

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 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:**

1 Existing law requires the Division of Child and Family Services of the  
2 Department of Health and Human Services to administer a program to award  
3 incentive payments to an agency which provides child welfare services in a county  
4 whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS  
5 432B.2165) To receive an incentive payment, existing law requires such an agency  
6 to submit to the Division an application that includes, without limitation: (1) a  
7 description of the specific goal that the agency which provides child welfare  
8 services agrees to achieve over the upcoming fiscal year if the incentive payment is  
9 awarded; and (2) where applicable, an estimate of the percentage of the goals  
10 established in the prior application that will be achieved by the agency which  
11 provides child welfare services by the end of the current fiscal year. (NRS  
12 432B.2165, 432B.217) Existing law requires the Division to award an incentive  
13 payment to each applicant in an amount that, for an applicant that received an  
14 incentive payment for the previous fiscal year, depends on the percentage of the  
15 goal established in the prior application that the applicant achieved. (NRS  
16 432B.2165-432B.2175) **Sections 2-4** of this bill revise that program to instead  
17 require the Division to award categorical grants to each agency which provides  
18 child welfare services in a county whose population is 100,000 or more. **Section 2**



19 of this bill requires such an agency which provides child welfare services to submit  
20 to the Division: (1) a description of the specific goal that the agency which provides  
21 child welfare services agrees to achieve over the upcoming biennium using the  
22 money awarded to the agency which provides child welfare services as a  
23 categorical grant; and (2) where applicable, an estimate of the percentage of the  
24 goal established for the current biennium that the agency which provides child  
25 welfare services will achieve by the end of the biennium. **Section 2** requires the  
26 Division to award a categorical grant to each agency which provides child welfare  
27 services in a county whose population is 100,000 or more for each biennium that  
28 begins on July 1 of an odd-numbered year. **Section 2** requires each agency which  
29 provides child welfare services that receives a categorical grant to use the money:  
30 (1) for the purpose of achieving the goal established by the agency which provides  
31 child welfare services for the biennium for which the categorical grant is awarded;  
32 and (2) if any money remains after the agency which provides child welfare  
33 services achieves that goal, to provide child welfare services.

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

40 **Section 3** of this bill requires each agency which provides child welfare  
41 services that receives a categorical grant to submit to the Division, after the  
42 conclusion of the biennium for which the grant was received, a report which  
43 demonstrates whether the goal established by the agency which provides child  
44 welfare services for the biennium was achieved and, if the goal was not achieved,  
45 the percentage of the goal that was achieved. **Section 4** of this bill requires  
46 the Division to biennially report similar information to the Governor and the  
47 Legislature. **Section 6** of this bill prescribes the procedure for transitioning from the  
48 current program of incentive payments to the program of categorical grants  
49 prescribed by **sections 2-4**.

50 Existing law requires the Joint Interim Standing Committee on Health and  
51 Human Services to evaluate and review issues relating to child welfare. (NRS  
52 218E.330) During the 2023-2024 interim, **section 5** of this bill requires the  
53 Committee to study: (1) issues related to the funding of agencies which provide  
54 child welfare services in this State; and (2) the effects of reductions to rates of  
55 reimbursement under Medicaid and the Children's Health Insurance Program on  
56 agencies which provide child welfare services and other persons and entities that  
57 provide services to children in the 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.** NRS 432B.180 is hereby amended to read as  
2 follows:

3 432B.180 The Division of Child and Family Services shall:

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

6 2. Request appropriations from the Legislature in amounts  
7 sufficient to ~~£~~



1 ~~—(a) Provide block~~ *provide* grants to ~~[an]~~ *each* agency which  
2 provides child welfare services in a county whose population is  
3 100,000 or more pursuant to NRS ~~432B.2165 and~~ 432B.2185 . ~~f~~  
4 ~~and~~

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

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

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

15 5. Coordinate its activities with and assist the efforts of any law  
16 enforcement agency, a court of competent jurisdiction, an agency  
17 which provides child welfare services and any public or private  
18 organization which provides social services for the prevention,  
19 identification and treatment of abuse or neglect of children and for  
20 permanent placement of children.

21 6. Involve communities in the improvement of child welfare  
22 services.

