

ASSEMBLY BILL NO. 255—ASSEMBLYWOMAN COHEN

MARCH 7, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing adoption. (BDR 11-658)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

~

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

AN ACT relating to adoption; revising provisions governing financial assistance to the adoptive family of a child with special needs; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes an agency which provides child welfare services to  
2 provide financial assistance to a family that adopts a child with special needs until  
3 the child attains majority, becomes self-sustaining, is emancipated or dies. (NRS  
4 127.186) If such a child is still enrolled in school, this bill authorizes an agency  
5 which provides child welfare services to provide financial assistance until the child  
6 graduates high school or reaches 19 years of age, whichever comes first.

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

1 **Section 1.** NRS 127.186 is hereby amended to read as follows:  
2 127.186 1. The agency which provides child welfare services  
3 or a child-placing agency licensed by the Division pursuant to this  
4 chapter may consent to the adoption of a child under 18 years of age  
5 with special needs due to race, age or physical or mental problems  
6 who is in the custody of the agency which provides child welfare  
7 services or the licensed agency by proposed adoptive parents when,  
8 in the judgment of the agency which provides child welfare services  
9 or the child-placing agency, it would be in the best interests of the  
10 child to be placed in that adoptive home.



1 2. The agency which provides child welfare services or child-  
2 placing agency, whichever has custody of the child, shall in a timely  
3 and diligent manner:

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

6 (b) If it determines that the child has any special needs:

7 (1) Notify the proposed adoptive parents:

8 (I) That they may be eligible for a grant of financial  
9 assistance pursuant to this section; and

10 (II) The manner in which to apply for such financial  
11 assistance; and

12 (2) Assist the proposed adoptive parents in applying for and  
13 satisfying any other prerequisites necessary to obtain a grant of  
14 financial assistance pursuant to this section and any other relevant  
15 subsidies and services which may be available.

16 3. The agency which provides child welfare services may grant  
17 financial assistance for attorney's fees in the adoption proceeding,  
18 for maintenance and for preexisting physical or mental conditions to  
19 the adoptive parents of a child with special needs out of money  
20 provided for that purpose if the head of the agency which provides  
21 child welfare services or his or her designee has reviewed and  
22 approved in writing the grant of financial assistance.

23 4. The grant of financial assistance must be limited, both as to  
24 amount and duration, by agreement in writing between the agency  
25 which provides child welfare services and the adoptive parents.  
26 Such an agreement must not become effective before the entry of  
27 the order of adoption.

28 5. Any grant of financial assistance must be reviewed and  
29 evaluated at least once annually by the agency which provides child  
30 welfare services. The evaluation must be presented for approval to  
31 the head of the agency which provides child welfare services or his  
32 or her designee. Financial assistance must be discontinued  
33 immediately upon written notification to the adoptive parents by the  
34 agency which provides child welfare services that continued  
35 assistance is denied.

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

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

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

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

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

44 (e) *Dies.*



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

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

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

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

