

PREVENTION OF CHILD ABUSE



Bulletin No. 81-12

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

October 1980

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FILE NUMBER...J.37.

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to conduct a study of child abuse in Nevada, and the services and programs available in the state to prevent it and protect children.

WHEREAS, Child abuse is the most vicious of crimes, being directed against defenseless children by the very persons who should be most concerned for their protection; and

WHEREAS, Child abuse is a difficult crime to detect and punish because even persons who are required by law to report suspected cases of child abuse are often reluctant to do so for fear of making a report in error; and

WHEREAS, Child abuse is a difficult crime to prevent, because the child cannot be easily isolated from his abuser, and they are together in private at times and in situations which are most conducive to incidents involving anger or frustration; and

WHEREAS, The State of Nevada owes all of its citizens protection from injury and death, especially those who because of their age are unable to defend themselves or to ask for help; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission study the problem of child abuse in Nevada with the objective of improving the prevention of child abuse and the protection of children by considering:

1. The present laws relating to child abuse and neglect; and
2. The agencies and other resources, both public and private, which are available for the prevention of child abuse and the protection of children, the interrelation of those resources and the most efficient uses to which they may be put in preventing child abuse and protecting children; and be it further

Resolved, That the legislative commission appoint a number of citizens of Nevada who are not legislators to the subcommittee appointed pursuant to this resolution, which number must be less than the number of legislators appointed; and that the subcommittee be directed to seek the advice and aid of the office of the attorney general and of the director of the department of human resources in conducting its study and preparing its recommendations; and be it further

Resolved, That the legislative commission submit recommendations to the 61st session of the Nevada legislature, including recommendations on:

1. Ways to coordinate the efforts of agencies interested in child abuse and increase the use of other resources for the greatest benefit to this state and its young citizens;
2. The elimination of duplicative and overlapping services of public agencies and other organizations in order to make their services more efficient and effective; and
3. Those services and programs which are most needed to improve current efforts to prevent child abuse and protect children; and be it further

Resolved, That the legislative commission submit a report of its findings and recommendations, including recommendations for needed legislation, to the 61st session of the Nevada legislature.

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 61st SESSION OF THE NEVADA LEGISLATURE:

This report is submitted in compliance with Senate Concurrent Resolution No. 17 of the 60th session which directed the legislative commission to study and make recommendations on the subject of child abuse in Nevada and the available programs and services to prevent it and protect children.

The legislative commission appointed a subcommittee to make the study. Assemblyman Steven A. Coulter was designated chairman of the subcommittee and Assemblyman Nash M. Sena, vice chairman. Senator James N. Kosinski, Senator Clifford E. McCorkle and Assemblyman Lonie Chaney were also appointed to the subcommittee.

In addition, the subcommittee selected two citizen members. They were:

Ms. Ann Lynch, President of the Nevada
Parent-Teacher Association

Penelope Pemberton, M.D., a Reno Pediatrician

Subcommittee members wish to recognize and thank the many persons who attended and participated in meetings in Reno, Las Vegas, and Carson City. Special acknowledgement is given to the director's office of the Nevada state department of human resources, the state welfare division, and to the numerous private service providers and local social services agencies who gave a great deal of time, cooperation and enthusiasm to assist this study.

The report is transmitted to the members of the 1981 legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada
October 1980

LEGISLATIVE COMMISSION

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Senator Melvin D. Close, Jr., Vice Chairman

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SUMMARY OF RECOMMENDATIONS

1. Establishment of an office of child abuse and neglect specialist within the director's office of the department of human resources to coordinate, review and evaluate the programs and services available to abused and neglected children. (BDR S-131)
2. Place the responsibility for child abuse and neglect in Clark County within the welfare division of the state department of human resources if the division of responsibility for child abuse and neglect is not resolved prior to the 1981 legislative session.
3. Direct the bureau of health facilities of the state department of human resources to require every hospital in the state to adopt a protocol for child abuse as part of its licensure requirements.
4. Establishment of a 2-year demonstration treatment program in Washoe County for both the perpetrators and the victims of sexual abuse and severe physical abuse. The effectiveness of this program is to be evaluated by the mental hygiene and mental retardation division and the findings are to be reported to the 1983 Nevada legislature. (BDR S-132)
5. Provide special appropriations to private and nonprofit child care facilities in an effort to encourage them to provide temporary emergency shelter care to abused children.

REPORT TO THE LEGISLATIVE COMMISSION FROM THE SUBCOMMITTEE
TO STUDY CHILD ABUSE IN NEVADA, AND THE SERVICES AND
PROGRAMS AVAILABLE IN THE STATE TO PREVENT IT
AND PROTECT CHILDREN

I. INTRODUCTION

In 1979 the Nevada legislature adopted senate concurrent resolution 17 which directs the legislative commission to study child abuse in the state, and the services and programs available to prevent it and protect children. S.C.R. 17 suggests that the study include topics such as: The present state laws concerning child abuse and neglect; The public and private agencies providing child abuse and neglect services, and their interrelationships; Methods of coordinating public and private agencies' efforts to prevent child abuse and neglect; Methods of eliminating duplicative and overlapping services in order that the delivery of services is more effective and efficient; and, Programs and services which are most needed to improve current efforts to prevent child abuse and protect children.

In addition to legislators, the resolution mandates that citizen members be appointed to the study subcommittee. Pursuant to this charge, the legislative commission appointed its subcommittee for the study of child abuse in Nevada composed of the following persons: Assemblyman Steven A. Coulter (Reno), chairman; Assemblyman Nash M. Sena (Henderson), vice chairman; Senators James N. Kosinski (Sparks) and Clifford E. McCorkle (Reno); and Assemblyman Lonie Chaney (North Las Vegas); Ms. Ann Lynch (Las Vegas), president of the Nevada Parent-Teacher Association; and Penelope Pemberton, M.D. (Reno), a pediatrician.

The subcommittee was allocated \$5,515 for the cost of meetings and printing the final report. It held an initial meeting in Reno on September 18, 1979, with additional public hearings held in Las Vegas on October 29, 1979, in Reno on April 25, 1980, in conjunction with the governor's conference on child abuse and neglect, and in Carson City on June 2, 1980. A subcommittee work session was held on July 22, 1980, in Carson City.

II. BACKGROUND OF THE CHILD ABUSE AND NEGLECT ISSUE IN NEVADA

Child abuse and neglect has been one of the most serious social problems in the United States and has received considerable attention during the past 2 decades. The number of abused and neglected children increased during the 1970's at an alarming rate and despite a variety of attempts by each of the 50 states to solve this problem it continues to confront policymakers.

In 1967, for instance, there were approximately 9,300 reports of child abuse in the United States, according to a nationwide study at Brandeis University. In 1976, it was "conservatively estimated" that at least 60,000 children were seriously physically abused. In 1977, the total number of child abuse and neglect reports was over 500,000. Similarly, in Nevada the reports of child abuse and neglect increased significantly between 1976 and 1978. In 1976, there were 901 reports of abuse and neglect in the state. This number increased to 1,646 in 1977 and to 2,199 in 1978, representing an increase of 144 percent during the 2-year period. Much of this increase can certainly be attributed to more stringent reporting laws and to an increased willingness of people to report suspected cases of abuse and neglect. To the lay person, however, it might appear that the incidence of child abuse and neglect is on the upswing. But no matter what the reason for the increase, the most important subjects considered by the legislature were whether state laws and services concerning abused and neglected children were adequate to prevent child abuse and to protect children.

In adopting S.C.R. 17, the legislature expressed its desire for additional information concerning state laws and the delivery of services to abused and neglected children and recommendations for their improvement. The legislative commission's subcommittee on child abuse and neglect closely adhered to the charges of that resolution in fulfilling its responsibility.

III. SUBCOMMITTEE PROCEDURES

Prior to the first meeting of the subcommittee, staff was directed to gather background information on the factual aspects of S.C.R. 17. Data available on a statewide basis concerning the number of abused and neglected children and the services available to them was presented to the subcommittee in a brief background paper.

At its first meeting, the state welfare division provided the subcommittee with factual information concerning the incidence of child abuse and neglect in Nevada, the investigatory process of an abuse or neglect complaint and protective care and counseling services for abused children. The division also presented the subcommittee with its views on the present state statutes concerning child abuse and neglect. The National Center on Child Abuse and Neglect provided information about the Child Abuse Prevention and Treatment Act of 1974 (P.L. 93-247) and general information about the causes of child abuse and neglect and the methods for treating abused and neglected children. Finally, the Washoe County welfare department, Reno law enforcement officials, the Washoe County district attorney's office, and several private providers of abuse and neglect services, provided the subcommittee with information about child abuse and neglect in Washoe County.

The initial meeting was followed by public hearings in Las Vegas, Reno, and Carson City. At these hearings, the subcommittee received testimony from a broad range of people and interest groups including: juvenile judges, the state department of human resources, law enforcement officials, local providers of protective and counseling services, representatives from hospitals, the state parent-teacher association, state and county administrators of protective services, the state mental hygiene and mental retardation division, the office of the state attorney general, educators and attorneys involved with child abuse and neglect.

The public hearing in Reno on April 25, 1980, was held in conjunction with the governor's conference on child abuse

and neglect. The conference provided an excellent forum for the subcommittee to discuss the existing state services for child abuse and neglect and the problem of coordinating these services.

In preparation for the final work session, the subcommittee requested the department of human resources to determine the number and type of child abuse and neglect services offered statewide. In addition, the subcommittee invited comments on several of its proposed recommendations from every state district court judge and juvenile court master, every hospital in the state, the Clark County commissioners, and over 100 individuals and organizations involved with child abuse and neglect in Nevada. At the work session, the subcommittee reviewed the accumulated data and testimony and made major recommendations for the final report and accompanying legislative proposals.

Finally, in addition to making specific legislative recommendations, the subcommittee thought it would be helpful to provide a brief description of child abuse and neglect in both the United States and Nevada.

IV. THE NATURE OF CHILD ABUSE AND NEGLECT

Although the definition of child abuse varies, it usually means the physical or emotional harm of children caused by either their parents or guardians. Physical abuse includes intentionally inflicted bruises, burns, fractures and other injuries. Collectively these injuries are often referred to as "the battered child syndrome". Emotional abuse occurs when a child is repeatedly terrorized, by being set up as a scapegoat, or by rejection. In addition, an increasing number of children are subjected to sexual abuse ranging from molestation to incest. Neglect refers to a lack of proper care and ranges from lack of supervision to undernourishment.

National studies show that parents who abuse children come from all ethnic, religious, geographic, socioeconomic and educational backgrounds. Most abusing parents were abused as children and tend to view their child as someone who should satisfy their psychological needs. When the child does not, and usually he cannot, the parents may become violently angry.

Recently, the treatment of child abuse and neglect has been recognized as requiring a multi-disciplinary approach. This requires communication, coordination and cooperation among all community resources, including law enforcement, social services, courts, educators, and medical personnel.

