

2021

# Legislative Review

Division of Child & Family Services



## Overview

This Legislative Review covers policy bills and budgetary actions from the 81<sup>st</sup> Session of the Nevada Legislature which started on February 1, 2021 and ended on May 31, 2021. This review is not a comprehensive document as there were over 1,000 different measures proposed throughout the 120-day session. This review focuses on key bills most relevant to the work of the Division of Child and Family Services, its agency operations, and the systems in which the Division plays a role. Major budget decisions will be included along with the policy measures.



Child Welfare



Children's  
Mental Health



Juvenile Justice



Victim Services

Teams within DCFS will be responsible for full implementation of all policy and budgetary proposals that passed the Legislature and are approved by Governor Steve Sisolak. If you have specific questions about legislative implementation, reach out to the DCFS Systems Advocate at [systems.advocate@dcfs.nv.gov](mailto:systems.advocate@dcfs.nv.gov)



# Child Welfare

## Budget Highlights

- Proposed reductions to Clark and Washoe County Incentive Program were restored in SB460. Amount restored is \$6.79 million.
- Special interim reporting required for respite and Specialized Foster Care programs.
- SB377 establishes a budgetary mechanism to properly execute federal adoption savings reinvestment requirements. Potential for \$2 million in funding per year for new placement prevention and services aimed at reducing the time youth spend in foster care.
- Letter of intent required for adoption savings expenditures.
- Total State General Fund for Child Welfare operations: \$160.9 million

## Policy Highlights

- **Investigation Determinations:** SB376 adds “unable to locate or contact” and “administrative closure” as options for investigation substantiation determinations by child welfare staff and supervisors.
- **Commercially Sexually Exploited Youth:** SB274 requires DCFS to establish regulations for the licensing of Receiving Centers to serve Commercially Sexually Exploited Children (CSEC). Adjustments to Child Welfare agency response to reports of CSEC.
- **Court Improvement Program Recommended Changes:** AB426 allows the Attorney General to seek a warrant to place a child in protective custody and a child welfare agency or designee to provide a statement or sworn testimony for the need for a warrant to place a child in CPS custody under specific circumstances. This bill provides additional clarification on contact to parents as well as providing an additional mechanism to ensure the safety of children.
- **Parentage and Paternity Determinations:** AB115 gives a court the authority to determine a parent and child relationship for more than two people and prevents the adoption of a child without written consent from all parents. The additional parents may improve the ability for placement of a child with a parent when they have been removed from another parent. AB33 consolidates court-related matters for child protection and parentage within NRS 432B and NRS 146.
- **Federal Extended Foster Care:** SB397 adopts changes to Nevada’s continued jurisdiction program to comply with federal requirements and a requirement that DCFS submit a proposal for financial resources to implement the Federal Extended Foster Care program for the 2023 Legislative Session.
- **KinGAP Language Adjustment:** SB158 slightly adjusts Nevada statutory language related to eligibility for the federal Kinship Guardianship Program. Nevada statute was more restrictive than federal language; this adjustment will expand eligibility for federal funds to additional guardianship placements.



# Children's Mental Health

## Budget Highlights

- Reductions in leasing expenses for offices in Las Vegas and Reno.
- Proposed reductions to Medicaid rates and services were mostly restored throughout the Division of Health Care Financing and Policy budget hearings.
- Total State General Fund for DCFS Children's Mental Health operations: \$34.4 million

## Policy Highlights

- **Education and Mental Health Facilities:** SB 210 requires a facility to which a child is admitted to develop a plan for the continued education of the child in consultation with the public or private school in which the child was enrolled at the time of admission. It would solidify the process of continuing the education of youth being admitted to psychiatric facilities and not interrupt their academics while they are being treated for their mental health needs. AB 181 requires health care facilities to report suicide/attempted suicide/or those suspected of attempting suicide information to the Division of Public and Behavioral Health and provides authority for generating regulations describing the parameters for the data to be transmitted.
- **Care collaboration related to facility admissions:** SB146 requires public and private inpatient psychiatric facilities to consult with mental health treatment providers prior to admitting a child with emotional disturbance who is in the care of the child welfare system. This bill also requires facilities to coordinate with all treating providers for discharge planning.
- **Crisis Response:** SB390 establishes provisions to execute the federally mandated 9-8-8 program for mental health crisis response. By July 15, 2022 all states must implement a single phone number, 9-8-8, for mental health crisis (just like there is a single phone number for police/fire/medical emergency, 9-1-1). This includes not just having a 24/7 hotline, but also providing mobile crisis teams to respond to crisis calls. Additional monies may be used for implementation, including opioid settlement funds. An Advisory Committee will oversee the use of these funds. There will be various regulations related to qualifications of hotline staff, crisis service providers, crisis teams, and peer support. DCFS as the Children's Mental Health Authority will assist in providing oversight related to this.



