account in the State General Fund to be
15 administered by the Division of Child and Family Services of the Department of
16 Health and Human Services, and **section 7** of this bill appropriates \$500,000 from
17 the State General Fund to the Account. **Section 4** authorizes the Division to use
18 money in the Account to provide monetary support to certain caregivers of foster
19 children to allow the child to participate in extracurricular, cultural and personal
20 enrichment activities. **Section 4** also authorizes the Division to award grants to
21 agencies which provide child welfare services or nonprofit organizations that
22 provide opportunities for such children to participate in extracurricular, cultural and
23 personal enrichment activities. **Section 5** of this bill provides civil and criminal
24 immunity for a person with whom a child has been placed when approving or
25 allowing the child to participate in extracurricular, cultural and personal
26 enrichment activities if the person acted in accordance with a standard based
27 on the "reasonable and prudent parent standard" as it is defined in federal law.
28 (42 U.S.C. § 675(10)(A))

29 **Section 6** of this bill makes an appropriation from the State General Fund of
30 \$28,250,000 to the Division of Child and Family Services of the Department of
31 Health and Human Services to replace the Unified Nevada Information Technology
32 for Youth (UNITY) case management system. **Section 8** of this bill makes an
33 appropriation from the State General Fund of \$200,000 to the Division to enter into
34 a contract with an independent consultant to conduct a study of funding for the
35 child welfare system in this State.

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

1 **Section 1.** Chapter 422A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 *The Director shall, to the extent authorized by federal law,*
4 *include in the State Plan for Temporary Assistance for Needy*
5 *Families adopted pursuant to NRS 422A.260 provisions for the*
6 *payment of child-only assistance to a fictive kin caregiver on*
7 *behalf of a child who has been placed with the fictive kin caregiver*
8 *pursuant to chapter 432B of NRS if all applicable conditions of*
9 *eligibility are met. As used in this section, "fictive kin" means a*
10 *person who is not related by blood to a child but has a significant*
11 *emotional and positive relationship with the child.*

12 **Sec. 2.** (Deleted by amendment.)

13 **Sec. 2.5.** NRS 432.535 is hereby amended to read as follows:
14 432.535 With respect to the education and vocational training
15 of a child placed in a foster home by an agency which provides child
16 welfare services, the child has the right:



- 1 1. To receive fair and equal access to an education, including,
2 without limitation, the right:
 - 3 (a) To receive an education as required by law;
 - 4 (b) To have stability in and minimal disruption to his or her
5 education when the child is placed in a foster home;
 - 6 (c) To attend the school and remain in the scholastic activities
7 that he or she was enrolled in before placement in a foster home, to
8 the extent practicable and if in the best interests of the child;
 - 9 (d) To have educational records transferred in a timely manner
10 from the school that he or she was enrolled in before placement in a
11 foster home to a new school, if any;
 - 12 (e) Not to be identified as a foster child to other students at his
13 or her school by an employee of a school district, including, without
14 limitation, a school administrator, teacher or instructional aide;
 - 15 (f) To receive any educational screening, assessment or testing
16 required by law;
 - 17 (g) To be referred to and receive educational evaluation and
18 services as soon as practicable after the need for such services has
19 been identified, including, without limitation, access to special
20 education and special services to meet the unique needs of a child
21 with educational or behavioral disabilities or impairments that
22 adversely affect the child's educational performance;
 - 23 (h) To have access to information regarding relevant educational
24 opportunities, including, without limitation, course work for
25 vocational and postsecondary educational programs and financial
26 aid for postsecondary education, once the child is 16 years of age or
27 older; and
 - 28 (i) To attend a class or program concerning independent living
29 for which he or she is qualified that is offered by the agency which
30 provides child welfare services or another agency or contractor of
31 the State.
- 32 2. To ~~participate~~ *reasonable participation* in extracurricular,
33 cultural and personal enrichment activities which are consistent with
34 the age and developmental level of the child.
- 35 3. To work and to receive vocational training, to the extent
36 permitted by statute and consistent with the age and developmental
37 level of the child.
- 38 4. To have access to transportation, if practicable, to allow the
39 child to participate in extracurricular, cultural, personal and work
40 activities.
- 41 **Sec. 3.** Chapter 432B of NRS is hereby amended by adding
42 thereto the provisions set forth as sections 4 and 5 of this act.
- 43 **Sec. 4. 1. *The Normalcy for Foster Youth Account is***
44 ***hereby created in the State General Fund.***



1 2. *The interest and income earned on the money in the*
2 *Account, after deducting any applicable charges, must be credited*
3 *to the Account.*

4 3. *The Division of Child and Family Services may use money*
5 *in the Account to:*

6 (a) *Provide monetary support to a provider of foster care who*
7 *provides opportunities to a child in his or her care to participate in*
8 *extracurricular, cultural or personal enrichment activities; and*