Generally, there are two approaches used to respond to the abusing parent. The punitive approach, which views the maltreatment of a child as a crime, stems from the general reaction of shock and anger expressed toward child abuse. This approach relies on harsh sanctions which act as a deterrent to further abuse or neglect. The "rehabilitative or therapeutic" approach views child abuse as a symptom of the parents' deeper emotional problems and only in a few cases is harm premeditated or intentional. According to this approach abusing parents need help and treatment.

When responding to an abused child, primary attention is focused on the child's immediate medical problems and also his long-range interests, for example whether or not he can return to his home. If the home is considered dangerous, the child is placed temporarily in a foster home. The ultimate goal, however, is to reunite the family and it is only in a small percentage of the cases that parental rights are terminated and the children released for adoption.

In response to the problem of child abuse and neglect the U. S. Congress enacted the Child Abuse and Prevention Act (P.L. 93-247) in January 1974. This act provides financial assistance to the states to enable them to improve the prevention, identification and treatment of child abuse and neglect. There are 10 criteria a state must meet in order to qualify for federal funding. Presently, Nevada does not meet all of these criteria. The act also established the National Center on Child Abuse and Neglect which conducts studies on abuse and neglect and awards demonstration and research grants to those seeking new methods of identifying, treating and preventing child abuse.

Today, of course, all 50 states have statutes concerning child abuse and neglect. These statutes vary in comprehensiveness and the areas of concern, but all states do require the reporting of suspected cases of child abuse by certain persons.

The basic subject areas addressed by state legislation include: (1) The purpose of the legislation; (2) A definition of abuse and neglect, and what type of injuries must be reported; (3) The professionals and others who are required to report suspected cases of child abuse; (4) The agency to whom a report is to be made and when it must be made; (5) Whether or not immunity from civil and/or criminal liability is granted to those persons who are required to report; (6) Whether or not a sanction is provided for failure to make the required report; and (7) The establishment of a central registry. Since 1965 the Nevada legislature has addressed each of these areas by enacting appropriate legislation.

There have been three recent major trends in states' legislation concerning child abuse and neglect including: (1) A broadened definition of child abuse from "any non-accidental injury" to the addition of "neglect," "acts of sexual abuse," and, in a few states, "acts of emotional abuse;" (2) A requirement for a wider range of medical professionals and other professionals to report suspected cases of abuse; and (3) The establishment of a statewide registry for all reported cases of suspected child abuse. Central registries are used to gather data on the incidence and characteristics of child abuse and neglect, and to identify families where repeated abuse and neglect has occurred.

V. CHILD ABUSE AND NEGLECT IN NEVADA

Nevada first enacted legislation on child abuse and neglect in 1965. The following is a declaration of state policy:

It is the policy of this state to provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and all appropriate state agencies providing human services in relation to preventing, identifying and treating child abuse and neglect, through the complete reporting of child abuse and neglect and investigation of such reports by a social agency and the provision of services where needed, to protect the best interests of the child, to offer protective services in order to prevent any further harm to the child, to preserve family life whenever possible and to provide the child a temporary or permanent safe environment when necessary.¹

The legislature in 1975 defined child abuse and neglect as:

* * * The nonaccidental physical or mental injury, sexual abuse, negligent treatment or maltreatment of a child under the age of 18 years by a person who is responsible for the child's welfare * * * .

In Nevada the penalty for willful child abuse, including both physical and mental abuse, neglect, or endangering a child under 18 years of age is a gross misdemeanor. In 1977, the state legislature strengthened this penalty by making willful physical or mental abuse which results in substantial bodily or mental harm, punishable by imprisonment in the state prison for not less than 1 year nor more than 20 years.

¹ Please refer to Nevada Revised Statutes (NRS) 200.501 et seq., for all statute references below.

Sexual abuse includes: incest, rape, infamous crime against nature, lewdness, molestation and statutory rape. In 1979 the legislature added sado-masochistic abuse to the definition of sexual abuse and made it a felony to use a minor in the production of pornography.

Nevada law requires certain professionals to report suspected cases of abuse or neglect including: physicians, dentists, chiropractors, optometrists, residents and interns, hospital staff and administrators, nurses, attorneys, clergymen, social workers, school administrators, teachers and child care operators. Failure to report a suspected case may result in a misdemeanor. In addition, immunity from both civil and criminal liability is provided to those who make a report.

Each report must be investigated within 3 working days by either the state welfare division or an appropriate county or law enforcement agency and the contents of the report are to remain confidential except in certain circumstances.

Finally, in 1975 the state legislature formalized the state's reporting system for child abuse by establishing a statewide central registry for child abuse.² In 1977, the legislature authorized the state welfare division to designate a county hospital in both Washoe and Clark counties as a regional registry. Washoe County Medical Center has established a regional registry; however, Clark County has not.

As previously mentioned, the total number of reports of child abuse and neglect in Nevada for 1976 was 901. In 1977 the number of reports increased to 1,646 and in 1978 to 2,199. Between 1976 and 1978, then, the total number of reports of child abuse and neglect in the state increased nearly 145 percent.

In Nevada, a report of child abuse or neglect is made to either the state welfare division or a local law enforcement

² Please refer to NRS 432.090 et seq.

agency for an investigation. The county in which the report was made will determine which agency will make the investigation. For instance, in Carson City, Elko, Churchill, Storey, and White Pine counties, the state welfare division investigates every report of child abuse and neglect. In Douglas, Lander, Lincoln, Lyon, Pershing, Eureka, Esmeralda, Humboldt, Nye, and Mineral counties, a report is investigated by the state welfare division and/or the county juvenile probation department. In Washoe County, the county welfare department investigates every report and in Clark County the state welfare division investigates each report of child abuse and Clark County Juvenile Court Services investigates nearly every report of child neglect.

If a report of child abuse or neglect is substantiated, the investigative agency then determines whether or not the child is endangered by remaining in his home. If he is, he is removed from his home by law enforcement officials and placed in emergency shelter care. The child is usually placed with a community social services agency that provides this type of care. For instance, In Clark County the state welfare division contracts with the county, WE CAN, Inc., and several other community social services agencies, for emergency shelter care.

Collectively, the services described above are known as protective services.³ In each instance of child abuse or neglect the protective service worker makes every effort to reunite the family. Frequently this means providing a variety of social services to help the parents. These services include: parental counseling, homemaker services, child care services and employment and training services. If the family is reunited, the investigative agency monitors the home for 6 months to ensure the child's safety and assure an improvement in parental skills. Following the 6-month period, protective services are no longer provided. If the family

³ A description of protective services and the agencies that provide them in Nevada can be found in appendix A, p. 30.

cannot be reunited, however, the child is placed either in foster care or with relatives, which may require terminating parental rights.

From this description there appears to be a lack of state-wide uniformity and a highly decentralized and complex structure in the service delivery system for abused and neglected children. Testimony before the subcommittee overwhelmingly indicated a strong need for uniformity and centralization of these services in order to ensure their effectiveness and to avoid duplication. The testimony also indicated, however, strong disagreement concerning the degree of decentralization and the agency that should be responsible for child abuse and neglect in the state. Against this background, then, the subcommittee conducted its study and made its recommendations.

VI. FINDINGS AND RECOMMENDATIONS

A. The Present Laws Relating to Child Abuse and Neglect in Nevada.

Persons who testified before the subcommittee were asked to comment on Nevada's statutes concerning child abuse and neglect (NRS 200.501 et seq. and 432.090 et seq.). Testimony provided by district court judges, juvenile court judges, district attorneys, the state attorney general, and lay persons in the field of child abuse and neglect, indicated that the present statutes were comprehensive and very satisfactory.

Several changes were recommended, however, and the subcommittee felt that they should be mentioned.

First, under the Child Abuse Prevention and Treatment Act of 1974, the 50 states are required to meet several criteria in order to qualify for federal funding. Presently, Nevada does not provide for a mandatory guardian ad litem program and, therefore, fails to meet all of the criteria.

A guardian ad litem is appointed by the court to protect the child's interests in a judicial proceeding concerning child abuse.⁴ Because the adversaries in the proceeding are the state and the parents, the child is not necessarily provided an advocate of his own, even though his interests are involved and may conflict with those of his parents or with those of the state. Consequently, the Federal Government required a guardian ad litem to be appointed in every child abuse case.

Presently, in Nevada a guardian ad litem may be appointed by the court for a child; however, the court is not required to appoint one. According to the welfare

⁴ Please see appendix B, p. 38.

division, Nevada would have been eligible for approximately \$50,000 in federal funds for fiscal year 1980-81 if a mandatory guardian ad litem program had been established.

The subcommittee felt that because a court could appoint a guardian ad litem in cases where it deemed necessary, this would ensure the safety of the child's interests. Moreover, a telephone survey of child abuse and neglect service providers in the state revealed only one respondent that suggested establishing a mandatory guardian ad litem program.⁵ The subcommittee also felt that the grants available under the federal act would not affect the cost of a mandatory guardian ad litem program. Finally, a demonstration guardian ad litem program was recently established in Clark County and the subcommittee felt that the legislature should await the experience of this program before mandating a statewide program.

A second suggested change in the statutes concerning child abuse and neglect was the termination of parental rights in cases where a parent has committed abuse and then fails to participate in a mandatory treatment program.

The purpose of this suggested change, of course, is to prevent any further or more severe child abuse by requiring every person who has committed abuse to participate in a treatment program or face the loss of their parental rights. Presently, in Nevada a court, at its discretion, may require a person to attend a treatment program and may terminate parental rights if he does not attend.

A survey by the subcommittee showed unanimous opposition to this proposal by all of the district court judges who responded. In fact, of the over 100 individuals and organizations who commented, only four were in favor of terminating a parent's rights for not participating in a treatment program.⁶

⁵ Please see appendix D, p. 48.

⁶ The subcommittee's survey may be found in appendix C, p. 44.

Finding:

The subcommittee finds that the statutes concerning child abuse and neglect in Nevada compare very favorably to those of the rest of the nation. The subcommittee would like to note, however, its interest in the demonstration guardian ad litem program in Clark County and suggests that this program be further monitored.

B. The Agencies and Other Resources, both Public and Private, Which are Available for the Prevention of Child Abuse and the Protection of Children.

Initially the subcommittee encountered some difficulty in determining the number of agencies providing services to abused and neglected children and the various services that they were providing. The state welfare division provided the subcommittee with a listing of public and private agencies providing services to abused and neglected children. The subcommittee, however, felt that this listing did not clarify the various services each agency offered and the degree to which each agency was involved in the field of child abuse and neglect. The need for this information was critical to the subcommittee's study because without it the extent of duplication and the need for coordination could not be determined.

The subcommittee requested the director of the department of human resources to determine the number of agencies providing services to abused and neglected children, the various services being provided and any significant inadequacies of those services.

In response to this request, the department of human resources conducted a telephone survey in June 1980, of 170 public and private social services agencies.⁷ The results of this survey showed that only 49 agencies provided services to abused and neglected children and only

⁷ Please see appendix D, p. 48.

25 of these provided more than 25 percent of their staff time to abused and neglected children. In addition, the subcommittee learned that these 49 agencies provided the following services: counseling, shelter care and protective services, public information and education programs, and referral services.

