

**PROPOSED REGULATION OF THE
DIVISION OF CHILD AND FAMILY SERVICES OF
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

LCB File No. R027-24

April 1, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-9, NRS 432B.190 and 432B.5919.

A REGULATION relating to the Extended Young Adult Support Services Program; establishing certain requirements relating to a written extended youth support services plan for a young adult who is participating in the Program; prescribing certain requirements governing hearings to review the status and the permanency plan for such a young adult; establishing certain procedures relating to the termination of the participation of a young adult in the Program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 allows states to receive federal Title IV-E reimbursement for costs associated with providing support services for: (1) children in foster care who are under 18 years of age; and (2) persons to remain in foster care up to 21 years of age who meet certain additional requirements. (Pub. L. No. 110-351) Senate Bill No. 397 of the 2021 Legislative Session required the Division of Child and Family Services of the Department of Health and Human Services to establish the Extended Young Adult Support Services Program to provide extended youth support services to young adults between 18 and 21 years of age where the costs of providing such services are eligible for reimbursement under federal law. (Chapter 419, Statutes of Nevada 2021, at page 2713)

Senate Bill No. 380 of the 2023 Legislative Session revised the date on which the Program becomes effective to the earlier of July 1, 2025, or the date on which: (1) the Division notifies the Governor and the Director of the Legislative Counsel Bureau that there is sufficient money available to carry out the Program; and (2) an agency which provides child welfare services is prepared to participate in the Program. (Section 1 of Senate Bill No. 380, chapter 379, Statutes of Nevada 2023, at page 2064) Existing law requires the Division to establish regulations governing the Program. (NRS 432B.5919) This regulation enacts provisions relating to the Program, and **section 9** of this regulation provides that this regulation becomes effective on the same date as the Program becomes effective.

Existing federal law: (1) requires an agency which provides child welfare services to establish a case plan for certain children or young adults who are in foster care; and (2) establishes the requirements for such a case plan. (42 U.S.C. §§ 671(a)(16), 675(1), 675a)

Existing Nevada law requires an agency which provides child welfare services to develop a written extended youth support services plan for each young adult who participates in the Program to assist the young adult in transitioning to self-sufficiency. (NRS 432B.595, as amended by section 34 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2734) **Section 2** of this regulation requires that such a plan meet the requirements established for a case plan under federal law. **Section 2** also: (1) establishes certain requirements governing the development, contents and review of such a plan; and (2) requires that a representative of the agency visit a young adult participating in the Program monthly.

Existing federal law requires that a court or administrative review panel: (1) review the status of a child or young adult who is in foster care at least every 6 months; and (2) hold a permanency hearing annually to evaluate the plan for the permanent placement of such a child or young adult. (42 U.S.C. §§ 671(a)(16), 675(5)(B), 675(5)(C)) Existing Nevada law requires a court that has jurisdiction over a young adult who is participating in the Program to hold an annual hearing to: (1) review the written extended youth support services plan developed for the young adult; and (2) determine whether the agency which provides child welfare services has made reasonable efforts to assist the participant in meeting the goals prescribed in the plan. (NRS 432B.601) **Section 4** of this regulation requires such an annual hearing to include the status review and permanency hearing required by federal law, and **section 3** of this regulation provides for an additional hearing each year that includes a status review, in accordance with federal law. **Sections 3 and 4** establish certain procedures relating to such hearings.

Existing Nevada law authorizes a court to involuntarily terminate the participation of a young adult in the Program under certain conditions, including failure to make a good faith effort to achieve the goals set forth in his or her extended youth support services plan. Existing law requires an agency which provides child welfare services to provide notice and opportunity to a young adult for administrative review before requesting a court take such action. (NRS 432B.594, as amended by section 33 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2731) **Section 5** of this regulation requires an agency which provides child welfare services to: (1) monitor the participation of each young adult who is participating in the Program to ensure that the young adult remains engaged in the Program and makes a good faith effort to achieve the goals set forth in his or her written extended youth support services plan; and (2) make reasonable efforts to reengage a young adult in the Program before seeking to terminate his or her participation in the Program for failure to make such a good faith effort. **Section 6** of this regulation establishes certain requirements governing an administrative review concerning the termination of participation of a young adult in the Program. **Section 6** also requires a panel conducting such an administrative review to take certain actions if it determines that the young adult will continue to participate in the Program. **Section 7** of this regulation establishes a procedure for a young adult to voluntarily terminate his or her participation in the Program.

