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FIRST REPRINT

A.B. 498

ASSEMBLY BILL NO. 498—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
CHILD WELFARE AND JUVENILE JUSTICE)

APRIL 11, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to fictive kin caregivers.
(BDR 38-452)

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 children; requiring, to the extent authorized by federal law, certain assistance to be provided to a person who provides certain care for a child to whom he or she is not related; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Director of the Department of Health and Human Services to adopt state plans required by the Federal Government for the administration of public assistance programs, including the State Plan for Temporary Assistance for Needy Families. (NRS 422A.080, 422A.260) **Section 1** of this bill requires the Director to include, to the extent authorized by federal law, in the State Plan for Temporary Assistance for Needy Families the provision of child-only assistance for a caregiver who is caring for a child in foster care and who is not related by blood to the child but has a significant emotional and positive relationship with the child. **Section 2** of this bill makes a conforming change.

Existing federal law authorizes states to establish a program to provide financial assistance to certain relatives of children in foster care who become the legal guardians of such children. (42 U.S.C. §§ 671 and 673) Under federal law, the Federal Government reimburses states that establish such a program for a portion of the costs of the program. (42 U.S.C. § 674) Existing law requires the Department to: (1) establish and administer the Kinship Guardianship Assistance Program in accordance with the federal law to provide financial assistance to a relative of a child who is appointed as the legal guardian of the child under certain circumstances; and (2) adopt a state plan for the administration of the Program. **Section 8** of this bill requires the Department, to the extent authorized by federal law, to include in the



20 state plan a provision to provide assistance pursuant to the Program to a fictive kin
21 who has been appointed the legal guardian of a child in foster care. **Section 5** of this
22 bill defines “fictive kin” as a person who is not related by blood to a child but who
23 has a significant emotional and positive relationship with the child. If this provision
24 of the state plan is approved by the Federal Government, **section 6** of this bill
25 defines the term “relative” for the purposes of the Program to include a fictive kin of
26 a child so that such a fictive kin is eligible for assistance pursuant to the Program.
27 **Sections 7 and 9** of this bill make conforming changes.

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 *1. 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 on behalf of a*
7 *child who has been placed with the fictive kin pursuant to chapter*
8 *432B of NRS, if all applicable conditions of eligibility are met.*

9 *2. As used in this section, “fictive kin” means a person who is*
10 *not related by blood to a child but has a significant emotional and*
11 *positive relationship with the child.*

12 **Sec. 2.** NRS 422A.500 is hereby amended to read as follows:

13 422A.500 As used in NRS 422A.500 to 422A.600, inclusive,
14 *and section 1 of this act*, unless the context otherwise requires, the
15 words and terms defined in NRS 422A.505 to 422A.520, inclusive,
16 have the meanings ascribed to them in those sections.

17 **Sec. 3.** Chapter 432B of NRS is hereby amended by adding
18 thereto the provisions set forth as sections 4, 5 and 6 of this act.

19 **Sec. 4.** *As used in NRS 432B.621 to 432B.626, inclusive, and*
20 *sections 4, 5 and 6 of this act, unless the context otherwise*
21 *requires, the words and terms defined in NRS 432B.621 and*
22 *sections 5 and 6 of this act have the meanings ascribed to them in*
23 *those sections.*

24 **Sec. 5.** *“Fictive kin” means a person who is not related by*
25 *blood to a child but has a significant emotional and positive*
26 *relationship with the child.*

27 **Sec. 6.** *“Relative” includes, without limitation, a fictive kin,*
28 *if the Federal Government approves a state plan for the*
29 *administration of the Program which is adopted pursuant to*
30 *subsection 2 of NRS 432B.622 and which provides for the*
31 *provision of assistance to a fictive kin of a child pursuant to the*
32 *Program.*



1 **Sec. 7.** NRS 432B.621 is hereby amended to read as follows:
2 432B.621 ~~[As used in NRS 432B.621 to 432B.626, inclusive,~~
3 ~~unless the context otherwise requires,]~~ “Program” means the
4 Kinship Guardianship Assistance Program established and
5 administered by the Department pursuant to NRS 432B.622.