Consequently, the subcommittee felt that the extent of duplication and the need for coordination of child abuse and neglect services statewide, were not as critical as initially suggested. Because the testimony on this subject was often contradictory, however, the subcommittee continued to consider methods of coordinating the efforts of the agencies involved with child abuse and neglect in order that their services could be provided more effectively and efficiently.

C. Ways to Coordinate the Efforts of Agencies Interested in Child Abuse and Neglect.

During the subcommittee's first two hearings in Reno and Las Vegas the testimony indicated a strong need for establishing a "superagency" for child abuse and neglect in Nevada. This agency would replace the present decentralized structure and adopt a uniform policy for abuse and neglect statewide, which the subcommittee was told would result in more effective and efficient services. It was suggested that this agency be placed either in the state welfare division or the youth services division.

In April 1980, the governor and the department of human resources organized a committee on youth problems to address the delivery of services for abused and neglected children in the state. The committee felt that the central problem in the delivery of these services was a lack of coordination and recommended establishing a "bureau of child protective services" to solve this problem.

This recommendation was presented to the subcommittee during its hearing on April 25, 1980. The primary functions of the bureau included: (1) Development of a comprehensive statewide plan for coordinating services;

(2) Monitor the present services being provided; (3) Review every application for federal and state funds concerning child abuse and neglect; and (4) Serve as the central registry and statewide information center for child abuse and neglect. The policies of the bureau were to be approved by a separate policy board. Finally, the cost of the proposed bureau was approximately \$125,000.

Upon further investigation the subcommittee learned that the director of the department of human resources did not support the recommendation made by the committee. The director felt that the size of the staff was too large, its role was not clearly defined and it was too difficult to measure the potential success of the bureau. As a result, the director was requested to provide the subcommittee with a proposal addressing the problem of coordination.

The director presented three proposals to the subcommittee at its fourth hearing. The subcommittee adopted the third proposal which would create a "child abuse and neglect systems analyst."⁸ The office of the analyst would be established within the office of the director of the department of human resources and would be directly responsible to the director. The function of the analyst would be to develop a statewide plan for coordinating the delivery and funding of services for abused and neglected children. This plan would include: (1) A description of the present services provided to abused and neglected children; (2) Recommendations for changes in the existing services; (3) A review of federal, state, county and private sources of funding for services for abused and neglected children; and, (4) A description of the methods necessary to implement the plan. Finally, the cost of this office would be approximately \$39,000 for fiscal year 1981-82.

At its final work session, the subcommittee recommended that an office of "child abuse specialist" be established within the office of the director of the department of

⁸ Please see appendix E, p. 52.

human resources. This office would consist of two positions: a senior management analyst and a full-time clerical employee. Upon passage by the legislature, the office would have a 2-year limitation. The cost of this office would be approximately \$41,400 for each fiscal year.

The functions of the child abuse specialist include the four functions mentioned above and two additional functions: (1) An evaluation of the effectiveness of selected treatment programs being provided to abused and neglected children and identification of those programs with the greatest effectiveness; and, (2) Monitor each case of child abuse and neglect reported to the central registry in order to ensure that the services provided to abused and neglected children are comprehensive.

Finding:

The subcommittee finds that on a statewide basis, the structure of the service delivery system for abused and neglected children is highly decentralized. The subcommittee recognizes that this decentralization may result in a lack of coordination, effectiveness and efficiency of the services provided to abused and neglected children.

Therefore, the subcommittee recommends that:

A specialist for child abuse and neglect be established in the office of the director of the department of human resources for the following purposes: (1) Reviewing substantiated cases of child abuse and neglect; (2) Developing a comprehensive statewide plan for organizing, financing and coordinating the existing services for child abuse and neglect; (3) Requesting advice from private providers of services in developing the comprehensive statewide plan; and (4) advising the state clearinghouse for grant applications regarding child abuse and neglect. (Please see bill draft, appendix H).

D. The Elimination of Duplicative and Overlapping Services of Public Agencies and Other Organizations in Order to Make Their Services More Efficient and Effective.

With the establishment of the office of child abuse specialist, mentioned above, the subcommittee felt that the statewide plan would address any duplication of services for abused and neglected children.

The subcommittee recognized, however, that the statewide plan could not resolve the problem in Clark County. As mentioned earlier, cases of child neglect in Clark County are investigated by the Clark County Juvenile Court Services while cases of child abuse are investigated by the state welfare division. During the subcommittee's hearing in Las Vegas, the testimony indicated that some children were "falling through the cracks" because the agencies involved with child abuse and neglect could not agree whether the child was abused or neglected. While this problem does not occur frequently, the testimony strongly indicated the need for a single agency to be responsible for both child abuse and neglect in Clark County. The testimony was very divided, however, concerning the issue of which agency should be responsible.

Finding:

The subcommittee finds that a single agency with responsibility for both child abuse and neglect in Clark County is desirable. The subcommittee was assured by the director of the state department of human resources that this issue would be resolved before January 1981.

If this issue is not resolved prior to the 1981 legislative session, the subcommittee recommends that:

The division of responsibility for child abuse and neglect in Clark County be resolved by placing the responsibility for both child abuse and neglect with the state welfare division.

E. Those Services and Programs Which are Most Needed to Improve Current Efforts to Prevent Child Abuse and Protect Children.

The subcommittee also considered several proposals suggested throughout the course of the study aimed at improving the current efforts to prevent child abuse.

The medical community plays an important role in the identification, treatment and prevention of child abuse. Frequently, hospital personnel or a physician are the first to have contact with an abused child and they, of course, must treat a case of child abuse. They also play an important role in preventing further abuse by reporting the initial incident and through parenting education information which is offered by many hospitals.

The subcommittee learned that in Washoe county the medical profession was very cooperative in cases of child abuse. In fact, Washoe County Medical Center established a protocol for all hospital personnel concerning cases of child abuse. This protocol addresses the responsibilities of hospital personnel, nurses and physicians in a case of child abuse.

Testimony before the subcommittee in Las Vegas, however, indicated some dissatisfaction with the medical community, particularly the hospitals, concerning suspected cases of child abuse. For instance, the subcommittee was informed that only four of the nine hospitals in Las Vegas reported cases of child abuse in 1978.

The subcommittee felt that the requirement of a protocol would help to resolve any problems in this area. The questionnaire of the subcommittee asked every hospital in the state whether or not they would be in favor of requiring a hospital to adopt a protocol for child abuse. Of the 10 hospitals that responded, all of them favored the requirement of adopting a protocol, provided each hospital was allowed to develop its own.⁹

⁹ Please see appendix C, p. 44.

Therefore, the subcommittee recommended that:

The bureau of health facilities of the state department of human resources require every hospital in the state to adopt a "reasonably uniform" protocol concerning child abuse and neglect as part of its licensure procedures.

Subsequent to this recommendation, the subcommittee was informed by the department of human resources that a regulation requiring all hospitals in the state to adopt a protocol had been adopted.

The subcommittee adopted a second proposal concerning the improvement of treatment programs for abused and neglected children in the state. Testimony indicated a lack of treatment programs for both the perpetrator and the victim of child abuse and neglect. In addition, the telephone survey by the department of human resources showed that only 25 agencies provided 25 percent or more of their staff time to abused and neglected children, and that treatment was not the primary service they offered.¹⁰

The subcommittee felt that the existing counseling programs within the state mental hygiene and mental retardation division could be expanded to address this problem. Therefore, the subcommittee requested the division to provide recommendations concerning the improvement of treatment services for abused and neglected children.

The department presented the subcommittee with three proposals for providing treatment services.¹¹ Each of the three proposals increased proportionately in the amount of treatment to the level of the abuse and neglect. For instance, the first proposal addressed only severe physical abuse and sexual abuse, including incest, subdural hemorrhage and hematoma, brain damage

¹⁰ Please see appendix D, p. 48.

¹¹ Please see appendix F, p. 55.

and burns and scalds. The second proposal addressed these two types of abuse, and all other physical abuse, including lacerations and welts, and emotional neglect, including attempted suicide, depression, withdrawal or destructive behavior. Finally, the third proposal addressed educational neglect and lack of supervision as well as the other types of abuse and neglect just mentioned.

The subcommittee adopted the first proposal, treatment programs for severe physical and sexual abuse as a demonstration program for Washoe County. The division estimated that in 1980 this program would have helped 70 of the 86 projected substantiated cases of sexually abused and severely physically abused children in Washoe County and would have cost approximately \$63,068.

The subcommittee recommended that:

A 2-year demonstration program be established in Washoe County for the treatment of both the perpetrators and the victims of sexual abuse and severe physical abuse. In addition, the mental hygiene and mental retardation division is required to evaluate the effectiveness of the first 18 months of this program and report the findings to the 1983 Nevada legislature. (Please see bill draft, appendix H.)

Finally, the subcommittee also considered the reported lack of temporary emergency shelter care for abused children. Testimony indicated that a shortage of emergency shelter care already existed and that the situation would become even worse, particularly in Clark County. For instance, in Clark County the state contracts a significant amount of emergency shelter care from Clark County Juvenile Court Services. The facilities of the juvenile court services, however, are needed to accommodate an increased number of juvenile cases, decreasing the amount of available shelter care. In addition, the results of the telephone survey by the

department of human resources showed that the service most frequently recommended by the respondents was additional emergency care shelter.¹²

The state welfare division estimated that approximately 1,619 children will require emergency shelter care during fiscal year 1981-82.¹³ The division also estimated the cost of providing this care under the three major types of providers: foster care, private providers and public providers.

The annual cost of emergency shelter care under foster care will be approximately \$1,070,075; under private providers it will be \$2,023,750; and, under public facilities it was estimated at \$8,112,56. Foster family care homes were preferred over the other two alternatives because they did not place the child in an institutional setting. The welfare division, however, informed the subcommittee that there was an undersupply of foster family care homes in Reno and Las Vegas.

Consequently, the subcommittee recommended that:

Special appropriations be made available to private and nonprofit child care facilities in order to encourage them to provide temporary emergency shelter care for abused children. In order to receive such an appropriation the child care operator must demonstrate his ability and commitment to provide temporary emergency shelter care.

¹² Please see appendix D, p. 48.

¹³ Please see appendix G, p. 69.

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A P P E N D I X A

CHILD PROTECTIVE SERVICES IN NEVADA

CHILD PROTECTIVE SERVICES IN NEVADA

Question: What is child abuse and neglect?

Answer: Nevada Revised Statutes, Section 200.5011 defines child abuse and neglect as "the nonaccidental physical or mental injury, sexual abuse, negligent treatment or maltreatment of a child under the age of 18 years by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby".

Question: How many complaints of child abuse and neglect are made each year in Nevada?

Answer: During 1977, 2,774 complaints of suspected child abuse and neglect were received. Of these complaints, 1,755 were in Clark County, 700 in Washoe County and 329 in the other counties of the State.

Of these complaints, about 50% are substantiated, i.e., the investigation indicates that the child has been abused or neglected.

