

Amendment No. 86

Senate Amendment to Senate Bill No. 41	(BDR 38-392)
<b>Proposed by:</b> Senate Committee on Health and Human Services	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.





SENATE BILL NO. 41—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to child welfare. (BDR 38-392)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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

AN ACT relating to child welfare; replacing a program to award incentive payments to certain agencies which provide child welfare services with a program to award ~~biennial~~ **annual** categorical grants to such agencies; providing for a study on certain matters relating to the funding of the child welfare system in this State; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to administer a program to award incentive payments to an agency which provides child welfare services in a county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 432B.2165) To receive an incentive payment, existing law requires such an agency to submit to the Division an application that includes, without limitation: (1) a description of the specific goal that the agency which provides child welfare services agrees to achieve over the upcoming fiscal year if the incentive payment is awarded; and (2) where applicable, an estimate of the percentage of the goals established in the prior application that will be achieved by the agency which provides child welfare services by the end of the current fiscal year. (NRS 432B.2165, 432B.217) Existing law requires the Division to award an incentive payment to each applicant in an amount that, for an applicant that received an incentive payment for the previous fiscal year, depends on the percentage of the goal established in the prior application that the applicant achieved. (NRS 432B.2165-432B.2175) **Sections 2-4** of this bill revise that program to instead require the Division to award categorical grants to each agency which provides child welfare services in a county whose population is 100,000 or more. **Section 2** of this bill requires such an agency which provides child welfare services to submit to the Division: (1) a description of the specific goal that the agency which provides child welfare services agrees to achieve over the upcoming ~~biennium~~ **fiscal year** using the money awarded to the agency which provides child welfare services as a categorical grant; and (2) where applicable, an estimate of the percentage of the goal established for the current ~~biennium~~ **fiscal year** that the agency which provides child welfare services will achieve by the end of the ~~biennium~~ **fiscal year**. **Section 2** requires the Division to award a categorical grant to each agency which provides child welfare services in a county whose population is 100,000 or more for each ~~biennium that begins on July 1 of an odd-numbered~~ **fiscal year**. **Section 2** requires each

26 agency which provides child welfare services that receives a categorical grant to use the  
 27 money; (1) for the purpose of achieving the goal established by the agency which provides  
 28 child welfare services for the ~~biennium~~ **fiscal year** for which the categorical grant is  
 29 awarded; and (2) if any money remains after the agency which provides child welfare services  
 30 achieves that goal, to provide child welfare services.

31 **Section 8** of this bill repeals a provision prescribing the procedure for applying for and  
 32 awarding incentive payments under the current program. **Section 1** of this bill makes  
 33 conforming changes to: (1) replace a reference to the current program of incentive payments  
 34 with a reference to grants awarded pursuant to **section 2**; and (2) revise a statutory reference  
 35 that is not applicable to the program of categorical grants.

36 **Section 3** of this bill requires each agency which provides child welfare services that  
 37 receives a categorical grant to submit to the Division, after the conclusion of the ~~biennium~~  
 38 **fiscal year** for which the grant was received, a report which demonstrates whether the goal  
 39 established by the agency which provides child welfare services for the ~~biennium~~ **fiscal year**  
 40 was achieved and, if the goal was not achieved, the percentage of the goal that was achieved.

41 **Section 4** of this bill requires the Division to ~~biennially~~ **annually** report similar information  
 42 to the Governor and the Legislature. **Section 6** of this bill prescribes the procedure for  
 43 transitioning from the current program of incentive payments to the program of categorical  
 44 grants prescribed by **sections 2-4**.

45 Existing law requires the Joint Interim Standing Committee on Health and Human  
 46 Services to evaluate and review issues relating to child welfare. (NRS 218E.330) During the  
 47 2023-2024 interim, **section 5** of this bill requires the Committee to study: (1) issues related to  
 48 the funding of agencies which provide child welfare services in this State; ~~and~~ (2) the effects  
 49 of reductions to rates of reimbursement under Medicaid and the Children's Health Insurance  
 50 Program on agencies which provide child welfare services and other persons and entities that  
 51 provide services to children in the child welfare system in this State ~~and~~; (3) **certain**  
 52 **additional factors relating to child welfare;** (4) **necessary investments in technology to**  
 53 **support the administration and maintenance of information relating to child welfare in**  
 54 **this State; and (5) any other subjects identified by agencies which provide child welfare**  
 55 **services.**

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

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

2 432B.180 The Division of Child and Family Services shall:

3 1. Administer any money granted to the State by the Federal Government.

4 2. Request appropriations from the Legislature in amounts sufficient to ~~for~~  
 5 ~~— (a) Provide block~~ **provide** grants to ~~an~~ **each** agency which provides child  
 6 welfare services in a county whose population is 100,000 or more pursuant to NRS  
 7 ~~432B.2165 and~~ 432B.2185. ~~for and~~

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

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

14 4. Provide child welfare services directly or arrange for the provision of those  
 15 services in a county whose population is less than 100,000.

