

SENATE BILL NO. 480—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to child protective services in certain less populated counties. (BDR 38-1219)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 4, 7)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 the protection of children; requiring certain less populated counties to pay an assessment to the Division of Child and Family Services of the Department of Health and Human Services for the costs of providing child protective services; authorizing a county to submit a proposal for the county to provide those services and receive an exemption from the assessment; 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, in counties whose population is less
3 than 100,000 (currently all counties other than Clark and Washoe Counties), to
4 provide directly or arrange for the provision of child welfare services, including
5 protective services, foster care services and adoption services. (NRS 432B.044,
6 432B.180) **Section 4** of this bill requires each of those counties to pay to the
7 Division of Child and Family Services an assessment for the provision of child
8 protective services not to exceed the limit of legislative authorization for spending
9 on child protective services by the Division in each such county. **Section 4** allows a
10 county to request an exemption from the assessment by submitting a proposal to the
11 Governor for the county to carry out child protective services for the county. If the
12 Governor approves the proposal, the Interim Finance Committee must consider
13 whether to approve the exemption. **Section 7** of this bill provides that if such an



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14 exemption is approved, the county is required to carry out child protective services
15 for the county in accordance with standards adopted by the Division and pay for the
16 cost of those services.

17 **Section 3** of this bill requires the Division to provide reports of certain
18 information about the provision of child protective services to each county whose
19 population is less than 100,000 and to the Governor. **Section 3** also requires the
20 Division to provide to each such county the total proposed budget of the Division
21 for providing child protective services in that county for the next succeeding
22 biennium.

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

1 **Section 1.** Chapter 432B of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *“Child protective services” means services for the*
4 *protection of children, including, without limitation, investigations*
5 *of abuse or neglect and assessments. The term does not include*
6 *foster care services or services related to adoption.*

7 **Sec. 3.** *The Division of Child and Family Services shall*
8 *submit:*

9 *1. A report on or before December 1 of each year to the*
10 *Governor and to each county whose population is less than*
11 *100,000 that contains a statement of:*

12 *(a) The total number of children who received child protective*
13 *services in each county in the immediately preceding fiscal year;*
14 *and*

15 *(b) The amount and categories of the expenditures made by*
16 *the Division on child protective services in each county in the*
17 *immediately preceding fiscal year;*

18 *2. To each county whose population is less than 100,000, on*
19 *or before December 1 of each even-numbered year, the total*
20 *proposed budget of the Division for that county for the next*
21 *succeeding biennium, including the projected number of children*
22 *who will receive child protective services and the projected costs of*
23 *child protective services attributed to the county; and*

24 *3. Such reports to the Legislative Commission as required by*
25 *the Commission.*

26 **Sec. 4.** *1. Unless an exemption is approved pursuant to*
27 *subsection 4, each county whose population is less than 100,000*
28 *shall pay an assessment each fiscal year to the Division of Child*
29 *and Family Services in an amount which does not exceed the*
30 *amount authorized by the Legislature for the provision of child*
31 *protective services by the Division in the county during that year.*

32 *2. The Division shall provide each county whose population*
33 *is less than 100,000, on or before May 1 of each year, with an*



1 *estimate of the amount of the assessment. The estimate becomes*
2 *the amount of the assessment unless the county is notified of a*
3 *change within 2 weeks after the date on which the county*
4 *contribution is approved by the Legislature. The county shall pay*
5 *the assessment:*

6 (a) *In full within 30 days after the amount of the assessment*
7 *becomes final; or*

8 (b) *In equal quarterly installments on or before the first day of*
9 *July, October, January and April, respectively.*

10 3. *Money paid by a county pursuant to this section must be*
11 *deposited by the Division with the State Treasurer, and the*
12 *Division shall expend the money in accordance with the approved*
13 *budget of the Division.*

