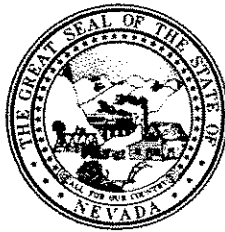


REVIEW AND EVALUATION OF THE
COMPREHENSIVE STATEWIDE PLAN
FOR SERVICES TO AID ABUSED
AND NEGLECTED CHILDREN



Bulletin No. 85-13

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

August 1984

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STATE OF NEVADA

AUGUST 1984

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Assembly Concurrent Resolution No. 47—Assemblymen Humke, Bourne, Berkley, Craddock, Kerns, Bilyeu, Francis, Joerg, Sedway, DuBois, Redelsperger, Nicholas, Chaney, Stone, Banner, Nevin, Fay, Thompson and Kovacs

FILE NUMBER..13.7

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to review and evaluate the comprehensive statewide plan for services to aid abused and neglected children.

WHEREAS, In the State of Nevada more than 3,800 children are abused and neglected each year; and

WHEREAS, These children are in need of therapeutic services of high quality, both immediate and long term; and

WHEREAS, Steps should be taken to make the system for providing those services less fragmented, complicated and confusing; and

WHEREAS, Pursuant to the directives of Assembly Bill No. 50 of the 61st session of the legislature (chapter 291, Statutes of Nevada 1981), the department of human resources has prepared a comprehensive statewide plan for the organization, financing and coordination of programs and services to aid abused and neglected children; and

WHEREAS, That plan has identified significant areas of concern and contains recommendations, some of which involve statutory change and all of which should be reviewed by the legislature; and

WHEREAS, The legislature needs to know what actions can be taken to improve the system for providing programs and services to aid abused and neglected children, and what financial arrangements for the support of those programs and services would be most effective and efficient; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislative commission is hereby directed to:

1. Review and evaluate the comprehensive statewide plan for the organization, financing and coordination of programs and services to aid abused and neglected children; and

2. Conduct public hearings for the purpose of gathering information and comments from state, county and local agencies concerning the plan; and be it further

Resolved, That the results of the review and evaluation be incorporated as comments to the plan, including explanations and suggestions with respect to specific recommendations and appropriate means of carrying them out, whether or not they require statutory change; and be it further

Resolved, That proposed legislation be developed for those recommendations requiring statutory change, such as the establishment of a "children's trust fund"; and be it further

Resolved, That the legislative commission submit its report and recommendations to the 63rd session of the legislature.

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 63RD SESSION OF THE NEVADA LEGISLATURE:

This report is submitted in compliance with Assembly Concurrent Resolution No. 47 of the 62nd session of the Nevada legislature, which directs the legislative commission to review and evaluate the comprehensive statewide plan for services to aid abused and neglected children. As required by the resolution, the study covered:

A review and evaluation of the comprehensive statewide plan for the organization, financing and coordination of programs and services to aid abused and neglected children.

The legislative commission appointed a subcommittee to conduct the study and recommend appropriate action to the 1985 session of the Nevada legislature. Assemblyman David E. Humke was designated chairman of the subcommittee and Assemblyman Shelley L. Berkley, vice chairman.

In this report the subcommittee has attempted to present its findings and recommendations briefly and concisely. The report is intended as a useful guide to legislators. A great amount of data was gathered in the course of the study, and much of it was provided in the form of exhibits that became part of the minutes of the subcommittee. The data which relate directly to the subcommittee's recommendations are included in the report. All supporting documents and minutes are on file with the research library of the legislative counsel bureau and are readily available to any member.

This report is transmitted to the members of the 63rd session of the Nevada legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada
August 1984.

LEGISLATIVE COMMISSION

Senator James I. Gibson, Chairman

Senator Thomas J. Hickey	Assemblyman Louis W. Bergevin
Senator Robert E. Robinson	Assemblyman Joseph E. Dini, Jr.
Senator Randolph J. Townsend	Assemblyman John E. Jeffrey
Senator Sue Wagner	Assemblyman Michael O. Malone
	Assemblyman David D. Nicholas
	Assemblyman John M. Vergiels

SUMMARY OF RECOMMENDATIONS

This summary represents the subcommittee's recommendations in response to its conclusions and findings. These recommendations are based upon suggestions which were presented in public hearings and written communications to the subcommittee. They reflect the testimony of representatives of state agencies and child protective services agencies, staff research, and the experience and research of the members of the subcommittee.

