

(Reprinted with amendments adopted on June 1, 2023)

SECOND REPRINT

A.B. 255

ASSEMBLY BILL NO. 255—ASSEMBLYMEN COHEN, BILBRAY-AXELROD, HANSEN, NEWBY AND ORENTLICHER

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; making appropriations to and authorizing expenditures by the Division of Child and Family Services of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes an agency which provides child welfare services to provide financial assistance to a family that adopts a child with special needs until the child attains majority, becomes self-sustaining, is emancipated or dies. (NRS 127.186) If such a child is still enrolled in school, **section 1** of this bill authorizes an agency which provides child welfare services to provide financial assistance until the child graduates high school or reaches 19 years of age, whichever comes first. **Sections 1.2-1.6** of this bill make appropriations to, and authorize expenditure by, the Division of Child and Family Services of the Department of Health and Human Services for the increased costs of providing such financial assistance.

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

Section 1. NRS 127.186 is hereby amended to read as follows:
127.186 1. The agency which provides child welfare services or a child-placing agency licensed by the Division pursuant to this chapter may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems



1 who is in the custody of the agency which provides child welfare
2 services or the licensed agency by proposed adoptive parents when,
3 in the judgment of the agency which provides child welfare services
4 or the child-placing agency, it would be in the best interests of the
5 child to be placed in that adoptive home.

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

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

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

12 (1) Notify the proposed adoptive parents:

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

15 (II) The manner in which to apply for such financial
16 assistance; and

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

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

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

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

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

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



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

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

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

5 (e) *Dies.*

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

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

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

18 **Sec. 1.2.** 1. There is hereby appropriated from the State
19 General Fund to the Division of Child and Family Services of the
20 Department of Health and Human Services for the Washoe County
21 Child Welfare budget account for increases in the amount of
22 adoption subsidies in Washoe County resulting from the amendatory
23 provisions of section 1 of this act the following sums:

24 For the Fiscal Year 2023-2024..... \$180,598

25 For the Fiscal Year 2024-2025..... \$142,587

26 2. Expenditure of the following sums not appropriated from the
27 State General Fund or the State Highway Fund is hereby authorized
28 by the Division of Child and Family Services of the Department of
29 Health and Human Services for the same purpose as set forth in
30 subsection 1:

31 For the Fiscal Year 2023-2024..... \$244,310

32 For the Fiscal Year 2024-2025..... \$182,299

33 3. Any balance of the sums appropriated by subsection 1
34 remaining at the end of the respective fiscal years must not be
35 committed for expenditure after June 30 of the respective fiscal
36 years by the entity to which the appropriation is made or any entity
37 to which money from the appropriation is granted or otherwise
38 transferred in any manner, and any portion of the appropriated
39 money remaining must not be spent for any purpose after
40 September 20, 2024, and September 19, 2025, respectively, by
41 either the entity to which the money was appropriated or the entity
42 to which the money was subsequently granted or transferred, and
43 must be reverted to the State General Fund on or before
44 September 20, 2024, and September 19, 2025, respectively.



1 **Sec. 1.4.** 1. There is hereby appropriated from the State
2 General Fund to the Division of Child and Family Services of the
3 Department of Health and Human Services for the Clark County
4 Child Welfare budget account for increases in the amount of
5 adoption subsidies in Clark County resulting from the amendatory
6 provisions of section 1 of this act the following sums:

7 For the Fiscal Year 2023-2024 \$494,830
8 For the Fiscal Year 2024-2025 \$641,828

9 2. Expenditure of the following sums not appropriated from the
10 State General Fund or the State Highway Fund is hereby authorized
11 by the Division of Child and Family Services of the Department of
12 Health and Human Services for the same purpose as set forth in
13 subsection 1:

14 For the Fiscal Year 2023-2024 \$694,305
15 For the Fiscal Year 2024-2025 \$850,107

16 3. Any balance of the sums appropriated by subsection 1
17 remaining at the end of the respective fiscal years must not be
18 committed for expenditure after June 30 of the respective fiscal
19 years by the entity to which the appropriation is made or any entity
20 to which money from the appropriation is granted or otherwise
21 transferred in any manner, and any portion of the appropriated
22 money remaining must not be spent for any purpose after
23 September 20, 2024, and September 19, 2025, respectively, by
24 either the entity to which the money was appropriated or the entity
25 to which the money was subsequently granted or transferred, and
26 must be reverted to the State General Fund on or before
27 September 20, 2024, and September 19, 2025, respectively.

28 **Sec. 1.6.** 1. There is hereby appropriated from the State
29 General Fund to the Division of Child and Family Services of the
30 Department of Health and Human Services for the Rural Child
31 Welfare budget account for increases in the amount of adoption
32 subsidies in counties other than Washoe and Clark Counties
33 resulting from the amendatory provisions of section 1 of this act the
34 following sums:

35 For the Fiscal Year 2023-2024 \$58,022
36 For the Fiscal Year 2024-2025 \$70,772

37 2. Expenditure of the following sums not appropriated from the
38 State General Fund or the State Highway Fund is hereby authorized
39 by the Division of Child and Family Services of the Department of
40 Health and Human Services for the same purpose as set forth in
41 subsection 1:

42 For the Fiscal Year 2023-2024 \$78,932
43 For the Fiscal Year 2024-2025 \$90,975

44 3. Any balance of the sums appropriated by subsection 1
45 remaining at the end of the respective fiscal years must not be



1 committed for expenditure after June 30 of the respective fiscal
2 years by the entity to which the appropriation is made or any entity
3 to which money from the appropriation is granted or otherwise
4 transferred in any manner, and any portion of the appropriated
5 money remaining must not be spent for any purpose after
6 September 20, 2024, and September 19, 2025, respectively, by
7 either the entity to which the money was appropriated or the entity
8 to which the money was subsequently granted or transferred, and
9 must be reverted to the State General Fund on or before
10 September 20, 2024, and September 19, 2025, respectively.

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