6 **Sec. 8.** NRS 432B.622 is hereby amended to read as follows:
7 432B.622 1. The Department, through a division of the
8 Department designated by the Director, shall establish and
9 administer the Kinship Guardianship Assistance Program to provide
10 assistance pursuant to the provisions of NRS 432B.621 to 432B.626,
11 inclusive, *and sections 4, 5 and 6 of this act* and 42 U.S.C. §§ 671
12 and 673.

13 2. The Department shall adopt a state plan for the
14 administration of the Program. *To the extent authorized by federal*
15 *law, the Department shall include in the state plan for the*
16 *administration of the Program a provision to provide assistance to*
17 *a fictive kin of a child pursuant to the Program.*

18 3. An agency which provides child welfare services may enter
19 into an agreement to provide assistance to a relative of a child
20 pursuant to the Program. Such an agreement may be entered into
21 with a relative who is located outside the State of Nevada. If a
22 guardianship for the child is established in the other state, the
23 agency which provides child welfare services must comply with any
24 order of the court of the state in which the child resides concerning
25 the guardianship.

26 **Sec. 9.** NRS 232.320 is hereby amended to read as follows:

27 232.320 1. The Director:

28 (a) Shall appoint, with the consent of the Governor,
29 administrators of the divisions of the Department, who are
30 respectively designated as follows:

31 (1) The Administrator of the Aging and Disability Services
32 Division;

33 (2) The Administrator of the Division of Welfare and
34 Supportive Services;

35 (3) The Administrator of the Division of Child and Family
36 Services;

37 (4) The Administrator of the Division of Health Care
38 Financing and Policy; and

39 (5) The Administrator of the Division of Public and
40 Behavioral Health.

41 (b) Shall administer, through the divisions of the Department,
42 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
43 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
44 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive,
45 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626,



1 inclusive, *and sections 4, 5 and 6 of this act*, 444.002 to 444.430,
2 inclusive, and 445A.010 to 445A.055, inclusive, and all other
3 provisions of law relating to the functions of the divisions of the
4 Department, but is not responsible for the clinical activities of the
5 Division of Public and Behavioral Health or the professional line
6 activities of the other divisions.

7 (c) Shall administer any state program for persons with
8 developmental disabilities established pursuant to the
9 Developmental Disabilities Assistance and Bill of Rights Act of
10 2000, 42 U.S.C. §§ 15001 et seq.

11 (d) Shall, after considering advice from agencies of local
12 governments and nonprofit organizations which provide social
13 services, adopt a master plan for the provision of human services in
14 this State. The Director shall revise the plan biennially and deliver a
15 copy of the plan to the Governor and the Legislature at the
16 beginning of each regular session. The plan must:

17 (1) Identify and assess the plans and programs of the
18 Department for the provision of human services, and any
19 duplication of those services by federal, state and local agencies;

20 (2) Set forth priorities for the provision of those services;

21 (3) Provide for communication and the coordination of those
22 services among nonprofit organizations, agencies of local
23 government, the State and the Federal Government;

24 (4) Identify the sources of funding for services provided by
25 the Department and the allocation of that funding;

26 (5) Set forth sufficient information to assist the Department
27 in providing those services and in the planning and budgeting for the
28 future provision of those services; and

29 (6) Contain any other information necessary for the
30 Department to communicate effectively with the Federal
31 Government concerning demographic trends, formulas for the
32 distribution of federal money and any need for the modification of
33 programs administered by the Department.

34 (e) May, by regulation, require nonprofit organizations and state
35 and local governmental agencies to provide information regarding
36 the programs of those organizations and agencies, excluding
37 detailed information relating to their budgets and payrolls, which the
38 Director deems necessary for the performance of the duties imposed
39 upon him or her pursuant to this section.

40 (f) Has such other powers and duties as are provided by law.

41 2. Notwithstanding any other provision of law, the Director, or
42 the Director's designee, is responsible for appointing and removing
43 subordinate officers and employees of the Department, other than
44 the State Public Defender of the Office of State Public Defender
45 who is appointed pursuant to NRS 180.010.



1 **Sec. 10.** This act becomes effective upon passage and approval
2 for the purposes of adopting regulations and performing any other
3 preparatory administrative tasks that are necessary to carry out the
4 provisions of this act, and on July 1, 2020, for all other purposes.