The subcommittee recommends:

CHILD ABUSE EDUCATION AND PREVENTION PROGRAMS

1. Child abuse and neglect education be provided for the professionals and lay persons of each community.
2. School districts disseminate information which will educate children regarding abuse and neglect.
3. Two actions for the prevention of child abuse and neglect:
 - (a) Parenting education begin as early as the preschool years of a child's life and be a mandatory part of the curriculum in elementary, junior high and high schools. The subcommittee recommends further that the curriculum include, but not be limited to, communication, problem solving and conflict resolution skills, positive self-esteem and human development; and
 - (b) Empower children against assaults of all types by a child abuse prevention program such as California's Child Assault Prevention Program which teaches children to be safe, strong and free.

CHILD PROTECTION ACT

4. That a comprehensive child protection act be added to the Nevada Revised Statutes. The subcommittee recommends that the act clarify which agencies are responsible for child protection and welfare and which jurisdictions are responsible for funding child abuse and neglect services. The subcommittee recommends further that the child protection act give authority and responsibility for child protective services to the department of human resources, cover definitions, and describe program services and procedures.

CHILD PROTECTIVE CUSTODY HEARING

5. The statutes be amended to require either a juvenile master or a district court judge to hold a protective custody hearing to examine the facts within 72 hours after a child has been removed from his parents.
(BDR 5-158)

CHILDREN'S TRUST FUND FOR CHILD ABUSE AND
NEGLECT PREVENTION

6. The statutes be amended to create a children's trust fund for child abuse and neglect prevention under the director of the department of human resources. The sub-committee recommends further that the trust fund be established in the following manner:
- (a) The statutes be amended to increase the state marriage license fee by \$1 and the state fee for birth certificates by \$2. One dollar of each marriage license fee and \$2 of each birth certificate fee collected should be deposited with the state treasurer who should transfer the funds to the welfare division of the department of human resources for deposit in the children's trust fund for the prevention of child abuse;
 - (b) The statutes be amended to designate the director of the department of human resources as the administrator of the trust fund and to authorize the director to designate the state welfare division certain administrative functions;
 - (c) The statutes be amended to create a children's trust fund committee to develop criteria for awarding trust fund money and to make the final decisions regarding the awarding of contracts and grants. The committee should consist of the following seven members:
 - (1) The administrator of the youth services division of the department of human resources;
 - (2) The superintendent of a local school district to be appointed by the director of the department of human resources;
 - (3) A district court judge to be appointed by the director of the department of human resources;

- (4) A director of a local child protective services agency to be appointed by the director of the department of human resources;
- (5) A representative of a community organization involved with children and youth to be appointed by the director of the department of human resources;
- (6) One public member with knowledge or experience in the area of child abuse services to be appointed by the governor; and
- (7) One Nevada legislator with knowledge or experience in the area of child abuse services to be appointed by the legislative commission.

The subcommittee recommends further that at least one of the seven members of the committee be a resident of a rural county.

- (d) The statutes be amended to provide that the children's trust fund committee should annually award contracts and grants from the children's trust fund to state and local government agencies, nonprofit community agencies, or educational institutions. The subcommittee recommends further that the contracts and grants must be used for the development or delivery of child abuse and neglect prevention services which may include educational programs;
- (e) The statutes be amended to require that no more than 5 percent of the moneys in the children's trust fund may be expended for administrative expenses related to the fund and that the travel expenses for the committee members who are not state employees may be withdrawn from the trust fund;
- (f) The statutes be amended to provide that the trust fund committee meet at least twice a year; if additional meetings are required, they should be called at the discretion of the director of the department of human resources and within the limits of the 5 percent budget established in item (e) of this recommendation;

- (g) The statutes be amended to provide that any balance of funds remaining in the children's trust fund account at the end of the fiscal year be carried over to the next fiscal year; and
- (h) The statutes be amended to require the director of the department of human resources to submit a report regarding the children's trust fund for child abuse and neglect prevention to each regular session of the legislature and to report to the 1987 legislature regarding the possible need to expand the fund to include contracts or grants to community-based programs providing counseling and treatment services to abused children.
(BDR 38-154)

The subcommittee recommends further that any additional department of human resources' staff positions, which are provided by increased general fund appropriations for child abuse and neglect services, serve the function of providing liaison assistance to the children's trust fund administrator and the children's trust fund committee.