The number of complaints received has increased at a phenomenal rate during recent years. For example, in Clark County the number of abuse complaints received during 1974 was 30; 1975, 71; 1976, 219; 1977, 437. It is predicted that there will be almost 600 abuse complaints received during 1978.

Question: What are "Protective Services"?

Answer: Protective Services are a network of services on behalf of children who are in danger of or who have been abused or neglected. One service is the receipt of complaints of suspected abuse and/or neglect from professional persons required by law to report suspected child and neglect as well as from individuals in the community who are aware of children who have been abused or neglected. The latter complaints may be anonymous.

When a complaint is received, an investigation is conducted by an agency mandated to provide protective services. The purposes of the investigation are to determine whether or not the child has been abused or neglected and whether or not the child is endangered. If the investigation indicates no evidence of abuse or neglect, no further protective services will be provided.

If the investigation indicates that the child is endangered, the child would be placed in emergency shelter care. The child could later return home if the parents are found to not be the abusers or if services have been provided to rehabilitate the parents. If the child cannot return home, the child may be placed with relatives or in foster care. In either

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instance, if the family cooperates, services will be provided to rehabilitate the family.

One goal of the protective services program is to maintain the family if the child is not endangered. Therefore, if the complaint is substantiated and the child is not endangered, the child will remain with the family. Supervision will be provided until the care of the child in the home is adequate.

A wide variety of services may be provided to prevent further abuse or neglect and to rehabilitate the family. Counseling services will be provided to strengthen parental functioning and to help ease the stresses that led to the abuse. For parents who are overwhelmed or unknowledgeable about household management and child care responsibilities, homemaker services may be provided to teach the necessary skills. Child day care may be provided to prevent young children from being unsupervised or to provide growth experiences for a child from a deprived environment. If needed, the family will be referred to other community resources for housing assistance, employment, education or training services, or psychological or psychiatric services.

Question: Who receives and investigates reports of child abuse and neglect in Nevada?

Answer: Washoe County:

Washoe County Welfare receives and investigates all child abuse and neglect complaints.

Clark County:

Clark County Juvenile Court Services investigates neglect complaints except when the suspected family receives Aid to Dependent Children. Nevada State Welfare Division receives and investigates abuse complaints and those neglect complaints for families receiving Aid to Dependent Children. Since there is not always a clear distinction between abuse and neglect, some cases are transferred back and forth between the two investigative agencies, which may lead to a delay in the investigation.

Carson City, Storey County, Churchill County, Elko County and White Pine County:

The Nevada State Welfare Division receives and investigates all complaints of child abuse and neglect.

Douglas County, Lincoln County, Lander County, Lyon County, Pershing County, Eureka County and Mineral County:

Complaints are received and investigated by the Welfare Division and/or the county juvenile probation department.

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Humboldt County, Nye County and Esmeralda County:

The juvenile probation departments through contracts with the Welfare Division receive and investigate all complaints of child abuse and neglect.

After working hours and on weekends in most parts of the state, the police or sheriff's departments receive and initiate the investigation of complaints. The next working day, the complaints are referred to the investigative agencies mentioned above for follow-up. The police or sheriff's departments may continue their investigations if the possibility of criminal prosecution exists.

None of the primary investigative agencies have 24-hour, seven day a week coverage to receive and investigate complaints. In most areas though there are staff on call to arrange for the placement of children in emergency shelter care.

Question: Are there any 24-hour hotlines for child abuse and neglect?

Answer: Yes. Crisis Call - Suicide Prevention operates a 24-hour, toll free hotline for all of Northern and Central Nevada to receive complaints of child abuse and neglect and calls from parents who are under stress and are afraid they might abuse their children.

Question: What Protective Services are currently provided?

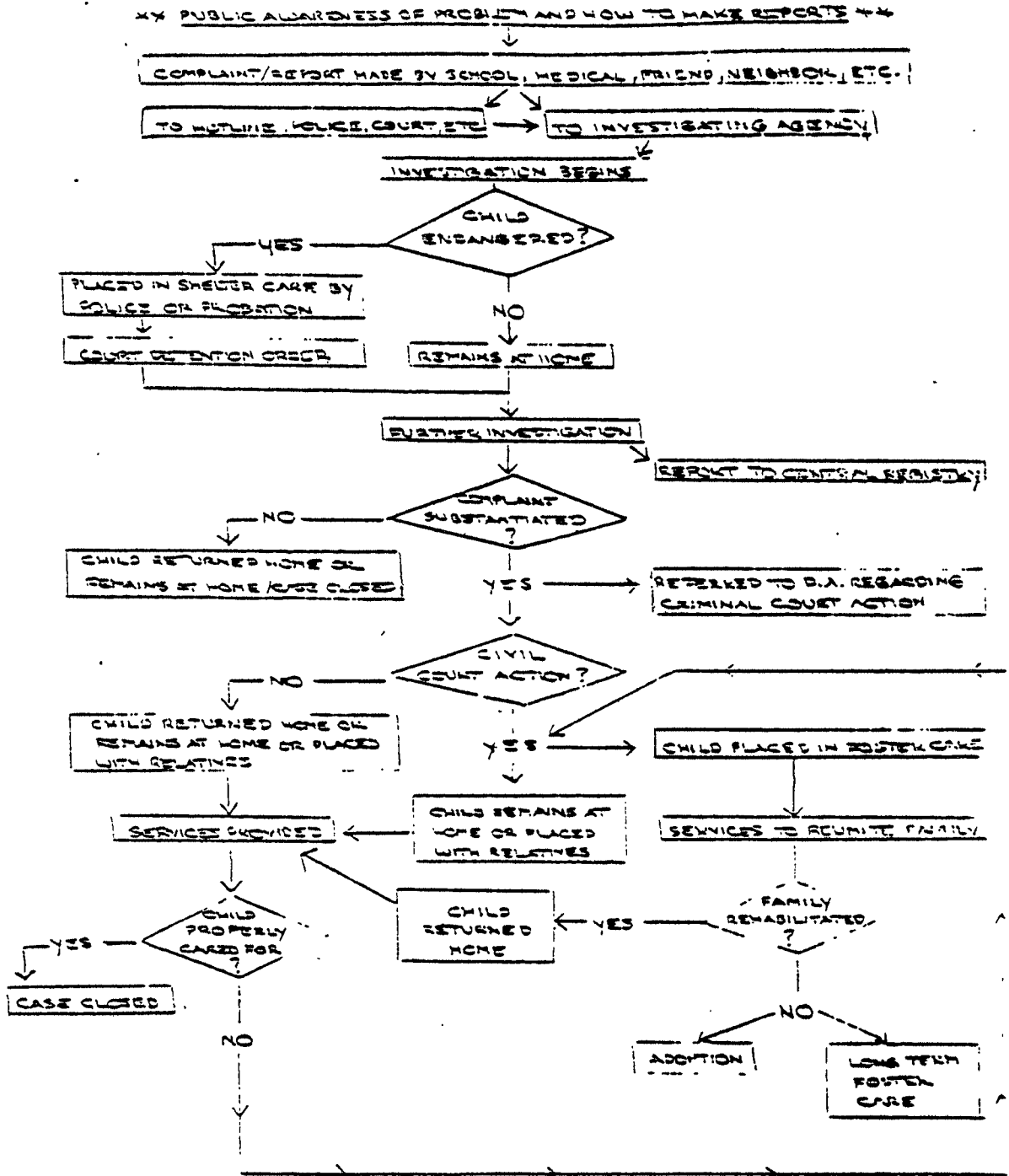
Answer: In all counties a mechanism exists to receive and investigate complaints of child abuse and neglect and to provide counseling and referral services to parents who have abused or neglected their children. However, because of limited staff, some agencies have great difficulty initiating investigations within 72 hours of the receipt of the complaints, as is required by law.

Emergency shelter care and foster care for abused children is also available throughout the state. In all counties, except Washoe, Humboldt, Nye, Esmeralda and Clark counties, the Welfare Division provides all emergency shelter care utilizing licensed foster homes. In Clark County, the juvenile court maintains a facility and foster homes to provide most of the emergency shelter care. In Washoe County, Washoe County Welfare provides all emergency shelter care and short-term foster care. In Humboldt, Nye and Esmeralda counties, the juvenile probation departments provide emergency shelter care.

In all counties except Clark and Washoe, homemaker and day care services are available for families with abused or neglected children. There is difficulty finding homemakers and day care providers in the smallest counties so the service is limited. Because of lack of funding, in Clark and Washoe counties, homemaker and day care services are provided for families with abused or neglected children on a very limited basis.

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THE CHILD ABUSE TREATMENT PROCESS



Agencies Handling Child Abuse/Neglect Complaints by County & Funding

<u>County</u>	<u>Agency*</u>	<u>Funding</u>
*after hours & weekends police or sheriff department handles complaints		
Carson City	State Welfare	75% Fed 25% State
Churchill	State Welfare	75% Fed 25% State
Clark	State Welfare - Abuse	75% Fed 25% State
	Juvenile Probation - Neglect	75% Fed 25% County
Douglas	State Welfare and/or	75% Fed 25% State
	Juvenile Probation	100% County
Elko	State Welfare	75% Fed 25% State
Esmeralda	Juvenile Probation	75% Fed 25% County
Esmeralda	State Welfare and/or	75% Fed 25% State
	Juvenile Probation	100% County
Humboldt	Juvenile Probation	75% Fed 25% County
	State Welfare and/or	75% Fed 25% State
Lander	Juvenile Probation	100% County
	State Welfare and/or	75% Fed 25% State
Lincoln	Juvenile Probation	100% County
	State Welfare and/or	75% Fed 25% State
Lyon	Juvenile Probation	100% County
	State Welfare and/or	75% Fed 25% State
Mineral	Juvenile Probation	100% County
	State Welfare and/or	75% Fed 25% State
Nye	Juvenile Probation	100% County
	State Welfare and/or	75% Fed 25% State
Pershing	Juvenile Probation	100% County
	State Welfare and/or	75% Fed 25% State
Storey	State Welfare	75% Fed 25% State
Washoe	Washoe County Welfare	100% County
White Pine	State Welfare	75% Fed 25% State

CURRENT PROTECTIVE SERVICES BUDGETS

I Welfare Division

The following is the amount the Welfare Division plans to spend to provide services to abused and neglected children. This includes the Division's costs to provide investigative, counseling, employment, medical and transportation services in Clark County and many of the rural counties, and the costs of day care, homemaker and emergency shelter care services in the rural counties (excluding Nye, Esmeralda and Humboldt counties).

	<u>Fiscal Year 1980*</u>	<u>Fiscal Year 1981*</u>
Federal Funds	\$716,165	\$1,140,426
State Funds	<u>238,721</u>	<u>380,142</u>
Total	\$954,886	\$1,520,569

In addition, on a statewide basis, the Welfare Division provides foster care and institutional care services to abused and neglected children. When the juvenile court has determined that the child cannot return home because of the danger of further abuse or neglect, the child is placed in the custody of the Welfare Division. The Division then provides foster care or institutional care services to the child until the child can be safely returned home, placed safely with other relatives, etc. The budget of the Division's foster care and institutional care services on behalf of abused and neglected children is as follows:

	<u>Fiscal Year 1980*</u>	<u>Fiscal Year 1981*</u>
Federal Funds	\$1,779,200	\$1,300,075
State Funds	<u>1,613,449</u>	<u>1,593,757</u>
Total	\$3,392,649	\$2,893,832

*These figures are approximations based on time studies since the Welfare Division does not have separate budgets for staff costs for protective services, foster care and institutional care.

