

Senate Bill No. 377–Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to protection of children; revising provisions relating to the funding of the adoption assistance program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal law requires each child welfare agency to calculate savings realized from expanded eligibility for children under Title IV-E of the Social Security Act, known as adoption savings, and reinvest an equal amount in the state’s child welfare system. (42 U.S.C. § 673(a)(8)(D)(ii)) Under existing state law, the agency which provides child welfare services is: (1) the Division of Child and Family Services of the Department of Health and Human Services in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties); and (2) the county in a county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 432B.030) Money is appropriated each biennium to the Division of Child and Family Services to provide child welfare services in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties). (*See, e.g.*, section 17 of chapter 544, Statutes of Nevada 2019, as amended by section 31 of chapter 5, Statutes of Nevada 2020, 31st Special Session, at page 48) Existing law requires the Division of Child and Family Services to provide a categorical grant to each agency which provides child welfare services in a county whose population is 100,000 or more (currently Clark and Washoe Counties) for each fiscal year for its adoption assistance program to the extent that money was appropriated to the Division for this purpose. Under existing law, the use of the money from the grant is restricted solely to the costs associated with the adoption assistance program and any money remaining from the grant that has not been used or committed for expenditure by the agency by the end of the fiscal year reverts to the State General Fund. (NRS 432B.219) This bill provides that any money remaining from such a grant to the county, or an appropriation to the Division, for its adoption assistance program at the end of a fiscal year that is identified as savings pursuant to the calculation required under federal law does not revert to the State General Fund and must be carried forward to the next fiscal year for use by the county or the Division, as applicable, for the costs of providing child welfare services without restriction. Any such savings that is carried forward and is remaining at the end of that next fiscal year reverts to the State General Fund.

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

The portion of any money remaining at the end of a fiscal year from an appropriation to the Division of Child and Family Services for its adoption assistance program in a county whose



population is less than 100,000 that is identified as savings pursuant to the calculation required under 42 U.S.C. § 673(a)(8)(D)(ii) does not revert to the State General Fund and may be carried forward to the next fiscal year and used for any costs of providing child welfare services without restriction. Any such money identified as savings that has not been used or committed for expenditure by the Division by the end of the fiscal year to which the money was carried forward reverts to the State General Fund.

Sec. 2. NRS 432B.219 is hereby amended to read as follows:

432B.219 1. The Division of Child and Family Services shall provide a categorical grant to each agency which provides child welfare services for each fiscal year for its adoption assistance program to the extent that money has been appropriated to the Division for that purpose. The amount of the grant must be based upon the estimated cost of the projected growth in the adoption assistance program.

2. The amount of the grant awarded pursuant to subsection 1 must be determined for 2 years beginning on July 1 of each odd-numbered year and allocated each fiscal year.

3. *Except as otherwise provided in subsection 4:*

(a) An agency which provides child welfare services that receives a grant pursuant to subsection 1 must use the money allocated only for costs associated with the adoption assistance program.

(b) Any money from the grant awarded pursuant to subsection 1 that has not been used or committed for expenditure by the agency which provides child welfare services by the end of the fiscal year reverts to the State General Fund.

4. *The portion of any money remaining at the end of a fiscal year from a grant awarded pursuant to subsection 1 that is identified as savings pursuant to the calculation required under 42 U.S.C. § 673(a)(8)(D)(ii) does not revert to the State General Fund and may be carried forward to the next fiscal year and used for any costs of providing child welfare services without restriction. Any such money identified as savings that has not been used or committed for expenditure by the agency which provides child welfare services by the end of the fiscal year to which the money was carried forward reverts to the State General Fund.*

Sec. 3. 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. 4. This act becomes effective on July 1, 2021.

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