COURT APPOINTED SPECIAL ADVOCATES

- 7. The Court Appointed Special Advocate program be expanded into Nevada's rural areas.

CRIMINAL BACKGROUND INVESTIGATIONS OF CERTAIN PERSONS WORKING WITH CHILDREN

- 8. The statutes be amended to require a criminal background investigation as an additional condition of employment for each person employed or seeking employment, for compensation, in a child care facility, public or private school, or any other public or private facility or institution which cares for children 17 years of age or younger. The subcommittee recommends further that such a person must submit to a criminal background investigation which should include, among other things, providing his fingerprints to the Federal Bureau of Investigation (FBI). The subcommittee recommends, moreover, that the individual employee or his employer bear all costs of the investigation. In addition, the subcommittee recommends that any person found to have been convicted of child abuse or neglect, any sex offense, or any violent act should be immediately terminated if already employed in a facility or institution caring for or serving children, or should be denied employment if he is an applicant for employment. (BDR 38-155)

9. The statutes be amended to provide that the penalty for hiring a person who has not submitted to proper investigation and fingerprinting as a compensated employee of a child care facility or public or private school be a gross misdemeanor. (BDR 38-155)
10. The statutes be amended to require family members and other residents of child care facilities who are 16 years of age or older to submit to criminal background investigations and fingerprinting. (BDR 38-155)

DEPARTMENT OF HUMAN RESOURCES' AUTHORITY AND RESPONSIBILITY
CONCERNING SERVICES TO ABUSED AND NEGLECTED CHILDREN

11. The statutes be amended to authorize the welfare division of the department of human resources to coordinate state and community efforts in the prevention, identification and treatment of child abuse and neglect in Nevada. (BDR 38-153)
12. The statutes be amended to designate the welfare division of the department of human resources as the single state agency responsible for the coordination and planning on a statewide basis of child protection services (CPS) in Nevada. The subcommittee recommends further that the welfare division's coordination and planning functions include, but not be limited to, the following:
 - (a) Legal authority to establish standards for the uniform provision of child protective services throughout the state;
 - (b) The necessary staff to monitor and evaluate the child protective services provided throughout the state; and
 - (c) Authority to take corrective action to assure local compliance with state standards. (BDR 38-153)
13. The statutes be amended to authorize the welfare division of the department of human resources to provide directly or arrange for the provision of child protective services from public or private, state or local agencies. The subcommittee recommends further that the welfare division be authorized to provide financial support, within the limits provided by the legislature, to child protective services programs provided by local agencies. (BDR 38-153)

14. The statutes be amended to designate the welfare division of the department of human resources as the state agency responsible for administering state and federal funds for child abuse and neglect. (BDR 38-153)
15. A concurrent resolution be enacted directing the department of human resources to report to the 1987 legislature its experiences, both positive and negative, as they pertain to child abuse and neglect legislation adopted by the 1985 legislature. (BDR 161)

EXTENDING VICTIMS OF CRIME COMPENSATION TO
ABUSED AND NEGLECTED CHILDREN

16. The statutes be amended to assure that the victims of child abuse and neglect are included under the provisions of chapter 217 of Nevada Revised Statutes, "Aid To Certain Victims Of Crimes." (BDR 16-160)

FUNDING OF CHILD ABUSE AND NEGLECT SERVICES IN NEVADA

17. The 1985 legislature appropriate additional funds from the state general fund for state and local services to aid abused and neglected children. The subcommittee specifically recommends that necessary funds be provided to adequately fund the following activities and positions:
 - (a) Counseling and treatment services for the victims of child abuse and neglect;
 - (b) A statewide 24-hour response system for child abuse and neglect cases;
 - (c) A permanent child abuse specialist position in the department of human resources;
 - (d) State welfare staff to monitor and evaluate the child protective services provided throughout the state;
 - (e) State welfare staff to plan the delivery of child protective services;
 - (f) Training programs for child protective services staff, law enforcement officials, and medical personnel; and
 - (g) Emergency intervention services to be made available in each county.