II Nye, Esmeralda and Humboldt County Juvenile Probation Departments

The following is the amount the juvenile probation departments for Nye, Esmeralda and Humboldt Counties plan to spend for protective services. The budget includes their cost to investigate reports, provide counseling services, emergency shelter care, medical exams and transportation for abused and neglected children.

	<u>Fiscal Year 1980</u>
Federal Funds	\$22,500
County Funds	<u>7,500</u>
Total	\$30,000

III Clark County Juvenile Court Services

The following is the amount Clark County Juvenile Court Services plans to spend on services to neglected children in Clark County. This includes the costs to investigate reports of child neglect; provide counseling, homemaker services, medical exams and transportation on behalf of neglected children; and provide emergency shelter care to abused and neglected children.

	<u>Fiscal Year 1980</u>
Federal Funds	\$579,432
County Funds	<u>193,144</u>
Total	\$772,576

Source: Welfare division, department of human resources.

A P P E N D I X B

MEMORANDUM ON GUARDIANS AD LITEM

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



LEGISLATIVE COMMISSION (702) 885-5627

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Arthur J. Palmer, *Director, Secretary*

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July 21, 1980

M E M O R A N D U M

To: Ken Creighton, Subcommittee on Child Abuse
From: Jan Wilson
Subject: Guardians Ad Litem

This is in response to your request for a brief description of the role of the guardian ad litem in a child abuse proceeding. It is intended to supplement what was said during the discussion of the subject at the June meeting of the subcommittee.

The child in a judicial proceeding involving abuse or neglect does not have the legal capacity to protect his own interests. Since he is not one of the adversaries in the proceeding, he is not necessarily provided an advocate of his own. Yet his interests may conflict with those of his parents on the one hand and the representatives of the state on the other.

In some states the court is required to appoint a "guardian ad litem" as soon as the proceeding is commenced to insure that the child's needs and interests are independently represented throughout even though he is not technically a party. This

appears to be an extension of the rule that a child is entitled to counsel when his liberty interests are threatened (In re Gault, 387 U.S. 1 (1967)), the theory being that representation is as important when a child's health and life are at stake as when his liberty is at stake.

Congress added its support to the concept by requiring, in the Child Abuse Prevention and Treatment Act enacted in 1974, that in order to receive assistance under the act a state must have, among other things, a program whereby a guardian ad litem is appointed to represent the child in every judicial proceeding involving abuse or neglect.

A variety of arrangements may be used to carry out the functions of the guardian ad litem. The goal is to assign to someone the primary responsibility of representing and protecting the interests of the child during the proceedings. It is not necessary that the guardian ad litem be an attorney. However, legal training and experience may add to his effectiveness in some of his functions. If the probation officer or social worker who filed the petition is appointed guardian ad litem, as in some states, there may be a conflict of interest. Use of a non-attorney who is not the petitioner may be desirable.

A guardian ad litem is an officer of the court, appointed to represent a child who has become a ward of the court, and

as such he is paid by the county. The parents are not asked to pay.

The two main facets of the guardian ad litem's duties are investigation and advocacy. Investigation begins as soon as he is appointed. The guardian ad litem should review all reports, evaluations and records in the case and investigate on his own as necessary to ensure that all facts relevant to the child's interests have been uncovered. To this end, state law may require that he be provided access to documents, given written notice of the petitioner's reasons for filing the petition (along with a list of the available alternatives and the petitioner's suggested disposition of the case) and kept advised of significant developments such as further abuse or neglect of the child.

Advocacy is required during the hearings. The guardian ad litem should see that all the relevant facts and, at the dispositional hearing, all available options are before the court. This may include the examination and cross-examination of witnesses and the introduction of evidence and witnesses on behalf of the child. The court may also give the guardian ad litem the opportunity to make recommendations at the close of each hearing.

In determining whether to require a guardian ad litem in every judicial proceeding involving abuse or neglect, the subcommittee may want to consider how well the child's interests

are represented under present practices in Nevada and weigh that against the desirability and cost of requiring the appointment of a guardian ad litem in every case. (Another factor to consider in Nevada at the present time is the pilot program of the Junior League in Clark County.)

* * *

Note: In 1975, a bill in the Nevada legislature on the subject of child abuse and neglect (A.B. 108) contained a section requiring the appointment of a guardian ad litem. This section was removed before the bill was passed. The section is reproduced below.

SEC. 3. 1. In every judicial proceeding resulting from a report made or action taken pursuant to the provisions of NRS 200.501 to 200.508, inclusive, and sections 2 and 3 of this act, the court shall appoint a guardian ad litem to represent the child. The guardian ad litem shall be an attorney at law, probation officer or other individual who in the opinion of the court is qualified to represent the child adequately.

2. The guardian ad litem shall, in general, be charged with the representation of the best interests of the child. He shall be given access to all reports relevant to the case and shall make such further investigations as he deems necessary to ascertain the facts relevant to the case. He may interview witnesses in both adjudicatory and dispositional hearings, make recommendations to the court and participate further in the proceedings to the degree appropriate for adequate representation of the child.

3. The fee for the services of such guardian ad litem shall be established at the discretion of the court and shall be a charge against the county in which the judicial proceeding is initiated.

Legislative Revisions
NRS 200.501 Child Abuse and Neglect
NRS 62 Juvenile Court Act

I Guardian ad litem

Reason for Proposed Revision

Public Law 93-247, Child Abuse Prevention and Treatment Act as amended, provides that 30% of the funds appropriated under this Act shall be used for funding State Child Abuse/Neglect grants. The Act further provides that for a state to be eligible for a State grant certain specific requirements must be met. If Nevada qualified for a State grant, \$38,612 would be available for Fiscal Year 1980.

Nevada fails to meet the requirement regarding the appointment of a guardian ad litem.

Proposed Revision

The federal requirement is that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem shall be appointed to represent the child in such a proceeding.

The federal interpretation is that the guardian ad litem need not be an attorney. Alternate methods of meeting the requirement, which would not add to the cost of judicial proceedings, have been suggested by the National Center on Child Abuse and Neglect. However, the alternatives require legislative changes to NRS 62 and possibly NRS 200.501. The Welfare Division will make the legal interpretations of the National Center available and will assist in the drafting of the proposed legislation.

II Definition of Child Abuse/Neglect

Reason for Proposed Revision

Public Law 93-247 was amended by Congress in 1978. In addition to the State grants discussed above, Congress allocated funds specifically for sexual abuse programs. If Nevada were eligible an additional grant of \$14,060 would be available for Fiscal Year 1980.

To be eligible the definition of child abuse and neglect in NRS 200.5011. must be revised.

Proposed Revision

It is recommended that the definition in 200.5011 be revised as follows:

Add "sexual exploitation" in Section 1.

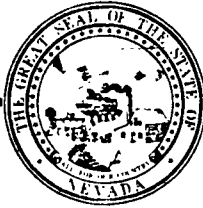
Source: Welfare division, department of human resources.

A P P E N D I X C

SURVEY BY THE SUBCOMMITTEE TO STUDY CHILD ABUSE AND NEGLECT

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



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ANDREW P. GROSE, *Research Director* (702) 885-5637

June 12, 1980

Dear

I am writing to you in regard to the legislative subcommittee studying child abuse and neglect.

As you may know, the subcommittee was established to make recommendations to the 1981 Legislature regarding methods for coordinating the available services for prevention of abuse and neglect and methods for eliminating the duplication of services.

At our recent hearing, held on June 2, the subcommittee considered several recommendations to present to the 1981 Legislature. The purpose of this letter is to invite your comments on some of these recommendations.

The subcommittee has learned that in Clark County child neglect is handled by Juvenile Court Services while child abuse is handled by the State Welfare division. We have been informed by several witnesses, that either the county should handle both neglect and abuse or that the state welfare division should handle them both because under the existing arrangement some children are "falling through the cracks" and frequently services are being duplicated. Do you favor county or state responsibility for child abuse and neglect?

Second, the subcommittee is considering a recommendation which would require, through statute, the parents of an abused child to participate in a treatment program. If they did not participate they could lose their parental rights (please see enclosed bill draft). Would you be in favor of such a law?

Another recommendation being considered is the formation of an office of child abuse specialist. It would be a two year position placed within the office of the Director of the Department of Human Resources. The responsibilities of the office would include: coordination of existing services; elimination of duplicative services; gathering information about the service delivery system and recommending to the director changes in the system to make it work effectively and efficiently. Would you be in favor of creating such an office?

Finally, the subcommittee is considering a recommendation which calls for hospitals to adopt a protocol for treating incoming abused children. Presently, Washoe County Medical Center is the only hospital in the state that has adopted such a protocol (please see enclosure). Would you be in favor of having hospitals adopt a child abuse protocol?

The subcommittee has tentatively set the date for its next hearing in early July. We would appreciate receiving your comments by July 9, in order that the members can review them before the hearing. Please send your comments and any additional information you would like to provide, to our staff member, Mr. Ken Creighton (885-5637).

Thank you very much for your assistance.

Very truly yours,

Assemblyman Steven A. Coulter

SAC:jlc
Encl.

