



# CLARK COUNTY 2023 Legislative Session PROPOSED AMENDMENT

May 27, 2023

## Senate Bill 41 (R1)

Amendment to be submitted to the Senate Finance Committee

### Submitted by: Joanna Jacob

Government Affairs Manager, Clark County

Cell: (702) 283-1211

[Joanna.Jacob@ClarkCountyNV.gov](mailto:Joanna.Jacob@ClarkCountyNV.gov)

### Purpose/Intent of Proposed Amendment:

This amendment is offered to clarify the intent of the amendment adopted by the Senate Health and Human Services Committee to align the reporting by child welfare agencies to the State with the submission of the biennial quality improvement program under NRS 432B.216.

### Text of Proposed Amendment:

#### PROPOSED AMENDMENT by CLARK COUNTY

EXPLANATION: Matter in (1) **blue bold italics** is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

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

**Section 1.** NRS 432B.180 is hereby amended to read as follows:

432B.180 The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.
2. Request appropriations from the Legislature in amounts sufficient to

~~[(a) Provide block]~~ **provide** grants to ~~[an]~~ **each** agency which provides child welfare services in a county whose population is 100,000 or more pursuant to **NRS 432B.2165 and** 432B.2185 . ~~[-and]~~

~~(b) Administer a program to provide additional incentive payments to such an agency pursuant to NRS 432B.2165.]~~

3. Monitor the performance of an agency which provides child welfare services in a county whose population is 100,000 or more through data collection, evaluation of services and the review and approval of agency improvement plans pursuant to NRS ~~[432B.2165.]~~ **432B.216.**

4. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.
5. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.
6. Involve communities in the improvement of child welfare services.
7. Evaluate all child welfare services provided throughout the State and, if an agency which provides child welfare services is not in substantial compliance with any federal or state law relating to the provision of child welfare services, regulations adopted pursuant to those laws or statewide plans or policies relating to the provision of child welfare services, require corrective action of the agency which provides child welfare services.
8. Coordinate with and assist:
  - (a) Each agency which provides child welfare services in recruiting, training and licensing providers of foster care as defined in NRS 424.017;
  - (b) Each foster care agency licensed pursuant to NRS 424.093 to 424.270, inclusive, in screening, recruiting, licensing and training providers of foster care as defined in NRS 424.017; and
  - (c) A nonprofit or community-based organization in recruiting and training providers of foster care as defined in NRS 424.017 if the Division determines that the organization provides a level of training that is equivalent to the level of training provided by an agency which provides child welfare services.

**Sec. 2.** NRS 432B.2165 is hereby amended to read as follows:

432B.2165 1. The Division of Child and Family Services shall administer a program to award ~~[incentive payments]~~ **annual categorical grants** to ~~[an]~~ **each** agency which provides child welfare services in a county whose population is 100,000 or more ~~[.] to the extent that money has been appropriated to the Division of Child and Family Services for that purpose. The amount of the appropriation to the Division of Child and Family Services for that purpose must be based on the amount appropriated for the previous fiscal year.~~

~~2. On or before May 1 of each year, an agency which provides child welfare services [may] in a county whose population is 100,000 or more shall submit [an application] to the Division of Child and Family Services : [for an incentive payment.~~

~~3. The application for an incentive payment must include, without limitation:] The application for categorical grant must include, without limitation:~~

~~(a) A description of the specific goal that the agency which provides child welfare services agrees to achieve by June 30 of the following year [if the incentive payment is awarded;] using the money awarded to the agency which provides child welfare services as a categorical grant;~~

~~(b) Baseline data to support the need to achieve the specific goal and which will provide a manner in which to measure whether the goal is achieved or to determine the percentage of the goal that is achieved; and~~

~~(c) [The amount requested by the agency which provides child welfare services as an incentive payment.~~

~~4. If the Division of Child and Family Services does not approve the application, the Division must notify the agency which provides child welfare services of the specific deficiencies in the application and allow the agency to resubmit the application within days.~~

~~5. If the Division of Child and Family Services approves the application, the] If applicable, an estimate of the percentage of the specific goal established pursuant to paragraph (a) for the current fiscal year that the agency which provides child welfare services will achieve by the end of the current fiscal year.~~

**3.** The Division of Child and Family Services shall, to the extent that money is available for that purpose, award ~~[an incentive payment]~~ **a categorical grant** to ~~[the]~~ **each** agency which provides child welfare services **in a county whose population is 100,000 or more** for the fiscal year beginning on July 1 of the **calendar** year in which the application is submitted.

**4.** *Except as otherwise provided in this subsection, an agency which provides child welfare services that receives a categorical grant pursuant to this section must use the money allocated for ~~any costs of achieving the specific goal~~*

~~established pursuant to paragraph (a) of subsection 2~~ **any costs of achieving the specific goals set forth in the biennial improvement plan pursuant to NRS 432B.216.** *If money remains after the agency which provides child welfare services has achieved that goal, the agency which provides child welfare services may use the money for any costs of providing child welfare services without restriction. The agency which provides child welfare services is not required to return any money remaining from that allocation at the end of a fiscal year, and the money does not revert to the State General Fund.*

**Sec. 3.** NRS 432B.2175 is hereby amended to read as follows:

432B.2175 ~~[1.] On or before September 1 of the year following the year in which an agency which provides child welfare services is awarded [an incentive payment] a categorical grant from the program established pursuant to NRS 432B.2165, the agency which provides child welfare services shall submit to the Division of Child and Family Services a report which demonstrates whether the goal established pursuant to NRS 432B.2165 was achieved and, if not, the percentage of the goal that was achieved by June 30 of the fiscal year in which the [incentive payment] categorical grant was awarded.~~