18. The department of human resources develop and implement a child protective services' funding formula which provides for the distribution of funds to local governments based on child population. In developing the funding formula, the subcommittee recommends that the department make the necessary adjustments to meet the special needs of the rural counties.
19. The local governments increase their financial commitment to child abuse and neglect services.
20. The department of human resources provide each county with sufficient state funds, within the limits set by the legislature, to provide for both child abuse and neglect services under one county agency.

LICENSING FAMILY DAY CARE HOMES

21. The statutes be amended to require licensing of any facility furnishing care on a temporary or permanent basis, during the day or overnight, for compensation, to one or more children under 18 years of age who are not related to the person operating the facility.
(BDR 38-156)

MULTIDISCIPLINARY PROTECTIVE SERVICE TEAMS

22. Creating multidisciplinary teams comprised of experts in such fields as social work, medicine, mental health, law and child development to deal with child abuse and neglect cases in every community. The subcommittee recommends further that the concept of a multidisciplinary team be included in the statutes but that the composition of the team not be mandated because this would tend to limit flexibility.

REPORTING CHILD ABUSE AND NEGLECT

23. The statutes be amended to conform Nevada's child abuse reporting requirements to the provisions of the National Center on Child Abuse and Neglect's Federal Model Child Protection Act (Revised 1983). (BDR 16-159)
24. The statutes be amended to make it a felony for certain persons, who are required by statute to report, to fail to report child abuse and neglect and for any person to prevent or attempt to prevent a person from making a report. (BDR 16-159)

STATE POLICY REGARDING ABUSED AND NEGLECTED CHILDREN

25. The statutes be amended to express the policy of the State of Nevada as being that the state's first priority regarding abused and neglected children is the protection of the child and the second priority is the maintenance of the family structure. (BDR 5-157)

REPORT TO THE 63RD SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO
REVIEW AND EVALUATE THE COMPREHENSIVE
STATEWIDE PLAN FOR SERVICES TO AID
ABUSED AND NEGLECTED CHILDREN

I. INTRODUCTION AND OVERVIEW OF SERVICES TO AID
ABUSED AND NEGLECTED CHILDREN

The effects of child abuse are devastating. Each year one million American children suffer from child abuse. More than 2000 of these children die; for many of those who live, the hurts inflicted on them as children influence their entire lives. And ours. (23:4)*

The National Center on Child Abuse and Neglect has defined an "abused or neglected child" to mean a child, a person under the age of 18, whose "physical health is harmed or threatened with harm by the acts or omissions of his parent or other person responsible for his welfare, or whose mental health is harmed or threatened with harm." (36:2)

States and their local governments are responsible for providing services in response to reports of abused and neglected children. Such services include programs for the identification, treatment and prevention of child abuse and neglect.

All states have child abuse laws that generally protect children through child protective services. Child protective services begin with the receipt and investigation of reports and include the necessary care and treatment programs in confirmed cases of child abuse and neglect.

*The numbers in parentheses at the end of sentences refer to items in the bibliography and footnotes section of this report. The number before the colon refers to the publication or footnote entry, and the number(s) after the colon refers to the page number(s) of the publication. For example, the citation (23:4) refers to page 4 of the 23rd entry in the bibliography--It Shouldn't Hurt To Be A Child.

Administrative responsibility for child protective services varies among states and localities. In many states, protective services are provided directly and administered by local departments of welfare or social services or by a separate child protective services unit. The states' social services or human resources department supervises and evaluates the services provided by the local agencies. The state agency is often responsible for the coordination, development, funding and planning of child protective services. Additional state activities include training personnel; providing technical assistance to local programs; and maintaining a central register of child abuse and neglect cases. Some states also operate a 24-hour telephone hotline for reporting incidents of abuse or neglect. Each state's involvement in these activities varies according to administrative policy and statutory authority. Services to assist abused and neglected children in some states are funded, controlled, and provided by the responsible state agency. (40:3)

