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

MARCH 13, 2017

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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.

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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



\* S B 2 5 7 \*

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** of this bill adds the right for a foster child to participate in  
12 extracurricular, enrichment, cultural and social activities. **Section 4** of this bill  
13 creates the Normalcy for Foster Youth Account in the State General Fund to be  
14 administered by the Division of Child and Family Services of the Department of  
15 Health and Human Services, and **section 7** of this bill appropriates \$200,000 from  
16 the State General Fund to the Account. **Section 4** authorizes the Division to use  
17 money in the Account to provide monetary support to certain caregivers of foster  
18 children to allow the child to participate in extracurricular, enrichment, cultural and  
19 social activities. **Section 4** also authorizes the Division to award grants to agencies  
20 which provide child welfare services or nonprofit organizations that provide  
21 opportunities for such children to participate in extracurricular, enrichment, cultural  
22 and social activities. **Section 5** of this bill provides civil and criminal immunity for  
23 a person with whom a child has been placed when approving or allowing the child  
24 to participate in extracurricular, enrichment, cultural and social activities if the  
25 person acted in accordance with a standard based on the "reasonable and prudent  
26 parent standard" as it is defined in federal law. (42 U.S.C. § 675(10)(A))  
27 **Section 6** of this bill makes an appropriation from the State General Fund of  
28 \$53,000,000 to the Division of Child and Family Services of the Department of  
29 Health and Human Services to replace the Unified Nevada Information Technology  
30 for Youth (UNITY) case management system. **Section 8** of this bill makes an  
31 appropriation from the State General Fund of \$200,000 to the Division to enter into  
32 a contract with an independent consultant to conduct a study of funding for the  
33 child welfare system in this State.

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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.** NRS 432.525 is hereby amended to read as follows:  
13 432.525 A child placed in a foster home by an agency which  
14 provides child welfare services has the right:  
15 1. To receive information concerning his or her rights set forth  
16 in this section and NRS 432.530 and 432.535.  
17 2. To be treated with dignity and respect.



1 3. To fair and equal access to services, placement, care,  
2 treatment and benefits.

3 4. To receive adequate, healthy, appropriate and accessible  
4 food.

5 5. To receive adequate, appropriate and accessible clothing and  
6 shelter.

7 6. To receive appropriate medical care, including, without  
8 limitation:

9 (a) Dental, vision and mental health services;

10 (b) Medical and psychological screening, assessment and  
11 testing; and

12 (c) Referral to and receipt of medical, emotional, psychological  
13 or psychiatric evaluation and treatment as soon as practicable after  
14 the need for such services has been identified.

15 7. *To participate in extracurricular, enrichment, cultural and*  
16 *social activities.*

17 8. To be free from:

18 (a) Abuse or neglect, as defined in NRS 432B.020;

19 (b) Corporal punishment, as defined in NRS 388.478;

20 (c) Unreasonable searches of his or her personal belongings or  
21 other unreasonable invasions of privacy;

22 (d) The administration of psychotropic medication unless the  
23 administration is consistent with NRS 432B.197 and the policies  
24 established pursuant thereto; and

25 (e) Discrimination or harassment on the basis of his or her actual  
26 or perceived race, ethnicity, ancestry, national origin, color, religion,  
27 sex, sexual orientation, gender identity, mental or physical disability  
28 or exposure to the human immunodeficiency virus.

29 ~~8-~~ 9. To attend religious services of his or her choice or to  
30 refuse to attend religious services.

31 ~~9-~~ 10. Except for placement in a facility, as defined in NRS  
32 432B.6072, not to be locked in any room, building or premise or to  
33 be subject to other physical restraint or isolation.

34 ~~10-~~ 11. Except as otherwise prohibited by the agency which  
35 provides child welfare services:

36 (a) To send and receive unopened mail; and

37 (b) To maintain a bank account and manage personal income,  
38 consistent with the age and developmental level of the child.

39 ~~11-~~ 12. To complete an identification kit, including, without  
40 limitation, photographing, and include the identification kit and his  
41 or her photograph in a file maintained by the agency which provides  
42 child welfare services and any employee thereof who provides child  
43 welfare services to the child.

44 ~~12-~~ 13. To communicate with other persons, including,  
45 without limitation, the right:



1 (a) To communicate regularly, but not less often than once each  
2 month, with an employee of the agency which provides child  
3 welfare services who provides child welfare services to the child;

4 (b) To communicate confidentially with the agency which  
5 provides child welfare services to the child concerning his or her  
6 care;

7 (c) To report any alleged violation of his or her rights pursuant  
8 to NRS 432.550 without being threatened or punished;

9 (d) Except as otherwise prohibited by a court order, to contact a  
10 family member, social worker, attorney, advocate for children  
11 receiving foster care services or guardian ad litem appointed by a  
12 court or probation officer; and

13 (e) Except as otherwise prohibited by a court order and to the  
14 extent practicable, to contact and visit his or her siblings, including  
15 siblings who have not been placed in foster homes and to have such  
16 contact arranged on a regular basis and on holidays, birthdays and  
17 other significant life events, unless such contact is contrary to the  
18 safety of the child or his or her siblings.

