

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.

~

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 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:**

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 fiscal year 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 fiscal year that the agency which provides child  
25 welfare services will achieve by the end of the fiscal year. **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 fiscal year.  
28 **Section 2** requires each agency which provides child welfare services that receives  
29 a categorical grant to use the money: (1) for the purpose of achieving the goal  
30 established by the agency which provides child welfare services for the fiscal year  
31 for which the categorical grant is awarded; and (2) if any money remains after the  
32 agency which provides child welfare services achieves that goal, to provide child  
33 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 fiscal year 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 fiscal year was achieved and, if the goal was not achieved,  
45 the percentage of the goal that was achieved. **Section 4** of this bill requires the  
46 Division to annually report similar information to the Governor and the Legislature.  
47 **Section 6** of this bill prescribes the procedure for transitioning from the current  
48 program of incentive payments to the program of categorical grants prescribed by  
49 **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; (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; (3) certain  
58 additional factors relating to child welfare; (4) necessary investments in technology  
59 to support the administration and maintenance of information relating to child  
60 welfare in this State; and (5) any other subjects identified by agencies which  
61 provide child welfare services.

---

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.



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

3 ~~—(a) Provide block~~ *provide* grants to ~~[an]~~ *each* agency which  
4 provides child welfare services in a county whose population is  
5 100,000 or more pursuant to NRS ~~432B.2165 and~~ 432B.2185 . ~~£~~  
6 ~~and~~

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

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

14 4. Provide child welfare services directly or arrange for the  
15 provision of those services in a county whose population is less than  
16 100,000.

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

23 6. Involve communities in the improvement of child welfare  
24 services.

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

32 8. Coordinate with and assist:

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

36 (b) Each foster care agency licensed pursuant to NRS 424.093 to  
37 424.270, inclusive, in screening, recruiting, licensing and training  
38 providers of foster care as defined in NRS 424.017; and

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



1       **Sec. 2.** NRS 432B.2165 is hereby amended to read as follows:  
2       432B.2165 1. The Division of Child and Family Services  
3 shall administer a program to award ~~incentive payments~~ *annual*  
4 *category grants* to ~~an~~ *each* agency which provides child welfare  
5 services in a county whose population is 100,000 or more ~~;~~ *to the*  
6 *extent that money has been appropriated to the Division of Child*  
7 *and Family Services for that purpose. The amount of the*  
8 *appropriation to the Division of Child and Family Services for that*  
9 *purpose must be based on the amount appropriated for the*  
10 *previous fiscal year.*

11       2. On or before May 1 of each year, an agency which provides  
12 child welfare services ~~may~~ *in a county whose population is*  
13 *100,000 or more shall* submit ~~an application~~ to the Division of  
14 Child and Family Services : ~~for an incentive payment.~~

15       ~~3. The application for an incentive payment must include,~~  
16 ~~without limitation:;~~

17       (a) A description of the specific goal that the agency which  
18 provides child welfare services agrees to achieve by June 30 of the  
19 following year ~~if the incentive payment is awarded;~~ *using the*  
20 *money awarded to the agency which provides child welfare*  
21 *services as a category grant;*

22       (b) Baseline data to support the need to achieve the specific goal  
23 and which will provide a manner in which to measure whether the  
24 goal is achieved or to determine the percentage of the goal that is  
25 achieved; and

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

28       ~~4. If the Division of Child and Family Services does not~~  
29 ~~approve the application, the Division must notify the agency which~~  
30 ~~provides child welfare services of the specific deficiencies in the~~  
31 ~~application and allow the agency to resubmit the application within~~  
32 ~~30 days.~~

33       ~~5. If the Division of Child and Family Services approves the~~  
34 ~~application, the~~ *If applicable, an estimate of the percentage of the*  
35 *specific goal established pursuant to paragraph (a) for the current*  
36 *fiscal year that the agency which provides child welfare services*  
37 *will achieve by the end of the current fiscal year.*

38       3. The Division of Child and Family Services shall, to the  
39 extent that money is available for that purpose, award ~~an incentive~~  
40 ~~payment~~ *a category grant* to ~~the~~ *each* agency which provides  
41 child welfare services *in a county whose population is 100,000 or*  
42 *more* for the fiscal year beginning on July 1 of the *calendar* year in  
43 which the application is submitted.

44       4. *Except as otherwise provided in this subsection, an agency*  
45 *which provides child welfare services that receives a category*



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

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

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

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

25 ~~—(a) A greater percentage of the goal than estimated pursuant to~~  
26 ~~NRS 432B.217, the Division of Child and Family Services shall~~  
27 ~~increase the incentive payment to the agency which provides child~~  
28 ~~welfare services by an amount equal to the additional amount that~~  
29 ~~should have been awarded pursuant to subsection 4 of NRS~~  
30 ~~432B.217; or~~

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

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

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

41 1. The progress made by each agency which provides child  
42 welfare services in a county whose population is 100,000 or more  
43 toward achieving the specific performance targets set forth in an  
44 improvement plan submitted by the agency pursuant to NRS  
45 432B.216; and



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

8 **Sec. 6.** 1. Notwithstanding the provisions of NRS  
9 432B.2165, as amended by section 2 of this act, each agency which  
10 provides child welfare services in a county whose population is  
11 100,000 or more shall, on or before May 1, 2024, submit to the  
12 Division of Child and Family Services:

13 (a) The information required by paragraphs (a) and (b) of  
14 subsection 2 of NRS 432B.2165, as amended by section 2 of this  
15 act; and

16 (b) If the agency which provides child welfare services received  
17 an incentive payment pursuant to NRS 432B.2165, as that section  
18 existed on December 31, 2023, for the fiscal year beginning on  
19 July 1, 2023, an estimate of the percentage of the goal established in  
20 the application for that incentive payment that will be achieved by  
21 the agency which provides child welfare services by June 30, 2024.

22 2. To the extent that money is available, the amount of a  
23 categorical grant awarded to an agency which provides child welfare  
24 services in a county whose population is 100,000 or more for the  
25 fiscal year beginning on July 1, 2024, pursuant to NRS 432B.2165,  
26 as amended by section 2 of this act, must be based on the amount  
27 appropriated for the purpose of awarding incentive payments  
28 pursuant to NRS 432B.2165, as that section existed on  
29 December 31, 2023, for the fiscal year beginning on July 1, 2023.

30 3. Notwithstanding the provisions of NRS 432B.2175, as  
31 amended by section 3 of this act, on or before September 1, 2024,  
32 each agency which provides child welfare services that received an  
33 incentive payment for the fiscal year beginning on July 1, 2023,  
34 shall submit to the Division of Child and Family Services the report  
35 required by subsection 1 of NRS 432B.2175, as that section existed  
36 on December 31, 2023.

37 4. Notwithstanding the provisions of NRS 432B.218, as  
38 amended by section 4 of this act, the report submitted to the  
39 Governor and the Legislature by the Division of Child and Family  
40 Services pursuant to subsection 2 of that section on or before  
41 November 1, 2024, must include, without limitation, information  
42 concerning whether each agency which provides child welfare  
43 services that received an incentive payment for the fiscal year  
44 beginning on July 1, 2023, achieved the goal established pursuant to  
45 NRS 432B.2165, as that section existed on December 31, 2023,



1 during that fiscal year and, if not, the percentage of the goal that was  
2 achieved.

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

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

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

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

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

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

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

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

---

---

**TEXT OF REPEALED SECTION**

---

---

**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.

③