The 1979 session of the Nevada legislature, recognizing the need to improve child protective services in Nevada, adopted Senate Concurrent Resolution No. 17 (File No. 137, Statutes of Nevada 1979) which directed 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. The resolution called for the study to consider, among other things, the interrelationships between the public and private agencies providing child abuse and neglect services; ways to coordinate public and private agencies' efforts to prevent child abuse and neglect; the elimination of duplicative and overlapping services in order to improve the effectiveness and efficiency of services; and, those services and programs which are most needed to improve current efforts to prevent child abuse and protect children. (44:1)

In its report to the 1981 legislature, the legislative commission's subcommittee on child abuse, which was established under Senate Concurrent Resolution No. 17, recommended the 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. (44:vi) The subcommittee's recommendation was enacted into law as Assembly Bill 50 of the 61st legislative session (chapter 291, Statutes of Nevada 1981).

Assembly Bill 50 created the position of specialist for child abuse and neglect in the department of human resources. Section 2 of the act mandated that the

specialist develop a comprehensive statewide plan for the organization, financing and coordination of child abuse and neglect services. Under the provisions of the legislation, the statewide plan was to include the following:

- (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. (6:1)

Assembly Bill 50 also specified that the child abuse and neglect specialist was to report quarterly to the legislature's interim finance committee regarding, among other things, proposals for legislation for presentation to the 62nd session of the legislature. Appendix A contains a copy of A.B. 50.

In compliance with the provisions of A.B. 50, the department of human resources (DHR) submitted a report entitled Child Abuse and Neglect: A Report and Recommendation on How the Present System of Services Works in Nevada and How It Could Be Improved to the 1983 session of the Nevada legislature. This document, hereafter referred to as the "comprehensive statewide plan for services to aid abused and neglected children" or "the plan," was prepared by the DHR specialist for child abuse and neglect.

The comprehensive statewide plan for services to aid abused and neglected children describes Nevada's present system of serving abused and neglected children and offers alternative recommendations for establishing a coordinated and unified network of statewide and community-based emergency and follow-up services. Issues discussed in the plan include the administrative structure for statewide protective services, the costs and financing of child abuse and neglect services, multidisciplinary protective service teams, the function of child protection teams, and long-term therapy programs. (See Appendix B for the summary from the plan.)

Because the department of human resources' statewide plan for services to aid abused and neglected children was not received by the 1983 legislature until late in the session, the legislature did not have sufficient time to review the voluminous study with its numerous recommendations. Moreover, the legislature could not act on any of the plan's recommendations for legislation because of the report's arrival after the final date for bill draft requests. (15:2)

The 1983 Nevada legislature, concerned over the need for a thorough legislative review of the comprehensive statewide plan for services to aid abused and neglected children, adopted Assembly Concurrent Resolution No. 47 (File No. 137, Statutes of Nevada 1983) which directs the legislative commission to review and evaluate the plan. Pursuant to the resolution, the legislative commission appointed a subcommittee composed of legislators to conduct the study and recommend appropriate actions to the 1985 session of the Nevada legislature.

As mandated by A.C.R. 47, the study covered a review and evaluation of the comprehensive statewide plan for the organization, financing and coordination of programs and services to aid abused and neglected children. In accordance with the directions of the resolution, public hearings were conducted for the purpose of gathering information and comments from state, county and local agencies concerning the plan.

Before commencing the public hearing portion of the study, the subcommittee directed its staff to prepare a summary of the recommendations included in the comprehensive statewide plan for services to aid abused and neglected children. The summary of the plan's recommendations is included as Appendix C of this report.

The subcommittee held public hearings in Las Vegas on January 13, 1984, and in Reno on April 13, 1984. On June 22, 1984, a work session was held in Las Vegas. At the work session, the subcommittee adopted recommendations to be included in its report to the legislative commission and the 1985 legislature.

The subcommittee compiled a wealth of reports, periodical articles and other information relating to services to aid abused and neglected children. These documents, as well as certain correspondence to the subcommittee, are cited in the "Bibliography and Footnotes" section of this report.

The subcommittee heard testimony from administrators and staff of private and public child protective services

agencies; attorneys in private practice; clergymen; concerned citizens; law enforcement officers; representatives of organizations interested in the welfare of children and youth; and state and local officials, including representatives of the state's judiciary. All persons who made presentations to the subcommittee are listed in the "Credits" section of this report.