14 4. *A county whose population is less than 100,000 may*
15 *submit a proposal to the Governor for the county to carry out child*
16 *protective services for the county. If the Governor approves*
17 *the proposal, the Governor must submit a recommendation to the*
18 *Interim Finance Committee to exempt the county from the*
19 *assessment required pursuant to subsection 1. The Interim*
20 *Finance Committee, upon receiving the recommendation from the*
21 *Governor, shall consider the proposal and determine whether to*
22 *approve the exemption. In considering whether to approve the*
23 *exemption, the Interim Finance Committee shall consider, among*
24 *other things, the best interests of the State, the effect of the*
25 *exemption and the intent of the Legislature in requiring the*
26 *assessment to be paid by the county.*

27 **Sec. 5.** NRS 432B.010 is hereby amended to read as follows:

28 432B.010 As used in this chapter, unless the context otherwise
29 requires, the words and terms defined in NRS 432B.020 to
30 432B.110, inclusive, *and section 2 of this act* have the meanings
31 ascribed to them in those sections.

32 **Sec. 6.** NRS 432B.044 is hereby amended to read as follows:

33 432B.044 “Child welfare services” includes, without
34 limitation:

35 1. ~~Protective services, including, without limitation,~~
36 ~~investigations of abuse or neglect and assessments;~~ *Child*
37 *protective services;*

38 2. Foster care services, including, without limitation,
39 maintenance and special services, as defined in NRS 432.010; and

40 3. Services related to adoption.

41 **Sec. 7.** NRS 432B.325 is hereby amended to read as follows:

42 432B.325 1. Each county whose population is 100,000 or
43 more shall provide *child* protective services ~~for the children~~ in that
44 county and pay the cost of those services. The services must be



1 provided in accordance with the standards adopted pursuant to
2 NRS 432B.190.

3 *2. A county whose population is less than 100,000 that*
4 *receives approval to carry out child protective services for the*
5 *county and an exemption from the assessment imposed pursuant*
6 *to section 4 of this act shall:*

7 *(a) Provide child protective services in that county and pay the*
8 *cost of those services.*

9 *(b) Provide the services in accordance with the standards*
10 *adopted pursuant to NRS 432B.190.*

11 *3. A county whose population is less than 100,000 that carries*
12 *out child protective services for the county shall be deemed to be*
13 *the agency which provides child welfare services for the purposes*
14 *of any provisions of this chapter relating to child protective*
15 *services and any regulations adopted pursuant thereto.*

16 **Sec. 8.** NRS 432B.490 is hereby amended to read as follows:

17 432B.490 1. An agency which provides child welfare
18 services:

19 (a) In cases where the death of a parent of the child is or may be
20 the result of an act by the other parent that constitutes domestic
21 violence pursuant to NRS 33.018, shall within 10 days after the
22 hearing on protective custody initiate a proceeding in court by filing
23 a petition which meets the requirements set forth in NRS 432B.510;

24 (b) In other cases where a hearing on protective custody is held,
25 shall within 10 days after the hearing on protective custody, unless
26 good cause exists, initiate a proceeding in court by filing a petition
27 which meets the requirements set forth in NRS 432B.510 or
28 recommend against any further action in court; or

29 (c) If a child is not placed in protective custody, may, after an
30 investigation is made under NRS 432B.010 to 432B.400, inclusive,
31 *and sections 2, 3 and 4 of this act*, file a petition which meets the
32 requirements set forth in NRS 432B.510.

33 2. If the agency recommends against further action, the court
34 may, on its own motion, initiate proceedings when it finds that it is
35 in the best interests of the child.

36 3. If a child has been placed in protective custody and if further
37 action in court is taken, an agency which provides child welfare
38 services shall make recommendations to the court concerning
39 whether the child should be returned to the person responsible for
40 the welfare of the child pending further action in court.

41 **Sec. 9.** The provisions of NRS 354.599 do not apply to any
42 additional expenses of a local government that are related to the
43 provisions of this act.



1 **Sec. 10.** This act becomes effective on July 1, 2011.

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