QUESTIONNAIRE OF THE SUBCOMMITTEE TO STUDY CHILD ABUSE AND NEGLECT

<u>Establish Additional Preventive & Community Awareness Programs</u>	<u>Court Ordered Treatment for Abusive Parents</u>	<u>Statewide Hospital Protocol Regarding Abuse/Neglect</u>	<u>Responsibility for Abuse and Neglect in Clark County</u>	<u>Creation of Office of Child Abuse Specialist</u>
3	4 in favor 8 opposed (in- cluding all responding district court judges)	10 in favor	2 - State Welfare Div. 0 - Clark County (Clark County officials did not respond)	6 in favor

A P P E N D I X D

TELEPHONE SURVEY FOR
CHILD ABUSE AND NEGLECT AGENCY

CHILD ABUSE AND NEGLECT AGENCY SURVEY BY THE DEPARTMENT OF HUMAN RESOURCES

Agencies providing more than 25% of staff time to abused and neglected children	- 25 (15%)
Agencies providing less than 25% of staff time to abused and neglected children	- 24 (14%)
Agencies that do not provide any services	- 97 (57%)
Law enforcement agencies	- 22 (13%)
Hospitals	- <u>2 (1%)</u>
Total Number of Respondents	- <u>170 (100%)</u>

	<u>Services Being Provided</u>			<u>Referral</u>	<u>Legal</u>
	<u>Counseling</u>	<u>Shelter Care & Protective Services</u>	<u>Education, Awareness and Prevention</u>		
Major Agencies:	12	17	14	13	
Minor Agencies:	12	7	12	12	1

Services Recommended By Respondents

Additional Respite Care Facilities	-18
Parenting Education and Community Awareness	-16
Additional Personnel	-12
Coordination	-7
Staff Training	-5
Foster Care	-4
Increased follow up	-2
Guardian Ad Litem	-1

ORGANIZATIONS PROVIDING SERVICE DELIVERY FOR
CHILD ABUSE AND NEGLECT

Agencies Providing 25% or More Staff Time

<u>Organization:</u>	<u>Location:</u>
Crossroads	Sparks-P
Nike House	Las Vegas-PR
Community Cooperative Services	Reno-PR
Mary Crosby Shelter Home	Las Vegas-PR
Bethany Baptist Child Care	Las Vegas-PR
Nevada State Welfare Division	Carson City-P
Churchill County Welfare	Fallon-P
WECAN, Inc.	Las Vegas-PR/PF
St. Jude's Ranch for Children	Boulder City-PR
Inter-Tribal Council Social Services	Carson City-P
AASK	Las Vegas-PR
Las Vegas Family Abuse Center	Las Vegas-PR/PF
Optomist Home	Las Vegas-PR
Clark County Child Welfare	Las Vegas-PR
Family Counseling	Las Vegas-PR
Crises Call	Reno-PR
Washoe County Welfare	Reno-P
Reach Out, Inc.	Reno-PR
Regina Hall	Carson City-PR
Nevada Hills Children's Home	Reno-PR/PL
Carson City Child Abuse Council	Carson City-PR
Southern Nevada Children's Home	Boulder City-P
Northern Nevada Children's Home	Carson City-P
Nevada Youth Training Center	Elko-P

Agencies Providing Less Than 25% Staff Time

<u>Organization:</u>	<u>Location:</u>
Institute of Pastoral Counseling	Las Vegas-PR
So. Nevada Mental Retardation Services (includes Desert Development Center)	Las Vegas-P
No. Nevada Mental Retardation Services (includes Sierra Development Center)	Reno-P
Henderson Mental Health Center	Henderson-P
Children's Behavioral Services	Clark County-P
Children's Behavioral Services	Washoe County-P
Rural Clinics Community Mental Health Centers	Carson City-P
Las Vegas Mental Health Center	Las Vegas-P
Reno/Sparks YWCA Preschool	Reno/Sparks-PR
Divine Providence Variety	Las Vegas-PR
Broomstick Cowboys	Las Vegas-PR
Home of Good Shepherd	Las VegasPR
City of Las Vegas Child Welfare	Las Vegas-P
E.O.B. of Clark County	Las Vegas-P
Community Action Against Rape	Las Vegas-PF
Focus Youth Services	Las Vegas-PF
Counselor Training Programs	Las Vegas-P
Suicide Prevention Center	Las Vegas-PR
L.D.S. Social Services	Las Vegas-PR
Big Brother & Big Sister	Las Vegas-PR
COPE	Reno-PR
Family Counseling Service of Nevada	Reno-PR
VAC	Reno-PR
Washoe Legal Services	Sparks-P
Northern Nevada Task Force	Reno-PR

LAW ENFORCEMENT AGENCIES AND HOSPITALS
PROVIDING CHILD ABUSE SERVICE DELIVERY

Organization:

Fallon Police Dept.
Wells Police Dept.
Carlin Police Dept.
Elko Police Dept.
Winnemucca Police Dept.
Sparks Police Dept.
Reno Police Dept.
Henderson Police Dept.
Lander County Sheriff's Dept.
Churchill County Sheriff's Dept.
Pershing County Sheriff
Elko County Sheriff's Dept.
Douglas County Sheriff's Dept.
Humboldt County Sheriff's Dept.
Washoe County Sheriff's Dept.
Las Vegas Metro Juvenile Div.
Douglas County Juvenile Probation
Lyon County Juvenile Probation
Lander County Juvenile Probation
Humboldt County Juvenile Probation
Carson City Juvenile Probation
Esmeralda & Nye Counties Juvenile
Probation

Washoe Medical Center
Sunrise Hospital

Location:

Fallon
Wells
Carlin
Elko
Winnemucca
Sparks
Reno
Henderson
Austin
Fallon
Lovelock
Elko
Carson City
Winnemucca
Reno
Las Vegas
Minden
Yerington
Battle Mountain
Winnemucca
Carson City
Tonopah

Reno
Las Vegas

A P P E N D I X E

PROPOSED CHILD ABUSE AND NEGLECT PROGRAM #3

DEPARTMENT OF HUMAN RESOURCES
CHILD ABUSE AND NEGLECT SYSTEMS ANALYSIS

SUBCOMMITTEE TO STUDY CHILD ABUSE AND NEGLECT (S.C.R. 17)
Steve Coulter, Chairman
Monday, June 2, 1980

PROPOSED CHILD ABUSE AND NEGLECT PROGRAM #3

DEPARTMENT OF HUMAN RESOURCES - CHILD ABUSE AND NEGLECT SYSTEMS ANALYSIS

Location: Department of Human Resources - Office of the Director

Staff: One Senior Management Analyst
1/2 Clerical

Cost: Approximately \$25,000.00 - Management Analyst
8,000.00 - Clerical (part-time)
\$33,000.00
5,000.00 - Statewide Travel
\$38,000.00
1,000.00 - Supplies and other expenses
TOTAL \$39,000.00

Function: To produce a comprehensive statewide plan for the coordination, delivery and funding of services in the area of child abuse and neglect.

The plan will include:

1. A description of what is currently being done in primary, secondary and tertiary prevention and treatment programs throughout the state.
2. Recommendations for changes in existing services in addition to proposals for increased services for all three phases of prevention and treatment.
3. A complete review of funding sources (Federal, State-administered Federal, State, County, Private) currently utilized for existing treatment and prevention services and recommendations regarding future funding appropriations. executive
4. Proposals for legislative and/policy changes necessary to implement the comprehensive, statewide plan.

Time Frame: The Management Analyst position would exist for one fiscal year: July 1, 1981 through June 30, 1982.

Procedure: Recommendations and findings by the Systems Analysis Project will be directed as follows: (a) To the Director of the Department of Human Resources, who will develop proposals; (b) Proposals will be presented to the Interim Finance Committee for funding consideration.

NARRATIVE:

DEPARTMENT OF HUMAN RESOURCES - CHILD ABUSE AND NEGLECT SYSTEMS ANALYSIS

This particular proposal is specifically aimed at defining the problem of child abuse and neglect as it exists throughout the state. While functional for one fiscal year, the Systems Analysis Project would culminate in direct findings regarding the adequacy of service delivery and a statewide plan to implement a coordinated approach to child abuse and neglect programs.

The Senior Management Analyst position would be placed in the office of the Director of the Department of Human Resources, and would travel extensively throughout Nevada in order to complete a comprehensive review of service delivery arrangements. The position responsibilities would include, and not be limited to: Monitoring the functions and performance of existing child abuse and neglect services; fostering interagency coordination; encouraging involvement by the private sector; and determining a cost effective approach to the delivery of services.

Prior to the project termination date, a final report of recommendations and findings would be presented to the Director of the Department of Human Resources, who would review and designate specific proposals to be forwarded to the Interim Finance Committee for funding consideration.

The efficacy of this proposal is based upon its precise time limitation and specific goals to be accomplished. It presents an opportunity to complete a statewide review and to more clearly define precisely what areas of concern deserve attention.

A P P E N D I X F

A PROPOSAL FOR REHABILITATION
AND TREATMENT OF CHILD ABUSE AND NEGLECT

STATE OF NEVADA
DIVISION OF MENTAL HEALTH AND MENTAL RETARDATION

A PROPOSAL FOR
REHABILITATION AND TREATMENT OF CHILD ABUSE AND NEGLECT

June 16, 1980

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PROJECTED 1980/81 SERVICE NEEDS

The Nevada State Welfare Division expects approximately 3,189 cases of child abuse and neglect to be reported in 1980 and this rate is expected to increase significantly each year. Of the cases reported, it is projected that more than 1,900 will be substantiated. The following chart provides a breakdown by county of the number of expected cases.

Child Abuse and Neglect*

	Category	Total	Clark County	Washoe County	Rural
1980	Reported	3,189	1,848	841	500
	Substantiated	1,939	1,124	511	304
1981	Reported	3,508	2,033	925	550
	Substantiated	2,132	1,236	562	334

The estimates provided in this chart may be conservative. For example, Clark County Juvenile Court projects 2,700 cases in 1980 and 3,290 cases in 1981 in Clark County alone. One contributing factor to the high frequency of abuse/neglect could be Nevada's high incidence of single-parent families, as major studies have shown that child abuse/neglect occurs more frequently in single-parent homes.

Unfortunately, in our communities, resources to deal with treatment of child abuse/neglect are both scarce and fragmented. None of the existing agencies have been charged with developing a major program focused on the treatment of either perpetrators or victims, and agencies who provide treatment are often faced with waiting lists for these and other cases. A clear need exists for a program with special emphasis on the rehabilitation of the perpetrator in child abuse/neglect cases in order to minimize the potential for reoccurrence of the problem.

*Projections for reported cases of abuse and neglect were provided by the State Welfare Division, Carson City, Nevada. Substantiated cases are estimated by using the 60.8% ratio of substantiated to reported cases which occurred in 1979.

BASIC COMPONENTS OF A COMPREHENSIVE COMMUNITY SERVICE SYSTEM

There are six major components to a comprehensive service delivery system for child abuse and neglect. Coordination between the agencies providing service within each component is essential for the system to work effectively. The six components are:

1. Prevention
2. Twenty-four hour crisis/emergency services
3. Investigation
4. Coordination and data collection
5. Child custody
6. Rehabilitation

Prevention is most often accomplished by intervening in a family problem before the situation deteriorates to the point where abuse and/or neglect is a response to the problem. Such intervention is currently provided to some degree by community agencies who offer such services as parent training, family therapy, marital counseling, and children's treatment services (including the victims of abuse). While these services are not directed at the prevention of child abuse per se, they are important in that without them the incidence of abuse and neglect would be even greater than already exists.

Twenty-four hour crisis/emergency services include telephone hotlines, outreach counseling to stabilize crisis situations, emergency shelters and respite care centers. These services should be made available to both self-referring parents and children and to social agency caseworkers who identify the need for such services within their caseload. Emergency services are important in that the earlier the response to an abuse or neglect situation, the greater the chance for early remediation. Also, the initial handling of a case often sets the tone for future treatment efforts. A prompt response to self-reported cases or referred cases provides for protection of the victim and initial intervention with the perpetrator. Emergency services can also provide a viable back-up system for other, on-going treatment.

Investigative services already exist within the State, having been established by NRS 200.501 through 200.508. The high rate of substantiated cases indicates that investigative efforts have been very successful; but quite obviously, identifying the problem doesn't necessarily solve it. Enforcement and protection should be coordinated with treatment so that there is clear communication between these essential components.