Existing federal law requires an agency which provides child welfare services to adopt a transition plan for each child or young adult during the 90-day period before the child or young adult becomes too old to remain in foster care. (42 U.S.C. §§ 671(a)(16), 675(5)(H)) **Section 8** of this regulation requires an agency which provides child welfare services to develop such a transition plan for a young adult who is participating in the Program: (1) within the 90-day period before his or her 21st birthday; (2) upon a request by the young adult to voluntarily terminate his or her participation in the Program; or (3) upon deciding to take action to involuntarily terminate his or her participation in the Program. Before the date on which the participation of a young adult in the Program is scheduled to terminate, **section 8** requires an

agency which provides child welfare services to: (1) obtain the approval of the court of such a transition plan; and (2) provide the young adult with certain documents required by federal law. **Section 8** also requires an agency which provides child welfare services to ensure that a representative of the agency meets with a young adult participating in the Program within a certain time period before the 21st birthday of the young adult.

Section 1. Chapter 432B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. 1. *Each agency which provides child welfare services that enters into a written agreement with a young adult to participate in the Program pursuant to NRS 432B.594, as amended by section 33 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2731, shall:*

(a) Collaborate with the young adult to develop the written extended youth support services plan required by NRS 432B.595, as amended by section 34 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2734;

(b) Include in the plan a date by which the young adult should achieve self-sufficiency;

(c) Review and update the plan at least once every 6 months; and

(d) Ensure that:

(1) A representative of the agency which provides child welfare services visits the young adult in person at least once each month while the young adult is enrolled in the Program; and

(2) At least 50 percent of the visits described in subparagraph (1) are conducted at the residence of the young adult.

2. A written extended youth support services plan developed pursuant to NRS 432B.595, as amended by section 34 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at

page 2734, must meet the requirements set forth in 42 U.S.C. §§ 675(1) and 675a for a case plan.

Sec. 3. *1. In addition to the hearings held pursuant to NRS 432B.601 and except as otherwise provided in subsection 2, a court shall, for the purpose of complying with 42 U.S.C. § 675(5)(B), hold a hearing to review the status of each young adult who is participating in the Program:*

(a) Not later than 6 months after the date on which a participant entered into a written agreement pursuant to NRS 432B.594, as amended by section 33 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2731; and

(b) Each year thereafter.

2. The court may enter an order directing that the hearing conducted pursuant to subsection 1 be conducted by a panel of three or more persons appointed by mutual consent of the judge or judges of the court. At least one of the persons appointed pursuant to this subsection must be a person who is not responsible for case management or the delivery of services to the young adult. The persons appointed pursuant to this section serve at the pleasure of the court and without compensation.

3. Except as otherwise provided in this subsection, notice of the hearing must be given by regular or certified mail to the young adult and his or her attorney. Notice may be given to the young adult or his or her attorney by electronic mail if the young adult or his or her attorney, as applicable, agrees to receive notice in that manner.

4. A hearing conducted pursuant to this section must include, without limitation, a status review as required by 42 U.S.C. § 675(5)(B).

Sec. 4. 1. At each hearing held pursuant to NRS 432B.601 or section 3 of this regulation, the court or review panel conducting the hearing shall:

(a) Determine whether the young adult is safe in his or her placement;

(b) Consider whether continued participation in the Program by the young adult is appropriate;

(c) Consider whether the young adult is developing appropriate and meaningful skills for self-sufficiency; and

(d) Assess the progress made by the young adult towards achieving self-sufficiency by the date prescribed in the written extended youth support services plan developed pursuant to NRS 432B.595, as amended by section 34 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2734.

2. Each hearing conducted pursuant to NRS 432B.601 or section 3 of this regulation must:

(a) Be a collaborative team meeting conducted in a manner that supports the active engagement of the young adult in key decisions; and

(b) Include the attorney for the young adult and any other party necessary to discuss the status of the participation of the young adult in the Program.

3. A hearing conducted pursuant to NRS 432B.601 must include, without limitation:

(a) A status review as required by 42 U.S.C. § 675(5)(B); and

(b) A permanency hearing as required by 42 U.S.C. § 675(5)(C).

4. At least one of the persons appointed to a panel to conduct a hearing pursuant to subsection 4 of NRS 432B.601 must be a person who is not responsible for case management or the delivery of services to the young adult.

Sec. 5. 1. An agency which provides child welfare services shall monitor the participation of each young adult who is participating in the Program to ensure that the young adult remains engaged in the Program and makes a good faith effort to achieve the goals set forth in the written extended youth support services plan developed pursuant to NRS 432B.595, as amended by section 34 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2734.