~~[2. If the report submitted pursuant to subsection 1 demonstrates that the agency which provides child welfare services achieved:~~

~~(a) A greater percentage of the goal than estimated pursuant to NRS 432B.217, the Division of Child and Family Services shall increase the incentive payment to the agency which provides child welfare services by an amount equal to the additional amount that should have been awarded pursuant to subsection 4 of NRS 432B.217; or~~

~~(b) A lower percentage of the goal than estimated pursuant to NRS 432B.217, the agency which provides child welfare services shall reimburse to the Division an amount equal to the additional amount that should not have been awarded pursuant to subsection 4 of NRS 432B.217.]~~

**Sec. 4.** NRS 432B.218 is hereby amended to read as follows:

432B.218 On or before ~~[January 31]~~ **November 1** of each year, the Division of Child and Family Services shall prepare and submit a report to the Governor and the Legislature which includes, without limitation, information concerning:

1. The progress made by each agency which provides child welfare services in a county whose population is 100,000 or more toward achieving the specific performance targets set forth in an improvement plan submitted by the agency pursuant to NRS 432B.216; and
2. Whether ~~[the]~~ **each** agency which provides child welfare services in a county whose population is 100,000 or more achieved the specific goal established pursuant to NRS 432B.2165, **if applicable**, during the previous fiscal year and, if not, the percentage of the goal that was achieved.

**Sec. 5.** 1. During the 2023-2024 interim, the Joint Interim Standing Committee on Health and Human Services shall study:

(a) Issues related to the funding of agencies which provide child welfare services in this State, including, without limitation:

(1) The history of unfunded mandates imposed by the Legislature and the Federal Government upon agencies which provide child welfare services in this State and the impact of unfunded mandates on the child welfare system; and

(2) The impact of any reductions in federal funding of the agencies which provide child welfare services in this State on the ability of those agencies which provide child welfare services to meet applicable requirements prescribed by federal law and regulations;

(b) The effects of reductions to rates of reimbursement under Medicaid and the Children's Health Insurance Program on agencies which provide child welfare services and other persons and entities that provide services to children in the child welfare system in this State;

(c) Additional factors, including, without limitation:

(1) The complexity of casework handled by and the overall workload of agencies which provide child welfare services;

(2) The impact of economic conditions, including, without limitation, the cost of living and population growth, on agencies which provide child welfare services; and

(3) The impact of requirements to be eligible for federal adoption assistance programs established pursuant to Part E of Title IV of the Social Security Act, 42 U.S.C. §§ 670 et seq., on each agency which provides child welfare services;

(d) Any necessary investments in technology to support the administration and maintenance of information relating to child welfare in this State; and

(e) Any other subjects identified by the agencies which provide child welfare services, including, without limitation, the impacts on children served by the child welfare and juvenile justice systems.

2. On or before January 15, 2025, the Joint Interim Standing Committee on Health and Human Services shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the funding of the agencies which provide child welfare services in this State which must include, without limitation:

(a) The results of the study conducted pursuant to subsection 1; and

(b) Solutions, including, without limitation, solutions to issues related to funding, identified in the study conducted pursuant to subsection 1.

3. As used in this section, “agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

Sec. 6. 1. Notwithstanding the provisions of NRS 432B.2165, as amended by section 2 of this act, each agency which provides child welfare services in a county whose population is 100,000 or more shall, on or before May 1, 2024, submit to the Division of Child and Family Services:

(a) The information required by paragraphs (a) and (b) of subsection 2 of NRS 432B.2165, as amended by section 2 of this act; and

(b) If the agency which provides child welfare services received an incentive payment pursuant to NRS 432B.2165, as that section existed on December 31, 2023, for the fiscal year beginning on July 1, 2023, an estimate of the percentage of the goal established in the application for that incentive payment that will be achieved by the agency which provides child welfare services by June 30, 2024.

2. To the extent that money is available, the amount of a categorical grant awarded to an agency which provides child welfare services in a county whose population is 100,000 or more for the fiscal year beginning on July 1, 2024, pursuant to NRS 432B.2165, as amended by section 2 of this act, must be based on the amount appropriated for the purpose of awarding incentive payments

pursuant to NRS 432B.2165, as that section existed on December 31, 2023, for the fiscal year beginning on July 1, 2023.

3. Notwithstanding the provisions of NRS 432B.2175, as amended by section 3 of this act, on or before September 1, 2024, each agency which provides child welfare services that received an incentive payment for the fiscal year beginning on July 1, 2023, shall submit to the Division of Child and Family Services the report required by subsection 1 of NRS 432B.2175, as that section existed on December 31, 2023.

4. Notwithstanding the provisions of NRS 432B.218, as amended by section 4 of this act, the report submitted to the Governor and the Legislature by the Division of Child and Family Services pursuant to subsection 2 of that section on or before November 1, 2024, must include, without limitation, information concerning whether each agency which provides child welfare services that received an incentive payment for the fiscal year beginning on July 1, 2023, achieved the goal established pursuant to NRS 432B.2165, as that section existed on December 31, 2023, during that fiscal year and, if not, the percentage of the goal that was achieved.

5. As used in this section, “Division of Child and Family Services” means the Division of Child and Family Services of the Department of Health and Human Services.

**Sec. 7.** 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. 8.** NRS 432B.217 is hereby repealed.

**Sec. 9.** 1. This section becomes effective upon passage and approval.

2. Section 5 of this act becomes effective on July 1, 2023.

3. Sections 1 to 4, inclusive, and 6, 7 and 8 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.