# Juvenile Justice

## Budget Highlights

- Reduction in State Youth Center capacity restored during the budgetary process.
- Reduction in General Fund contribution to China Spring reduced during the budgetary process with an agreement for the interim working group.
  - Biennium General Fund total allocation for China Spring: \$2.2 million
  - Biennium General Fund total allocation for Spring Mountain: \$1 million
- Total State General Fund for DCFS Juvenile Justice operations: \$61.1 million

## Policy Highlights

- **Certification Process Changes:** AB230 removes the firearm charges provision of automatic certifications to adult court and instead requires a hearing prior to certifications in those instances. Preserves all other certification provisions.
- **Competency Plan Required:** SB366 requires DCFS to develop a plan for a uniform services response when a juvenile court determines a youth is not currently competent to proceed with delinquency proceedings.
- **Prevention Investments Study:** SB385 requires DCFS to conduct a study of Nevada past practices related to investments in prevention activities, national best practices for prevention investments, and submit recommendations for the 2023 Legislative Session.
- **Juvenile Justice Oversight Commission:** SB398 requires the JJOC to review its progress on its strategic plan and make legislative change recommendations for the 2023 Legislative Session.
- **Transition-age Youth Study:** SB356 requires DCFS and the Nevada Department of Corrections to explore facility options for youthful offenders between the ages of 18 and 24 who will complete their sentencing before reaching the age of 25. and submit such a report to the 2021 Legislative Session.
- **Bias Training for Individuals Working With Youth:** SB108 requires that law enforcement officials, attorneys, judges, and others who work with children in the juvenile justice system are required to have training on implicit bias and cultural competency every two years. DCFS is required to develop regulations to implement this bill.



# Victim Services

## Budget Highlights

- Addition of a Social Services Manager for DCFS to establish the Nevada Office for Victim Assistance (NOVA).
- Addition of two behavioral health positions to be embedded in the designated state center for victims.
- SB177 doubled the Marriage License fee for an estimated \$3 million additional funds per year to enhance domestic and sexual violence grant funding.
- Total non-Federal funding for DCFS Victim Services operations: \$66.9 million

## Policy Highlights

- **Statewide Victim Center:** AB481 requires DCFS to designate a statewide victim center to be located in Clark County. The center is tasked with helping victims of violent crime navigate various justice and services systems and to develop expertise to be deployed in the event of critical incidents.
- **Confidential Address Program Protections:** AB21 added property purchase information and additional voting information confidentiality to information protected by the DCFS Confidential Address Program.
- **Marriage License Funding:** AB30 adjusted eligibility requirements for entities that receive funding from DCFS' Account for Aid for Victims of Domestic Violence, which is funded by Marriage License fees. SB177 doubled the Marriage License fee to enhance funding for the program and expand awards for sexual violence services beyond Clark County.
- **Child Advocacy Centers:** AB228 establishes a definition of Child Advocacy Centers in state statute and permits DCFS to accept private donations or grant funding to help expand and improve Child Advocacy Center programs in Nevada.
- **Human Trafficking Coalition:** AB143 requires DCFS to establish a Statewide Coalition to focus on developing health services in response to Human Trafficking, it requires DCFS to designate someone within the Victims of Crime Compensation program as a Human Trafficking Specialist and also requires victim services information be available online.

## Additional Legislation of Interest

- **Opioid Settlement Allocation Process:** AB374 creates a Substance Use Work Group to review certain issues relating to substance misuse and substance use disorders.
- **American Rescue Plan Priorities:** SB461 requires funding to be transferred to the General Fund for specific program priorities including (1) Increasing access to health care and community-based services; (2) Strengthening public education; (3) Supporting disadvantaged communities; (4) Strengthening Nevada's workforce, supporting small businesses and revitalizing the State's economy; (5) Investing in infrastructure; and (6) Modernizing and enhancing state government services.
- **Background Checks:** SB21 standardizes prohibited crimes on background checks for DCFS employees across program areas. This bill will allow the Division to hire individuals with lived experience who currently present no danger to agency operations or clients. SB108 requires any person who works with juveniles who are involved in the juvenile justice system to complete periodic training relating to implicit bias and cultural competency and certain institutions, agencies, and facilities that serve children to waive the requirement to terminate the employment of certain employees after a background investigation.
- **Public Health Resource Office:** SB 424 creates the Public Health Resource Office to provide support for ongoing public health improvement efforts statewide.

## Additional Budget Information of Interest

- State employees in job categories with a collective bargaining agreement will receive a 3 percent Cost of Living Adjustment during the biennium. State employees without a collective bargaining agreement will receive a 1 percent Cost of Living Adjustment during the biennium. DCFS has employees in both categories.
- The furloughs required by the 2020 Special Session were not maintained in the budget for the upcoming biennium so State Employees will no longer need to take a monthly furlough.