

## HIGHLIGHTS OF AB350

“Child” is re-defined in NRS 432B.040 to mean a person who is below the age of 18 or if in school, until graduation from high school.

“Child” does not include a child who continues under the jurisdiction of the court pursuant to AB350 after the child reaches the age of 18.

As used in NRS 432B.591 to 432B.595, “child” refers to a person who is:

- Under the age of 18 and
- Over 18 and remains under the jurisdiction of the juvenile court.

### **NRS 432B.592 requires:**

1. The juvenile court to refer all children to an attorney at age 17 if reunification isn't likely to happen.
2. The court to request that the attorney to advise the client of the legal consequences of remaining under the jurisdiction of the court after turning 18 and assist the client in deciding whether to remain under the jurisdiction of the court or “age out.”

### **Questions/Notes**

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**NRS 432B.593**

1. Requires DFS to meet with the child at least 120 days before the child's 18<sup>th</sup> birthday to determine whether the child intends to ask the court retain jurisdiction past 18.
2. If, at the 120-day meeting, the child states he/she does not want to ask the court to retain jurisdiction, the DFS will recommend termination of jurisdiction at age 18.
3. Any time before turning 18, the child is entitled to change his/her mind about opting out. The child can do this either of two ways:
  - a. By letting DFS know. DFS must then revise its recommendation to the court in accordance with the child's position, OR
  - b. By directly asking the court to retain jurisdiction and **the court shall accept jurisdiction.**
4. A child who is on an independent living contract before turning 18, is not precluded from requesting that the court retain jurisdiction over him/her. Children on independent living contracts who remain under court jurisdiction after 18 have the same rights and privileges as any other child under juvenile court jurisdiction.

**Questions/Notes**

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## **NRS 432B.594**

1. The court **shall** retain jurisdiction of a child after he/she turns 18 **if the child requests it.**
2. Jurisdiction over a retained child continues until the first of the following conditions is met:
  - a. DFS, the child and the child's attorney agree to terminate jurisdiction;
  - b. The court determines that the goals set forth in the child's his/her written plan have been met; (see section 19)
  - c. The court determines that the child is not making a good faith effort to achieve the goals set forth in his/her plan;
  - d. The child's circumstances have changed in a way that makes in infeasible for the child to achieve the goals set forth in his transitional plan;
  - e. The child voluntarily requests terminating court jurisdiction;
  - f. The child reaches the age of 21.
3. If the child moves to another part of the state and the court transfers jurisdiction to another court, the court that accepts jurisdiction must retain jurisdiction until one of the conditions in section 2 is met.
4. If the child requests that jurisdiction be retained past 18, the child must enter into a written agreement with DFS. The agreement, **which must be filed with the court**, must acknowledge that:
  - a. The retention is voluntary on the part of the child;
  - b. The child is entitled to continue to receive DFS services and monetary payments made directly to the child or to an agreed upon third party (payments can't exceed foster board payments) consistent with their transition plan (see section 19);

- c. DFS is not the legal custodian of the child after 18, **and all proceedings pursuant to NRS 432B.410 through 590 will terminate.** Some examples are:
    - (1) Six-month review hearings (NRS432B.580)
    - (2) Annual dispositional hearings (NRS432B.590)
    - (3) Motions for modification or revocation of an order (NRS432B.570)
    - (4) Protective custody hearings (NRS432B.470)
  - d. The child may, at any time request that jurisdiction be terminated; and
  - e. If an issue or disagreement arises involving a child who remains under court jurisdiction and DFS or the voluntary agreement, the child, DFS or the child's attorney must first try to resolve it informally before requesting a hearing;
- 5. If the issue can't be resolved, then DFS, the child or the child's attorney may request a hearing before the court to address the issue.
  - 6. If DFS wants to terminate jurisdiction, DFS must send the child and his/her attorney 15 days written notice in which to request an administrative review. If the administrative review doesn't resolve the matter, the child or the attorney may request a hearing. If the child or the attorney don't request an administrative review or don't contest DFS's position, the court will terminate upon written notice from DFS.
  - 7. If a child elects to remain under court jurisdiction, he/she is entitled to receive services and monetary payments from DFS directly or to a third party pursuant to the child's transition plan (see section 19). Payments can't exceed foster board payments.



## **NRS 432B.595**

1. If the court retains jurisdiction, DFS must develop a written plan to help the child transition to independent living. The plan must include the following specific goals:
  - a. The child saves enough money to pay for his/her monthly expenses for at least 3 months.
  - b. Child gets his/her high school diploma or GED
  - c. If the child has graduated high school or obtained a GED a plan to
    - (1) Enroll the child in a program of postsecondary or vocational education;
    - (2) Enroll or participate in a program or activity designed to promote or overcome barriers to employment'
    - (3) Get or seek a job with at least 80 hours a month
  - d. The child has housing.
  - e. The child has enough income to meet his/her monthly expenses.
  - f. The child has identified an adult who will be available to support the child and if applicable
  - g. The child has connective with the appropriate services to address any mental health or developmental needs.
  - h. Set more appropriate goals for the child that can't achieve the above goals.
2. DFS' responsibilities are to:
  - a. Monitor the independent living plan and adjust as necessary;