19 ~~H3.1~~ 14. Not to have contact or visitation with a sibling  
20 withheld as a form of punishment.

21 **Sec. 3.** Chapter 432B of NRS is hereby amended by adding  
22 thereto the provisions set forth as sections 4 and 5 of this act.

23 **Sec. 4. 1. *The Normalcy for Foster Youth Account is***  
24 ***hereby created in the State General Fund.***

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

28 ***3. The Division may use money in the Account to:***

29 ***(a) Provide monetary support to a provider of foster care who***  
30 ***provides opportunities to a child in his or her care to participate in***  
31 ***extracurricular, enrichment, cultural or social activities; and***

32 ***(b) Award grants to agencies which provide child welfare***  
33 ***services or nonprofit organizations that provide opportunities to***  
34 ***children in foster care to participate in extracurricular,***  
35 ***enrichment, cultural or social activities.***

36 ***4. The Division may accept gifts, grants, bequests and other***  
37 ***contributions from any source for the purpose of carrying out the***  
38 ***provisions of this section.***

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

42 **Sec. 5. 1. *Except as otherwise provided in subsection 2, a***  
43 ***person with whom a child has been placed pursuant to this***  
44 ***chapter is immune from civil or criminal liability for approving or***  
45 ***allowing the child to participate in extracurricular, enrichment,***



1 *cultural or social activities if, in approving or allowing the child to*  
2 *participate in such activities, the person acted as a careful and*  
3 *sensible parent would have acted under the same circumstances to*  
4 *maintain the health, safety and best interests of the child while at*  
5 *the same time encouraging the emotional and developmental*  
6 *growth of the child.*

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

10 **Sec. 6.** 1. There is hereby appropriated from the State  
11 General Fund to the Division of Child and Family Services of the  
12 Department of Health and Human Services the sum of \$53,000,000  
13 for the replacement of the Unified Nevada Information Technology  
14 for Youth case management system with a new juvenile justice and  
15 child welfare case management system.

16 2. Any remaining balance of the appropriation made by this  
17 section must not be committed for expenditure after June 30, 2019,  
18 by the entity to which the appropriation is made or any entity to  
19 which money from the appropriation is granted or otherwise  
20 transferred in any manner, and any portion of the appropriated  
21 money remaining must not be spent for any purpose after  
22 September 20, 2019, by either the entity to which the money was  
23 appropriated or the entity to which the money was subsequently  
24 granted or transferred, and must be reverted to the State General  
25 Fund on or before September 20, 2019.

26 **Sec. 7.** 1. There is hereby appropriated from the State  
27 General Fund to the Normalcy for Foster Youth Account created by  
28 section 4 of this act the sum of \$200,000.

29 2. Any remaining balance of the appropriation made by this  
30 section must not be committed for expenditure after June 30, 2019,  
31 by the entity to which the appropriation is made or any entity to  
32 which money from the appropriation is granted or otherwise  
33 transferred in any manner, and any portion of the appropriated  
34 money remaining must not be spent for any purpose after  
35 September 20, 2019, by either the entity to which the money was  
36 appropriated or the entity to which the money was subsequently  
37 granted or transferred, and must be reverted to the State General  
38 Fund on or before September 20, 2019.

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

45 2. The consultant shall conduct an analysis of:



1 (a) The current block grant model of funding of agencies which  
2 provide child welfare services, including a determination of whether  
3 such block grant funding is appropriate and sufficient to meet the  
4 needs of agencies which provide child welfare services and what  
5 other funding models, if any, would be more appropriate funding  
6 mechanisms;

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

9 (c) Sources of funding, including, without limitation, federal,  
10 state, local and private programs, for programs that support the  
11 welfare of children in this State, including, without limitation,  
12 funding for medical care, mental health and substance abuse  
13 treatment, education, juvenile justice and child care.

14 3. On or before September 1, 2018, the consultant hired  
15 pursuant to subsection 1 shall submit a report of the results of the  
16 study required pursuant to subsection 1 and any recommendations  
17 for legislation to the Director of the Department of Health and  
18 Human Services. Upon receipt of the report, the Director of the  
19 Department shall transmit the report to the Director of the  
20 Legislative Counsel Bureau for transmittal to the 80th Session of  
21 the Nevada Legislature.

22 4. Any remaining balance of the appropriation made by this  
23 section must not be committed for expenditure after June 30, 2019,  
24 by the entity to which the appropriation is made or any entity to  
25 which money from the appropriation is granted or otherwise  
26 transferred in any manner, and any portion of the appropriated  
27 money remaining must not be spent for any purpose after  
28 September 20, 2019, by either the entity to which the money was  
29 appropriated or the entity to which the money was subsequently  
30 granted or transferred, and must be reverted to the State General  
31 Fund on or before September 20, 2019.

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