16 5. Coordinate its activities with and assist the efforts of any law enforcement  
 17 agency, a court of competent jurisdiction, an agency which provides child welfare  
 18 services and any public or private organization which provides social services for  
 19 the prevention, identification and treatment of abuse or neglect of children and for  
 20 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 biennial]~~ **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 [biennium] fiscal year.~~

2. On or before May 1 of each ~~[odd-numbered]~~ 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:—~~

(a) A description of the specific goal that the agency which provides child welfare services agrees to achieve by June 30 of the following ~~[odd-numbered]~~ 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 30 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 [biennium ending on June 30 of the] current fiscal year that the agency which provides child welfare services will achieve by ~~[that date.] 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 [2 years]** beginning on July 1 of **the [each odd-numbered] calendar year [ ] in which the application is submitted.**

1           4. *Except as otherwise provided in this subsection, an agency which*  
2 *provides child welfare services that receives a categorical grant pursuant to this*  
3 *section must use the money allocated for any costs of achieving the specific goal*  
4 *established pursuant to paragraph (a) of subsection 2. If money remains after the*  
5 *agency which provides child welfare services has achieved that goal, the agency*  
6 *which provides child welfare services may use the money for any costs of*  
7 *providing child welfare services without restriction. The agency which provides*  
8 *child welfare services is not required to return any money remaining from that*  
9 *allocation at the end of ~~each~~ a fiscal year, and the money does not revert to the*  
10 *State General Fund.*

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

12           432B.2175 ~~[-]~~ On or before September 1 of ~~the ~~each odd-numbered~~ year~~  
13 ~~following the year in which an agency which provides child welfare services is~~  
14 ~~awarded ~~an incentive payment~~ a categorical grant from the program established~~  
15 ~~pursuant to NRS 432B.2165, the ~~[- each] agency which provides child welfare~~~~  
16 ~~services ~~that received a categorical grant pursuant to NRS 432B.2165 for the~~~~  
17 ~~biennium ending on June 30 of that year] shall submit to the Division of Child~~  
18 ~~and Family Services a report which demonstrates whether the goal established~~  
19 ~~pursuant to NRS 432B.2165 was achieved and, if not, the percentage of the goal that~~  
20 ~~was achieved by June 30 of ~~the fiscal~~ ~~that~~ year ~~[-] in which the ~~incentive~~~~~~  
21 ~~payment] categorical grant was awarded.~~

22           ~~[-]~~ If the report submitted pursuant to subsection 1 demonstrates that the  
23 agency which provides child welfare services achieved:

24           ~~(a) A greater percentage of the goal than estimated pursuant to NRS 432B.217,~~  
25 ~~the Division of Child and Family Services shall increase the incentive payment to~~  
26 ~~the agency which provides child welfare services by an amount equal to the~~  
27 ~~additional amount that should have been awarded pursuant to subsection 4 of NRS~~  
28 ~~432B.217; or~~

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

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

34           432B.218 ~~[-]~~ On or before ~~January 31~~ November 1 of each year, the  
35 Division of Child and Family Services shall prepare and submit a report to the  
36 Governor and the Legislature which includes, without limitation, information  
37 concerning :

38           1. ~~The ~~the~~~~ progress made by each agency which provides child welfare  
39 services in a county whose population is 100,000 or more toward achieving the  
40 specific performance targets set forth in an improvement plan submitted by the  
41 agency pursuant to NRS 432B.216 ~~[-] ; and~~

42           2. ~~Whether ~~the~~ On or before January 31 of each even-numbered year, the~~  
43 ~~Division of Child and Family Services shall prepare and submit a report to the~~  
44 ~~Governor and the Legislature which includes, without limitation, information~~  
45 ~~concerning whether] each~~ agency which provides child welfare services in a  
46 county whose population is 100,000 or more achieved the specific goal established  
47 pursuant to NRS 432B.2165 , if applicable, during the previous fiscal year  
48 ~~[biennium ending on June 30 of the immediately preceding year]~~ and, if not, the  
49 percentage of the goal that was achieved.

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

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

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

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

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

12 (c) Additional factors, including, without limitation:

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

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

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

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

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

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

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

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

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

37 **Sec. 6.** 1. Notwithstanding the provisions of NRS 432B.2165, as amended  
 38 by section 2 of this act ~~;~~

39 ~~(a) Each~~ , **each** agency which provides child welfare services in a county  
 40 whose population is 100,000 or more shall, on or before May 1, 2024, submit to the  
 41 Division of Child and Family Services:

42 ~~(1)~~ (a) The information required by paragraphs (a) and (b) of subsection  
 43 2 of NRS 432B.2165, as amended by section 2 of this act; and

44 ~~(2)~~ (b) If the agency which provides child welfare services received an  
 45 incentive payment pursuant to NRS 432B.2165, as that section existed on  
 46 December 31, 2023, for the fiscal year beginning on July 1, 2023, an estimate of the  
 47 percentage of the goal established in the application for that incentive payment that  
 48 will be achieved by the agency which provides child welfare services by June 30,  
 49 2024.