Coordination and data collection are important elements of a comprehensive system. Appropriate referrals must be made in a timely fashion; transportation must be available for the recipients of service; and communication must be maintained between service providers. Data collection is critical in identifying present needs, planning future services to meet projected needs, and in assessing the effectiveness of the child abuse and neglect service system.

Child custody is indicated in cases where it is determined that the child should no longer reside in the home. Provisions must be available for foster homes and for other temporary or long-term placements.

Rehabilitation is a service component which helps ensure that repeated and progressively more serious abuse does not occur. Even if a child/perpetrator is removed from an abusive family setting, it is possible that the perpetrator may again fall into the abusive pattern with other victims. Rehabilitation provides the type of assistance and therapy to the individual to enable him/her to develop more positive and non-violent techniques for successful child-rearing. Rehabilitation of the perpetrator and victim is also necessary to prevent the disintegration of the family, a process which often places extensive and expensive demands on the welfare, correctional, mental health, and education systems of the State.

These six components are all necessary in a comprehensive system to offer effective services in dealing with the range of problems associated with child abuse and neglect cases. All of these resources should be available within the community, with appropriate coordination and linkages to avoid fragmentation and duplication of services.

LEVELS OF SEVERITY

It is proposed that the service delivery system would vary with the severity and complexity of the case. This section identifies several levels which have been arranged according to the severity of physical or emotional trauma sustained by the victim. Although the lines of demarcation of the categories making up the severity levels may be somewhat blurred, they represent reasonable boundaries to facilitate program planning.

Severity Level One provides for the rehabilitation of the perpetrator where victims have sustained such trauma as sexual and severe physical abuse (e.g., incest, subdural hemorrhage and hematoma, brain damage, burns and scalds).

Severity Level Two includes other types of physical abuse (lacerations, welts) and emotional neglect (resulting in severe childhood depression, attempted suicide, withdrawal or destructive behavior).

Severity Level Three includes physical neglect (e.g., malnutrition and failure to thrive).

Severity Level Four includes cases such as educational neglect or lack of supervision.

Projection of Substantiated Cases for 1980

Levels of Severity		Clark County	Washoe County	Rural Counties	Total cases in State by category	Cumulative total cases across categories
One	Sexual abuse and severe physical abuse	191	86	51	328	328
Two	Other physical abuse and emotional neglect	314	143	85	542	870
Three	Physical Neglect	349	159	95	603	1473
Four	Other cases	270	123	73	466	1939
		1124	511	304	1939	

PROGRAM ALTERNATIVES UTILIZING THE PUBLIC AND PRIVATE SECTOR

These program alternatives address only the rehabilitation/treatment component of a comprehensive child abuse/neglect service system. The service delivery formats proposed in these alternatives vary depending on the intensity and complexity of intervention required. The moderately severe cases may be served within more traditional approaches. However, in many of the severe cases it has been demonstrated that immediate intervention with intensive treatment is most effective in preventing reoccurrence of the abusive behavior. It often provides an alternative to breaking up the family, although in some cases a short-term placement may be necessary.

This intensive treatment approach requires clinicians who are immediately available, mobile, have access to multi-disciplinary backup, have special expertise in dealing with the perpetrators' resistance frequently found in these cases, and who can provide ongoing clinical evaluation that on occasion requires inhome observation and treatment.

Given adequate resources, moderately severe cases requiring less intensity may also be served through a contracting mechanism which would provide access to both the private and public sectors. Therefore, the alternatives listed below include provisions for both specialized staff and a contract mechanism for providing a range of rehabilitation services for child abuse and neglect.

ALTERNATIVE A

This alternative would provide services only for those cases identified in Severity Level One. Four professionals and one clerical support staff would be assigned to Clark County with two professionals and a half-time clerical support staff assigned to Washoe County. Since the frequency of cases involving this level of severity in any one rural county is very low, direct services in rural areas would be provided by the Division of Mental Hygiene and Mental Retardation Rural Clinics staff with consultation support available from the specialists in the two urban areas. A one-time training program is proposed to prepare Rural Clinics staff for this role.

Data collected from child abuse and neglect treatment teams from across the country suggest that one clinician can adequately serve no more than thirty-five severe cases per year. This proposed level of staffing would provide direct services for 140 of the projected 191 most severe cases in Clark County and 70 of the projected 86 most severe cases in Washoe County. Therefore, this proposed staffing is very conservative in that it assumes the remaining cases within this most severe category can benefit from either consultation or a less intensive program.

LEVEL ONE PROGRAM

<u>Clark County</u>		<u>Washoe County</u>	
Personnel:		Personnel:	
1 Psychologist III	\$ 19,251	1 Psychologist III	\$ 19,251
1 Psychologist II	18,395	1 Psychiatric Social Worker	16,796
2 Psychiatric Social Workers	33,592	.5 Clerical Support	4,545
1 Clerical Support	9,089		
Subtotal:	80,327	Subtotal:	40,592
Fringes:	12,049	Fringes:	6,088
Operations:	<u>32,331</u>	Operations:	<u>16,388</u>
	\$ 124,707		\$ 63,068
<u>Rural Nevada</u>			
Training Program:	\$ 10,000		
Total Cost of Alternative A			\$ 197,775

ALTERNATIVE B

This alternative would provide services for those cases identified in Severity Levels One and Two. It is reasonable to assume that the cases in Severity Level Two will require a less intensive program of treatment, these cases being served within more traditional approaches found within the public and private sector of the urban communities.

It is proposed that contract funds be made available for the purchase of services for Severity Level Two. Contract and case monitoring will require two positions, one in Northern and one in Southern Nevada.

LEVEL ONE PROGRAM

Clark County

Personnel:

1 Psychologist III \$ 19,251
1 Psychologist II 18,395
2 Psychiatric
 Social Workers 33,592
1 Clerical Support 9,089

Subtotal: 80,327

Fringes: 12,049

Operations: 32,331
\$ 124,707

Washoe County

Personnel:

1 Psychologist III \$ 19,251
1 Psychiatric
 Social Worker 16,796
.5 Clerical Support 4,595

Subtotal: 40,592

Fringes: 6,088

Operations: 16,388
\$ 63,068

Rural Nevada

Training Program: \$ 10,000

LEVEL TWO CONTRACT PROGRAM

Personnel:

1 Social Service Specialist for Southern Nevada \$ 16,053
1 Social Service Specialist for Northern Nevada 16,053

Subtotal: \$ 32,106

Fringes: 4,814

Contracting Funds: 704,600
\$741,520

Total Cost of Alternative B (Severity Levels One and Two) \$939,295

**Contract services are figured at \$50 per week for 542 clients with an average treatment duration of six months (\$1,300 average for each client's treatment).

ALTERNATIVE C

This alternative would provide services for all substantiated cases of child abuse and neglect. In addition to the services specified in Alternative B, educational/treatment services would be provided for cases at Severity Levels Three and Four. These services would be provided through contracts with appropriate private or public sector providers. Educational/Treatment services provided for Severity Levels Three and Four would include such things as nutritional training, child management training, budget management and family relations.

LEVEL ONE PROGRAM

Clark County

Personnel:

1 Psychologist III \$ 19,251
1 Psychologist II 18,395

2 Psychiatric
 Social Workers 33,592
1 Clerical Support 9,089

Subtotal: 80,327

Fringes: 12,049

Operations: 32,331
\$ 124,707

Washoe County

Personnel:

1 Psychologist III \$ 19,251
1 Psychiatric
 Social Worker 16,796

.5 Clerical Support 4,545

Subtotal: 40,592

Fringes: 6,088

Operations: 16,388
\$ 63,068

Rural Nevada

Training Program: \$ 10,000

Total Cost of Alternative C: \$ 197,775

LEVEL TWO CONTRACT PROGRAM

Personnel

1 Social Service Specialist for Southern Nevada \$ 16,053
1 Social Service Specialist for Northern Nevada 16,053

Subtotal: \$ 32,106

Fringes: 4,814

Contracting Funds. (For Severity Level Two) 704,600
\$741,520

LEVELS THREE/FOUR CONTRACT PROGRAM

Contracting Funds [†] (for Severity Levels Three and Four)	\$ 192,420
Total Costs of Alternative C (All substantiated cases served)	1,131,715

Source: Division of mental hygiene and mental retardation, department of human resources.

Education/treatment contracts are figured at 15 per week with an average duration of 12 weeks (\$180 average for each client's intervention).

CASE EXAMPLES BY LEVEL OF SEVERITY

Severity Level One: Severe Physical Abuse

James is a 2-1/2 year old white male who has had several fractures as result of his father's beatings and has cigarette burns over his whole body. It is unclear whether or not the mother actively participated in the abuse or simply acquiesced with the father's behavior. The father is currently unemployed and has never held a job longer than two months. Mother is currently employed as a change girl at a local casino.

James suffers from nightmares, is generally withdrawn, shows signs of fear of adult males, and goes into hysterics whenever he thinks he will be left alone with his father.

The parents have extremely poor communication with each other and with James. Father has a poor self-image and tends to resent the fact that his wife supports the family. He has an ambivalent attitude towards James--he is proud to have a son, but resents being "tied down" by him. Mother has diffuse expectations of her husband--she resents his being unemployed, but seems to have her needs met by his being dependent on her. She tends to view James negatively, seeing him as "just like his father."

Both parents experience wide mood swings, from being very loving to extremely angry, violent and verbally abusive to each other and to James as well. James often serves as a focus for their conjoint communications about their relationship; this focus is often a negative one in which a lot of blame is placed on James.

Intensive therapy is needed for both parents. Each needs individual sessions at least twice a week to deal with their emotional states and to define their roles as parent and spouse. Couple therapy once a week is indicated to help rebuild a relationship that will provide an appropriate environment for both themselves and their son. As therapy results in improvement, group therapy may be necessary to enable them to use the experiences of other abusing families to redefine their relationship. In addition to providing the above treatment, the intensive treatment program will have to prepare reports for the court on the progress of treatment, make occasional home-based clinical assessments, and coordinate with the efforts of community services, especially those working with the child.

This case would be expected to take at least a year of intensive therapy. The intensive treatment program's involvement would gradually be phased out over the second year, with traditional mental health programs taking over more of the responsibility for treatment.

Severity Level Two: Physical Abuse and Emotional Neglect

Janet is a 10 year-old female who has a 7 year old brother, Michael, and a 6 year-old sister, Sandra. Mother works nights and has pushed most of the responsibility for taking care of the younger children on Janet. Janet often has to prepare meals, bathe the children, and put them to bed. When the mother is not working or sleeping she spends much of her time watching television. Most of her interactions with the children take the focus of yelling at them to do something and fighting with or nagging Janet.

As a result, Janet has become very depressed and withdrawn. She has no friends and often cries for no apparent reason. Michael is disruptive in school and Sandra has been diagnosed as in need for a special education placement primarily due to delays in developmental maturation.

Mother was divorced from her second husband a little over a year ago, after several years of repeated separations. The younger children are a product of this marriage; while Janet is the child of the mother's first marriage. Mother cares for the children and often feels guilty because she has little interaction with them. She occasionally tries to ease these feelings by buying extravagant gifts for the children or taking them to places like Circus Circus. This mother is very concerned with herself; she feels she has "wasted" much of her life being tied down in two unhappy marriages and looking after young children. She recognizes that her present family situation is undesirable but has no idea what she should do or how to go about making changes.