9 (b) *Award grants to agencies which provide child welfare*
10 *services or nonprofit organizations that provide opportunities to*
11 *children in foster care to participate in extracurricular, cultural or*
12 *personal enrichment activities.*

13 4. *The Division of Child and Family Services may accept*
14 *gifts, grants, bequests and other contributions from any source for*
15 *the purpose of carrying out the provisions of this section.*

16 5. *Any money remaining in the Account at the end of a fiscal*
17 *year does not revert to the State General Fund, and the balance in*
18 *the Account must be carried forward to the next fiscal year.*

19 **Sec. 5. 1.** *Except as otherwise provided in subsection 2, a*
20 *person with whom a child has been placed pursuant to this*
21 *chapter is immune from civil or criminal liability for approving or*
22 *allowing the child to participate in extracurricular, cultural or*
23 *personal enrichment activities if, in approving or allowing the*
24 *child to participate in such activities, the person acted as a*
25 *reasonable and prudent parent would have acted under the same*
26 *circumstances to maintain the health, safety and best interests of*
27 *the child while at the same time encouraging the emotional and*
28 *developmental growth of the child.*

29 2. *The provisions of subsection 1 do not confer any immunity*
30 *from civil or criminal liability for a person who violates an order*
31 *of a court of competent jurisdiction.*

32 **Sec. 6. 1.** There is hereby appropriated from the State
33 General Fund to the Division of Child and Family Services of the
34 Department of Health and Human Services the sum of \$28,250,000
35 for the replacement of the Unified Nevada Information Technology
36 for Youth case management system with a new child welfare case
37 management system.

38 2. Any remaining balance of the appropriation made by this
39 section must not be committed for expenditure after June 30, 2022,
40 by the entity to which the appropriation is made or any entity to
41 which money from the appropriation is granted or otherwise
42 transferred in any manner, and any portion of the appropriated
43 money remaining must not be spent for any purpose after
44 September 16, 2022, by either the entity to which the money was
45 appropriated or the entity to which the money was subsequently



1 granted or transferred, and must be reverted to the State General
2 Fund on or before September 16, 2022.

3 **Sec. 7.** 1. There is hereby appropriated from the State
4 General Fund to the Normalcy for Foster Youth Account created by
5 section 4 of this act the sum of \$500,000.

6 2. Any remaining balance of the appropriation made by this
7 section must not be committed for expenditure after June 30, 2019,
8 by the entity to which the appropriation is made or any entity to
9 which money from the appropriation is granted or otherwise
10 transferred in any manner, and any portion of the appropriated
11 money remaining must not be spent for any purpose after
12 September 20, 2019, by either the entity to which the money was
13 appropriated or the entity to which the money was subsequently
14 granted or transferred, and must be reverted to the State General
15 Fund on or before September 20, 2019.

16 **Sec. 8.** 1. There is hereby appropriated from the State
17 General Fund to the Division of Child and Family Services of the
18 Department of Health and Human Services the sum of \$200,000 for
19 the Administrator of the Division to enter into a contract with a
20 qualified, independent consultant to conduct a study of the funding
21 of the child welfare system in this State.

22 2. The consultant shall conduct an analysis of:

23 (a) The current block grant model of funding of agencies which
24 provide child welfare services, including a determination of whether
25 such block grant funding is appropriate and sufficient to meet the
26 needs of agencies which provide child welfare services and what
27 other funding models, if any, would be more appropriate funding
28 mechanisms;

29 (b) Potential sources of funding to support agencies which
30 provide child welfare services in this State; and

31 (c) Sources of funding, including, without limitation, federal,
32 state, local and private programs, for programs that support the
33 welfare of children in this State, including, without limitation,
34 funding for medical care, mental health and substance abuse
35 treatment, education, juvenile justice and child care.

36 3. On or before September 1, 2018, the consultant hired
37 pursuant to subsection 1 shall submit a report of the results of the
38 study required pursuant to subsection 1 and any recommendations
39 for legislation to the Director of the Department of Health and
40 Human Services. Upon receipt of the report, the Director of the
41 Department shall transmit the report to the Director of the
42 Legislative Counsel Bureau for transmittal to the 80th Session of
43 the Nevada Legislature.

44 4. Any remaining balance of the appropriation made by this
45 section must not be committed for expenditure after June 30, 2019,



1 by the entity to which the appropriation is made or any entity to
2 which money from the appropriation is granted or otherwise
3 transferred in any manner, and any portion of the appropriated
4 money remaining must not be spent for any purpose after
5 September 20, 2019, by either the entity to which the money was
6 appropriated or the entity to which the money was subsequently
7 granted or transferred, and must be reverted to the State General
8 Fund on or before September 20, 2019.

9 **Sec. 9.** This act becomes effective on July 1, 2017.

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