23 7. Evaluate all child welfare services provided throughout the  
24 State and, if an agency which provides child welfare services is not  
25 in substantial compliance with any federal or state law relating to  
26 the provision of child welfare services, regulations adopted pursuant  
27 to those laws or statewide plans or policies relating to the provision  
28 of child welfare services, require corrective action of the agency  
29 which provides child welfare services.

30 8. Coordinate with and assist:

31 (a) Each agency which provides child welfare services in  
32 recruiting, training and licensing providers of foster care as defined  
33 in NRS 424.017;

34 (b) Each foster care agency licensed pursuant to NRS 424.093 to  
35 424.270, inclusive, in screening, recruiting, licensing and training  
36 providers of foster care as defined in NRS 424.017; and

37 (c) A nonprofit or community-based organization in recruiting  
38 and training providers of foster care as defined in NRS 424.017 if  
39 the Division determines that the organization provides a level of  
40 training that is equivalent to the level of training provided by an  
41 agency which provides child welfare services.

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

43 432B.2165 1. The Division of Child and Family Services  
44 shall administer a program to award ~~[incentive payments]~~ *biennial*  
45 *category grants* to ~~[an]~~ *each* agency which provides child welfare



1 services in a county whose population is 100,000 or more ~~[.]~~ *to the*  
2 *extent that money has been appropriated to the Division of Child*  
3 *and Family Services for that purpose. The amount of the*  
4 *appropriation to the Division of Child and Family Services for that*  
5 *purpose must be based on the amount appropriated for the*  
6 *previous biennium.*

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

11 ~~—3. The application for an incentive payment must include,~~  
12 ~~without limitation:]~~

13 (a) A description of the specific goal that the agency which  
14 provides child welfare services agrees to achieve by June 30 of the  
15 following *odd-numbered* year ~~[if the incentive payment is~~  
16 ~~awarded:]~~ *using the money awarded to the agency which provides*  
17 *child welfare services as a categorical grant;*

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

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

24 ~~—4. If the Division of Child and Family Services does not~~  
25 ~~approve the application, the Division must notify the agency which~~  
26 ~~provides child welfare services of the specific deficiencies in the~~  
27 ~~application and allow the agency to resubmit the application within~~  
28 ~~30 days.~~

29 ~~—5. If the Division of Child and Family Services approves the~~  
30 ~~application, the]~~ *If applicable, an estimate of the percentage of the*  
31 *specific goal established pursuant to paragraph (a) for the*  
32 *biennium ending on June 30 of the current year that the agency*  
33 *which provides child welfare services will achieve by that date.*

34 3. The Division of Child and Family Services shall, to the  
35 extent that money is available for that purpose, award ~~[an incentive~~  
36 ~~payment]~~ *a categorical grant* to ~~[the]~~ *each* agency which provides  
37 child welfare services *in a county whose population is 100,000 or*  
38 *more* for ~~[the fiscal year]~~ *2 years* beginning on July 1 of ~~[the]~~ *each*  
39 *odd-numbered* year . ~~[in which the application is submitted.]~~

40 4. *Except as otherwise provided in this subsection, an agency*  
41 *which provides child welfare services that receives a categorical*  
42 *grant pursuant to this section must use the money allocated for*  
43 *any costs of achieving the specific goal established pursuant to*  
44 *paragraph (a) of subsection 2. If money remains after the agency*  
45 *which provides child welfare services has achieved that goal, the*



1 *agency which provides child welfare services may use the money*  
2 *for any costs of providing child welfare services without*  
3 *restriction. The agency which provides child welfare services is not*  
4 *required to return any money remaining from that allocation at the*  
5 *end of each fiscal year, and the money does not revert to the*  
6 *State General Fund.*

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

8 432B.2175 ~~[1.]~~ On or before September 1 of ~~[the]~~ *each odd-*  
9 *numbered* year ~~[following the year in which an agency which~~  
10 ~~provides child welfare services is awarded an incentive payment~~  
11 ~~from the program established pursuant to NRS 432B.2165, the]~~ ,  
12 *each* agency which provides child welfare services *that received a*  
13 *categorical grant pursuant to NRS 432B.2165 for the biennium*  
14 *ending on June 30 of that year* shall submit to the Division of  
15 Child and Family Services a report which demonstrates whether the  
16 goal established pursuant to NRS 432B.2165 was achieved and, if  
17 not, the percentage of the goal that was achieved by June 30 of ~~[the~~  
18 ~~fiscal]~~ *that* year . ~~[in which the incentive payment was awarded.~~