50 ~~(b) The Division of Child and Family Services shall, to~~

51 **2. To** the extent that money is available ~~for that purpose, award a~~ , **the**  
 52 **amount of a** categorical grant **awarded to each** an agency which provides child  
 53 welfare services in a county whose population is 100,000 or more for the fiscal year

1 beginning on July 1, 2024 ~~[for the purposes prescribed in]~~ , pursuant to NRS  
2 432B.2165, as amended by section 2 of this act. ~~[The amount of the appropriation~~  
3 ~~to the Division of Child and Family Services for the purpose of awarding such~~  
4 ~~categorical grants]~~ must be based on the amount appropriated for the purpose of  
5 awarding incentive payments pursuant to NRS 432B.2165, as that section existed  
6 on December 31, 2023, for the fiscal year beginning on July 1, 2023.

7 ~~[2.]~~ 3. Notwithstanding the provisions of NRS 432B.2175, as amended by  
8 section 3 of this act ~~;~~

9 ~~—(a) On]~~ , on or before September 1, 2024, each agency which provides child  
10 welfare services that received an incentive payment for the fiscal year beginning on  
11 July 1, 2023, shall submit to the Division of Child and Family Services the report  
12 required by subsection 1 of NRS 432B.2175, as that section existed on December  
13 31, 2023.

14 ~~[(b) On or before September 1, 2025, each agency which provides child~~  
15 ~~welfare services in a county whose population is 100,000 or more shall submit to~~  
16 ~~the Division of Child and Family Services a report which demonstrates whether the~~  
17 ~~goal established pursuant to NRS 432B.2165, as amended by section 2 of this act,~~  
18 ~~for the fiscal year beginning on July 1, 2024, was achieved and, if not, the~~  
19 ~~percentage of the goal that was achieved by June 30, 2025.~~

20 ~~—3.]~~ 4. Notwithstanding the provisions of NRS 432B.218, as amended by  
21 section 4 of this act ~~;~~

22 ~~—(a) The reports]~~ , the report submitted to the Governor and the Legislature by  
23 the Division of Child and Family Services pursuant to subsection 2 of that section  
24 on or before ~~[January 31,]~~ November 1, 2024, ~~[and January 31, 2025,]~~ must  
25 include, without limitation, information concerning whether each agency which  
26 provides child welfare services that received an incentive payment for the fiscal  
27 ~~[years]~~ year beginning on ~~[July 1, 2022, and]~~ July 1, 2023, ~~[respectively,]~~ achieved  
28 the goal established pursuant to NRS 432B.2165, as that section existed on  
29 December 31, 2023, during ~~[those]~~ that fiscal ~~[years]~~ year and, if not, the  
30 percentage of the goal that was achieved.

31 ~~[(b) The report submitted to the Governor and the Legislature by the Division~~  
32 ~~of Child and Family Services pursuant to subsection 2 of that section on or before~~  
33 ~~January 31, 2026, must include, without limitation, information concerning whether~~  
34 ~~each agency which provides child welfare services in a county whose population is~~  
35 ~~100,000 or more achieved the goal established pursuant to NRS 432B.2165, as~~  
36 ~~amended by section 2 of this act, during the previous fiscal year and, if not, the~~  
37 ~~percentage of the goal that was achieved.~~

38 ~~—4.]~~ 5. As used in this section, “Division of Child and Family Services” means  
39 the Division of Child and Family Services of the Department of Health and Human  
40 Services.

41 **Sec. 7.** The provisions of subsection 1 of NRS 218D.380 do not apply to any  
42 provision of this act which adds or revises a requirement to submit a report to the  
43 Legislature.

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

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

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

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

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

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



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**TEXT OF REPEALED SECTION**

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**432B.217 Incentive payment program: Application for incentive payment in subsequent years; approval or denial of application; amount of subsequent incentive payment awarded.**

1. Each year following the award of an incentive payment pursuant to NRS 432B.2165, the agency which provides child welfare services may submit an application on or before May 1 for an incentive payment to be awarded for the next fiscal year beginning on July 1 following approval of the application.

2. The agency which provides child welfare services shall submit the application in the manner set forth in NRS 432B.2165 and must, in addition to the information required pursuant to NRS 432B.2165, include an estimate of the percentage of the goals established in the prior application that will be achieved by the agency which provides child welfare services by June 30.

3. If the Division of Child and Family Services approves the application, the Division shall, to the extent that money has been made available for that purpose, award an incentive payment to the agency which provides child welfare services for the fiscal year beginning on July 1 of the year in which the application is submitted in an amount not to exceed a percentage of the amount awarded for the current fiscal year as determined pursuant to subsection 4.

4. The amount of an incentive payment that may be awarded for the next fiscal year pursuant to this section must be determined by multiplying the amount awarded for the current fiscal year by the percentage point of completion of the goal established for the current fiscal year, up to a maximum of 100 percent of the amount of the incentive payment awarded for the current fiscal year.