A. BACKGROUND OF THE CHILD ABUSE AND NEGLECT PROBLEM

Children have been abandoned, physically assaulted, neglected, emotionally traumatized, sexually molested, and even murdered by adults throughout history. It was not until 1962, when C. Henry Kempe, M.D., and his associates presented clinical evidence of child maltreatment with their definition of the "battered child syndrome," that the American public gave recognition to the problem of child abuse. The problem of child abuse and neglect now ranks as one of the Nation's greatest health risks to children. (30:15)

The National Center on Child Abuse and Neglect and the National Committee for Prevention of Child Abuse both estimate that at least one million children suffer from abuse and neglect. More specific statistics indicate that as many as 100,000 to 200,000 children are physically abused, 60,000 to 100,000 children are sexually abused, and the remainder are neglected. (29:2) Between 2,000 and 5,000 children die each year as a result of child abuse or neglect. Because of the underreporting of child abuse and neglect cases by reluctant parents and frightened children, some estimates range as high as three million abused children per year.

The number of reported cases of abuse and neglect continues to rise. The American Humane Association found that reports of child abuse and neglect documented nationwide increased by 106 percent between 1976 and 1981. (24:2)

In Nevada, there were 5,099 total reports of child abuse and neglect in 1983. This figure includes both substantiated and nonsubstantiated reports.

According to the welfare division of the department of human resources, there were 2,290 substantiated reports of child abuse and neglect in Nevada in 1982 and 2,886 substantiated reports in 1983. The 1982 figure represents a 13 percent increase over the number of reports in 1981, while the 1983 figure reflects a 16 percent increase over 1982. Nevada's rate of increase for 1983 is close to the national

average of 17 percent, as determined by the National Committee for Prevention of Child Abuse and Neglect. (56)

While there is no simple answer to the causes of child abuse, research has uncovered some of the tragic consequences of such abuse. For example, child abuse has been linked to juvenile delinquency and subsequent adult criminal behavior. During a 1983 hearing before the United States Senate Subcommittee on Juvenile Justice, Dr. James Garbarino of Pennsylvania State University testified that "most of the serious aggressive and destructive juvenile crimes are perpetrated by youth who have experienced abuse." (50:14) Some recent studies reveal that 75 percent of prison inmates in the United States report that they were victims of child abuse. (50:1)

Many of the problems experienced by adolescents may be connected to child abuse and neglect. Alcohol and drug abuse, an increasing rate of teenage suicide, failure in school, running away, and teenage pregnancy are some of the problems believed to be related to child abuse and neglect.

Probably the most disturbing aspect of child abuse is its cyclical nature. It is estimated that those persons who have suffered abuse as children are 80 percent more likely to abuse their own children. (30:2)

After being subjected to violence at home, abused children may take out their anger and frustration on their own children or on society in general. The problems experienced by the victims of child abuse eventually touch all members of the community in some way--either directly by criminal acts or indirectly by increased taxes to support necessary services provided by criminal justice and social services agencies.

See Appendix D of this report for a more detailed description of the child abuse and neglect problem.

B. HISTORICAL REVIEW OF FEDERAL AND STATE CHILD PROTECTION LAWS AND PROGRAMS

After Dr. Kempe identified child abuse as a clinically observable condition in 1962, individual states began to enact mandatory child abuse reporting statutes. Twenty states had adopted a reporting statute by 1964, and all 50 states had enacted such laws by 1974. Because the scope and purpose of those laws have expanded over the years to include much more than reporting requirements, today the statutes are referred to as child protection laws.

All states currently have statutes which make mandatory the reporting by certain persons of suspected cases of child abuse. The legislation varies in comprehensiveness and includes many areas of concern. Some of the basic areas include: (1) the purpose of the statute; (2) a definition of abuse and, consequently, what sort of injury must be reported; (3) who is required to report suspected cases of child abuse; (4) how and to whom such a report is to be made; (5) whether immunity from civil and/or criminal liability is granted to those persons who are required to report; (6) whether the privileged status of certain confidential communications is voided in cases of child abuse; (7) whether the statute creates a central registry; and (8) whether there is a sanction for failure to make the required report. (43:3)