2. Before seeking to terminate the participation of a young adult in the Program because the young adult is not making a good faith effort to achieve the goals set forth in the written extended youth support services plan developed pursuant to NRS 432B.595, as amended by section 34 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2734, an agency which provides child welfare services must make reasonable efforts to reengage the young adult in the Program. Reasonable efforts may include, without limitation:

(a) Attempting to contact the young adult with increasing frequency through various methods such as electronic mail, text message, virtual visitations and in-person visits at work, home or school;

(b) Providing additional support to more easily enable the young adult to participate in the Program;

(c) Using motivational interviewing to identify and implement strategies to motivate the young adult to participate in the Program;

(d) Diligently searching to locate the young adult if he or she has lost contact with the agency; and

(e) Contacting and seeking assistance of any persons who provide support to the young adult.

Sec. 6. 1. *An administrative review conducted pursuant to subsection 5 of NRS 432B.594, as amended by section 33 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2731, concerning the termination of participation of a young adult in the Program must:*

(a) Be conducted by a panel of representatives of the agency which provides child welfare services as a collaborative team meeting;

(b) Include the young adult, the attorney for the young adult and any party necessary to discuss the status of the young adult in the Program; and

(c) Meet the requirements for an administrative review set forth in 42 U.S.C. § 675(6).

2. *If the panel conducting an administrative review pursuant to subsection 1 determines that the young adult will remain in the Program:*

(a) The panel shall collaborate with the young adult to identify strategies to more easily enable the young adult to make a good faith effort to achieve the goals set forth in the written extended youth support services plan developed pursuant to NRS 432B.595, as amended by section 34 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2734;

(b) The young adult shall provide his or her current contact information and any other documentation requested by the panel not later than 30 days after the date of the administrative review; and

(c) The panel shall:

(1) Place the young adult on a probationary period of 60 days; and

(2) Issue an order setting forth the conditions with which the young adult must comply during the probationary period.

3. *If a young adult fails to comply with the conditions set forth in an order issued pursuant to subparagraph (2) of paragraph (c) of subsection 2, the participation of the young adult in the Program may be terminated in accordance with subsection 5 of NRS 432B.594, as amended by section 33 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2731.*

Sec. 7. *A young adult may request that his or her participation in the Program be terminated pursuant to paragraph (d) of subsection 3 of NRS 432B.594, as amended by section 33 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2731, at any time by submitting a written request to:*

1. *The agency which provides child welfare services;*
2. *The attorney to whom the young adult was referred pursuant to NRS 432B.592, as amended by section 31 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2730; or*
3. *The court.*

Sec. 8. 1. *At least 30 days but not more than 45 days before the 21st birthday of a young adult who is participating in the Program, the agency which provides child welfare services shall ensure that a representative of the agency which provides child welfare services meets with the young adult to determine whether the young adult requires any additional guidance.*

2. *An agency which provides child welfare services shall develop a transition plan in accordance with 42 U.S.C. § 675(5)(H) for a young adult who is participating in the Program:*

- (a) *Not earlier than 90 days before the 21st birthday of the young adult;*
- (b) *Upon the request of the young adult that his or her participation in the Program be terminated pursuant to paragraph (d) of subsection 3 of NRS 432B.594, as amended by*

section 33 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2731, and section 7 of this regulation; or

(c) Upon deciding to take the actions described in subsection 5 of NRS 432B.594, as amended by section 33 of Senate Bill No. 397, chapter 419, Statutes of Nevada 2021, at page 2731, to terminate the participation of the young adult in the Program.

3. A transition plan developed pursuant to subsection 2 must include, without limitation:

(a) Information relating to the sexual health of the young adult; and

(b) Services and resources informing and preparing the young adult to make healthy decisions about his or her life.

4. Before the date on which the participation of the young adult in the Program is scheduled to terminate, the agency which provides child welfare services shall:

(a) Submit the transition plan developed pursuant to subsection 2 to the court for approval and obtain such approval; and

(b) Except as otherwise provided in subsection 5, provide the young adult with the documents required by 42 U.S.C. § 675(5)(I).

5. If an agency which provides child welfare services is unable to locate a young adult for the purpose of providing him or her with the documents required by 42 U.S.C. § 675(5)(I), the agency which provides child welfare services shall be deemed to be in compliance with paragraph (b) of subsection 4 if the agency which provides child welfare services has:

(a) Delivered or mailed the documents required by 42 U.S.C. § 675(5)(I) to the last known address of the young adult; and

(b) Made reasonable efforts to locate the young adult.

Sec. 9. This regulation becomes effective on the date on which sections 1 to 34, inclusive, and 35 of chapter 419, Statutes of Nevada 2021, at pages 2714-36, become effective.