This mother needs counseling to help her deal with her feelings about herself and her inadequacies and to develop some direction for her life. She needs to acquire such skills as self-assertion and problem-solving abilities, and she needs to learn to identify what is appropriate behavior for her children. She also requires intensive instruction in how to appropriately interact with her children in order to foster their emotional security.

Much of this therapy would be provided in the form of individual counseling on a weekly basis, coupled with ongoing therapy group to teach assertive training, communication, and relationship skills. In addition, such things as parent training and child interaction skills would be needed at a later date as the mother's ability to acquire such skills increases as a result of her therapy.

Severity Levels Three and Four. Physical and Other Neglect

Jennifer is an 11 year-old female who has been reported as being neglected. The report was made by Jennifer's teacher, who states that Jennifer often comes to school wearing dirty clothing or clothing inadequate for the weather; often has no lunch nor money to buy it; and appears underweight and undernourished. Jennifer has deep circles under her eyes, is lethargic and apathetic, and frequently falls asleep in class. She is described by her teacher as looking "like a little old lady."

Jennifer has missed a great deal of school, and often comes late when she does attend. Her grades are poor, she seldom finishes her work and never completes homework. The school has made numerous attempts to contact Jennifer's mother but has had little response from her.

Jennifer's mother is a single parent who has been a widow for about four years. She is in her mid-fifties, Jennifer being a late addition to the family with the two older brothers and sisters long out of the home. Mother works an irregular schedule as a maid in a local hotel. When she is working she leaves Jennifer to fend for herself.

Mother says she loves Jennifer but feels that she is not neglecting her because she is "old enough to care for herself." She makes sure that food and clothing are available but does little to ensure that Jennifer eats regularly and properly nor does she supervise Jennifer's dress and hygiene. Laundry and dishes tend to get done "when we run out of stuff." Mother does not feel that she is a bad parent and gets angry and resentful when it is suggested that she is not a good parent or does not love Jennifer.

Jennifer needs little more than regular meals, supervision and consistent attention to remedy the results of the neglect. This would require that certain educational/treatment goals be met by her mother.

Jennifer's mother needs to improve her homemaking skills and would benefit greatly from instruction in proper nutrition and hygiene. She needs to learn child management skills and learn how to build a positive and nurturing relationship with Jennifer. She is basically a caring mother who does not recognize the needs of her child and the responsibility of meeting those needs.

Intervention could probably proceed on a once-a-week basis, with ongoing monitoring from the appropriate social service agency. Given the mother's positive feelings for the child, it is expected that remediation of the neglect problem could take place within three months.

Source: Division of mental hygiene and mental retardation,
department of human resources.

APPENDIX G

EMERGENCY SHELTER CARE FOR
ABUSED AND/OR NEGLECTED CHILDREN

EMERGENCY SHELTER CARE
FOR ABUSED/NEGLECT CHILDREN

DEFINITION OF EMERGENCY SHELTER CARE

Emergency shelter care is a specialized type of care provided to children who cannot be maintained in their own homes because they are in clear and present danger of abuse, neglect or exploitation. Emergency shelter care is provided on a short term basis until long range plans can be made for the children.

METHODS OF PROVIDING EMERGENCY SHELTER CARE

Family Emergency Shelter Care

One method of providing emergency shelter care is through the use of foster family homes. These are specialized foster homes which must meet certain additional requirements above that required of regular foster parents. The additional requirements include an agreement to be available to receive the child on a 24 hour 7 day a week basis. For this reason there must be one parent not employed outside of the home. In return emergency family shelter homes are paid a higher fee than regular foster parents.

Purchase From Private Providers

Another method of providing emergency shelter care is through the purchase of the service from private providers. Usually when this method is utilized the care is provided in small group home type settings. The type of agency willing to provide this kind of care may be a YMCA, a religious organization or a private nonprofit child care agency. In a large urban area a number of purchase of service agreements with private providers would be necessary to meet the needs of all children.

Publicly Operated Facility

A publicly operated facility could be housed in a building either built and financed by a public agency or leased by that public agency. The staff would be employees of the public agency and under the direct supervision and control of that agency. Child Haven in Clark County is an example of a publicly operated facility.

COST ESTIMATES

Number of Children In Need of Emergency Shelter Care

It is estimated that in fiscal year 1981/82 1,619 children in the State of Nevada will be in need of emergency shelter care.

Cost of Family Foster Emergency Care

It is estimated that the average cost per day for family emergency care will be \$25.00 per day. The average length of stay will be 25 days.

In the two urban communities, Clark and Washoe County, a retainer fee of \$50.00 per month per bed will be necessary to insure the availability of sufficient family care beds. It is estimated that 99 beds will require the retainer fee of \$50.00 per month.

The total cost for the provision of emergency shelter care in family care homes for one year would be \$1,070,075.

Cost of Care Purchased From Private Providers

It is estimated that the cost of purchasing shelter care from private providers will be \$50.00 per day. With an average stay of 25 days the cost for one year would be \$2,023,750.

Publicly Operated Facilities

The Welfare Division projected for the fiscal year 1981 the cost for the construction, furnishing and operation for one year of a 30 bed emergency shelter care facility to be \$2,028,014.

To meet the needs of all children in the State of Nevada at least four 30 bed facilities would be required. Projecting the total cost of four 30 bed facilities would result in a cost of \$8,112,056.

DISCUSSION OF ALTERNATIVE METHODS

Each method of care has advantages and disadvantages. The needs of each community must be considered and probably a combination of methods should be considered.

Family care homes can best serve the needs of the young child. For this reason we would urge that family care be part of the emergency shelter care system in any community. In the rural areas of Nevada the combination of emergency shelter care with regular foster care has worked out well. Since the demand for shelter care beds in the rural areas is limited it has not been practical to utilize homes exclusively for shelter care. The combination has had the distinct advantage of reducing movement of children. After the emergency and when it has been determined the child is in need of ongoing foster care frequently the child can remain in the same home. This lessens the number of moves for children.

It is questionable whether in urban communities sufficient number of family care homes can be recruited to meet the needs of all children in need of emergency shelter care especially teenagers. The use of all emergency family care homes also considerably increases the cost to the agency providing the protective services in terms of transporting children to court, medical services, visitation with parents, etc.

Currently the private providers from whom emergency shelter care could be purchased do not exist in the State of Nevada. However, with sufficient funding it is believed these resources could be developed in the urban communities. In terms of cost, purchasing care from private providers is considerably cheaper than publicly operated facilities. One disadvantage is the fact even though there would be a contract specifying type of care provided there is not the direct day to day control of the operation that exists with a publicly operated facility. Some of the private facilities viewed by the Welfare Division in San Francisco and Seattle were distinctly inferior to Child Haven operated in Clark County.

The disadvantage of a publicly operated facility is, of course, the cost. To meet the total statewide need at least two 30 bed facilities would be required in Clark County, one in Washoe County and one for the rural areas. One facility to cover the needs of all the rural areas would of course be impractical. The cost of transporting children to a central facility would be prohibitive. Also, children should, whenever possible be placed in their own communities, near their families, school, etc. Even smaller regional facilities located throughout the State would be impractical. Nevada's distances are too great to make this a viable alternative.

We would urge that if a State wide emergency care plan is to be developed that the plan be tailored to the needs of each community and that a combination of methods be considered for the urban areas.

Source: Welfare division, department of human resources.

A P P E N D I X H

SUGGESTED LEGISLATION

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BDR S-131 Creates position of specialist for child abuse and neglect	74
BDR S-132 Provides for demonstration program for treatment and rehabilitation of perpetrators and victims of child abuse and neglect	77

SUMMARY--Creates position of specialist for child abuse and neglect.
(BDR S-131)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial
Insurance: Contains Appropriation.

AN ACT relating to child abuse and neglect; creating the position of specialist for child abuse and neglect in the department of human resources; prescribing his powers and duties; making an appropriation; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby created in the department of human resources the position of specialist for child abuse and neglect.

2. The specialist for child abuse and neglect is under the direct supervision of the director of the department.

Sec. 2. The specialist for child abuse and neglect shall:

1. Review substantiated cases of child abuse and neglect to determine whether the cases have been properly carried through, and prepare a statement on the appropriateness or inappropriateness of the procedures and treatment in each case.

2. Develop a comprehensive statewide plan for the organization, financing and coordination of services in the area of child abuse and neglect, including:

(a) A description of existing primary, secondary and tertiary programs for prevention and treatment of child abuse and neglect

throughout the state and the sources of financing for those programs;

(b) An evaluation of the long-term effectiveness of various treatment programs to aid in determining which categories of treatment deserve the greatest emphasis;

(c) A definition of the appropriate roles of, and relationships among, the different agencies involved in the prevention and treatment of child abuse and neglect;

(d) Recommendations for changes in or additions to existing programs and services in the area of child abuse and neglect, and recommendations relating to the financing of programs and services; and

(e) Proposals for changes in legislative and executive policy which are necessary to carry out the plan.

3. Request advice from private providers of services in developing the comprehensive statewide plan.

4. Advise the state planning coordinator, or other state clearinghouse for grant applications, concerning applications for grants of money related to child abuse and neglect.

Sec. 3. There is hereby appropriated from the state general fund to the director of the department of human resources the sum of \$41,400 for the fiscal year 1981-1982, and \$41,400 for the fiscal

year 1982-1983, for the purpose of carrying out the provisions of this act.

Sec. 4. 1. This act shall become effective upon passage and approval.

2. This act expires by limitation on June 30, 1983.

SUMMARY--Provides for demonstration program for treatment and rehabilitation of perpetrators and victims of child abuse and neglect. (BDR S-132)

**Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.**

AN ACT relating to child abuse and neglect; providing for the establishment of a demonstration program for the treatment and rehabilitation of perpetrators and victims in severe cases; requiring evaluation of the effectiveness of the program; and providing other matters properly relating thereto.

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

Section 1. 1. The department of human resources shall establish a demonstration program in Washoe County for the treatment and rehabilitation of perpetrators and victims of child abuse and neglect in cases where the victims have suffered sexual abuse or severe physical abuse. The treatment and rehabilitation should be directed toward ensuring that repeated and progressively more serious abuse does not occur.

2. Treatment must be provided by persons who are specially trained to deal with cases of child abuse and neglect. The program must provide for intensive treatment of each perpetrator commencing as soon as possible after the abuse occurs, and must also provide that the initial period of intensive treatment will be followed by an extended period of observation, treatment and evaluation.

Sec. 2. The department of human resources shall design a system for evaluating the effectiveness of the demonstration program as it compares with other programs in existence in this state for the treatment of perpetrators of child abuse and neglect. The department shall conduct an initial evaluation during the first 18 months of the program and shall report the results of the evaluation to the sixty-second session of the legislature. The department shall continue to evaluate the program throughout its existence.

Sec. 3. This act expires by limitation on June 30, 1983.