Until 1974, the Federal Government's role in child abuse and neglect was largely confined to financial assistance to the states for child welfare and social services. This changed when President Richard M. Nixon signed into law the Child Abuse Prevention and Treatment Act (Public Law 93-247) on January 31, 1974. The act established the National Center on Child Abuse and Neglect to compile information and conduct studies on child abuse and neglect. The law also provided for the center to award demonstration and research grants to seek new methods of identifying, treating, and preventing the problem; and it granted the states funding for improving their child protective services. (33:30)

Congress amended the Social Security Act in 1975 to require states to provide protective services for physically abused children in order to receive federal social service grants. As a result of this condition being attached to the federal funds, every state provided child protective services by 1978. The National Center on Child Abuse and Neglect developed the Model Child Protection Act to assist states in upgrading their laws and procedures so that they could qualify under the federal funding eligibility requirements. The model act provides the states with a scheme for organizing child protective services, and it is considered "the most comprehensive approach to date for dealing with the problems of abuse and neglect." (32:251)

The Model Child Protection Act and the Child Abuse Prevention and Treatment Act prompted the states to improve their child abuse and neglect laws and child protective services (CPS) programs. Since the midseventies, some of the most common statutory changes identified by the American Bar Association include the following:

1. Category of mandatory reporters broadened to include a wide range of professionals as well as lay citizens.
2. Areas of reportable maltreatment enlarged (e.g., neglect, sexual abuse, emotional abuse/mental injury).
3. Increased designation of CPS agencies as the sole recipients of all reports.
4. Mandatory appointment of guardians ad litem in court cases related to abuse or neglect.
5. Limits placed on access to CPS records.
6. Abolishment of other privileged communications besides doctor-patient.
7. Criminal penalties established for failing to report.
8. CPS agency investigative responsibilities and time limits spelled out.
9. Specific standards set for emergency removal (protective custody) of children from their homes.
10. Age limits on children covered by abuse and neglect laws raised to 18.
11. Failure to provide specific medical treatment exempted from abuse and neglect laws when based on parents' practice of their religious beliefs.
(17:2)

A recent analysis of state child abuse statutes by the American Humane Association (AHA) determined that most state laws emphasize reporting requirements and investigation procedures over service and treatment. The AHA concluded that "in all cases there is less than adequate direction and guidelines on service provision or treatment." (26:9)

C. NEVADA'S CHILD ABUSE AND NEGLECT LAWS

The State of Nevada enacted its first child abuse and neglect legislation in 1965 by making it the state policy to provide for the protection of physically abused or neglected children. The policy was amended in 1975 to read as follows:

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. (Nevada Revised Statutes 200.501.)

The definition of child abuse and neglect was added to the Nevada Revised Statutes by the 1975 session of the legislature and was amended by the 1981 legislature. The current definition is as follows:

* * * "Child abuse and neglect" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation or 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. (Subsection 1 of Nevada Revised Statutes 200.5011.)

Nevada's statutory 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.

Nevada law requires certain professionals to report suspected cases of abuse or neglect including: attorneys, child care operators, chiropractors, clergymen, dentists, emergency medical technicians, employees or volunteers of agencies which provide advice regarding child abuse and neglect, hospital administrators and staff, nurses, optometrists, physicians (including interns and residents), physicians' assistants, psychologists, school administrators, social workers and teachers. 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 in good faith.

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

The 1975 legislature formalized the state's reporting system for child abuse by establishing a statewide central registry for child abuse. In 1977, the legislature authorized the state welfare division to designate a county hospital in both Washoe and Clark counties as a regional registry.

In recent years, the legislature has enacted additional statutory provisions to protect children against sexual abuse. 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. The 1981 legislature further defined sado-masochistic abuse and added "sexual exploitation," which is most often associated with child prostitution and child pornography, as a statutory definition under child abuse and neglect. In 1983, the sixty-second session of the legislature increased the penalties for encouraging a minor to be involved in pornography or promoting child pornographic material to life imprisonment or a minimum of at least 5 years in prison and a fine of up to \$100,000. (8)

D. OVERVIEW OF SERVICES TO AID ABUSED AND NEGLECTED CHILDREN IN NEVADA

Every state follows three steps to successfully resolve a case of child abuse or neglect. First, the abused child must be identified and his case reported. Second, once a report is made to a statewide or local agency, an investigation must be conducted to resolve three complex issues: (a) Has the child been abused? (b) What are the chances that treatment will be successful? (c) What are the treatment needs of the child and what provisions for treatment exist within the community? Third, voluntary or involuntary intervention or implementation of the treatment plan must take place. (19:2)