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

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

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

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

33 432B.218 **1.** On or before January 31 of each year, the  
34 Division of Child and Family Services shall prepare and submit a  
35 report to the Governor and the Legislature which includes, without  
36 limitation, information concerning ~~[-]~~

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

42 **2.** ~~[Whether the]~~ *On or before January 31 of each even-*  
43 *numbered year, the Division of Child and Family Services shall*  
44 *prepare and submit a report to the Governor and the Legislature*  
45 *which includes, without limitation, information concerning*



1 *whether each* agency which provides child welfare services in a  
2 county whose population is 100,000 or more achieved the specific  
3 goal established pursuant to NRS 432B.2165 , *if applicable*, during  
4 the ~~[previous fiscal year]~~ *biennium ending on June 30 of the*  
5 *immediately preceding year* and, if not, the percentage of the goal  
6 that was achieved.

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

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

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

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

20 (b) The effects of reductions to rates of reimbursement under  
21 Medicaid and the Children’s Health Insurance Program on agencies  
22 which provide child welfare services and other persons and entities  
23 that provide services to children in the child welfare system in this  
24 State.

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

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

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

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

38 **Sec. 6.** 1. Notwithstanding the provisions of NRS  
39 432B.2165, as amended by section 2 of this act:

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

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



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

8 (b) The Division of Child and Family Services shall, to the  
9 extent that money is available for that purpose, award a categorical  
10 grant to each agency which provides child welfare services in a  
11 county whose population is 100,000 or more for the fiscal year  
12 beginning on July 1, 2024 for the purposes prescribed in NRS  
13 432B.2165, as amended by section 2 of this act. The amount of  
14 the appropriation to the Division of Child and Family Services  
15 for the purpose of awarding such categorical grants must be based  
16 on the amount appropriated for the purpose of awarding incentive  
17 payments pursuant to NRS 432B.2165, as that section existed on  
18 December 31, 2023, for the fiscal year beginning on July 1, 2023.

19 2. Notwithstanding the provisions of NRS 432B.2175, as  
20 amended by section 3 of this act:

21 (a) On or before September 1, 2024, each agency which  
22 provides child welfare services that received an incentive payment  
23 for the fiscal year beginning on July 1, 2023, shall submit to the  
24 Division of Child and Family Services the report required by  
25 subsection 1 of NRS 432B.2175, as that section existed on  
26 December 31, 2023.

27 (b) On or before September 1, 2025, each agency which  
28 provides child welfare services in a county whose population is  
29 100,000 or more shall submit to the Division of Child and Family  
30 Services a report which demonstrates whether the goal established  
31 pursuant to NRS 432B.2165, as amended by section 2 of this act, for  
32 the fiscal year beginning on July 1, 2024, was achieved and, if not,  
33 the percentage of the goal that was achieved by June 30, 2025.

34 3. Notwithstanding the provisions of NRS 432B.218, as  
35 amended by section 4 of this act:

36 (a) The reports submitted to the Governor and the Legislature by  
37 the Division of Child and Family Services pursuant to subsection 2  
38 of that section on or before January 31, 2024, and January 31, 2025,  
39 must include, without limitation, information concerning whether  
40 each agency which provides child welfare services that received an  
41 incentive payment for the fiscal years beginning on July 1, 2022,  
42 and July 1, 2023, respectively, achieved the goal established  
43 pursuant to NRS 432B.2165, as that section existed on  
44 December 31, 2023, during those fiscal years and, if not, the  
45 percentage of the goal that was achieved.



1 (b) The report submitted to the Governor and the Legislature by  
2 the Division of Child and Family Services pursuant to subsection 2  
3 of that section on or before January 31, 2026, must include, without  
4 limitation, information concerning whether each agency which  
5 provides child welfare services in a county whose population is  
6 100,000 or more achieved the goal established pursuant to NRS  
7 432B.2165, as amended by section 2 of this act, during the previous  
8 fiscal year and, if not, the percentage of the goal that was achieved.

9 4. As used in this section, "Division of Child and Family  
10 Services" means the Division of Child and Family Services of the  
11 Department of Health and Human Services.

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

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

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

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

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

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

24 (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.