Subsection 1 of Nevada Revised Statutes 200.502 requires that reports of child abuse or neglect "must be made promptly to the local office of the welfare division of the department of human resources, to any county agency authorized by the juvenile court to receive such reports, or to any police department or sheriff's office * * *." Under NRS 200.504, the duties of the state welfare division or the authorized county agency are, among other things, to file child abuse and neglect reports with the central registry,

to investigate each report, and to provide the necessary social services so as to protect the child and preserve the family.

Although the State of Nevada is clearly mandated by law to ensure that services are provided to abused and neglected children, there is some question concerning the repeated reference in the statutes to "or the authorized county agency designated by the juvenile court." As stated in the comprehensive statewide plan for services to aid abused and neglected children, the reference to "authorized county agency" has been a focal point of argument because it implies that the juvenile court is actually the entity responsible for providing services directly, if they are not provided by some other entity. The plan explains that the juvenile court's statutory authority to select a county agency to provide child protective services was, more than likely, intended to ensure that some other responsible agency could be designated in areas of the state where the welfare division's services were either not available or not desired. (34:7)

The county in which a child abuse or neglect report is made will determine which agency will make the investigation. For instance, the state welfare division investigates child abuse and neglect reports in some rural counties and child abuse, but not neglect, reports in Clark County. Local county agencies investigate child abuse and neglect reports made in Washoe County and several of the rural counties but only child neglect reports in Clark County.

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 and placed in emergency shelter care. The child may be placed in a shelter facility, such as Child Haven in Clark County, La Casa in Washoe County, or foster homes licensed and approved to provide emergency shelter care. If it is later determined by the court that a child cannot be safely returned home, he is placed in foster home care.

Collectively, the services described above are known as protective services. In each instance of child abuse or neglect, the protective service worker makes every effort to maintain or 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 usually monitors the home for 6 months to ensure the child's safety and assure an improvement in parental skills. If the family cannot be reunited, however, permanent placement

plans are made for the child, which may include placement with relatives or terminating parental rights and placing the child for adoption.

In some counties in rural Nevada, the welfare division contracts with agencies to provide protective services. These agencies are the Humboldt County Juvenile Probation Department (Humboldt, Lander and Pershing counties); the Fifth Judicial District (Esmeralda and Nye counties); and the Ninth Judicial District (Douglas County). The remainder of the rural counties are provided services by the state welfare division's district offices located throughout the state.

Washoe County is provided all its protective services by the Washoe County Department of Social Services.

In Clark County, the state welfare division provides child protective services to abused children while the Clark County Juvenile Court Services provides such services to neglected children.

The current system for providing child protective services in Clark County is the result of a formal agreement between the state welfare division and the Clark County Juvenile Court. Under the terms of the agreement, the welfare division is responsible for providing the majority of emergency services for abused children while the juvenile court is responsible for neglect cases. Appendix E contains a diagram which shows how child abuse and neglect cases flow through the various child protective services agencies in Clark County.

The comprehensive statewide plan for services to aid abused and neglected children describes the Clark County system as "the best example of the worst situation" in Nevada because of its costly problem of duplication of effort and its gaps in services. (34:8) As mentioned in the plan, duplication exists in many instances in Clark County when the welfare division investigates a child abuse complaint only to find that it is an abuse complaint which will have to be investigated by the juvenile court. Furthermore, the same duplicative actions result when the juvenile court investigates a child neglect report which is later discovered to be an abuse case which state welfare must handle. Moreover, a lack of coordination on the part of any one agency is identified by the plan as causing gaps in the Clark County system.

Outside of Clark County, the greatest problem in Nevada's child protective services system appears to be in the rural areas of the state. The comprehensive statewide plan for services to aid abused and neglected children reveals that

support services, such as emergency foster homes and home-maker services, are virtually nonexistent in some of Nevada's rural counties.

"Fragmentation," "duplication," and a "lack of coordination" are the terms used to describe Nevada's present system of providing services to abused and neglected children. These characteristics of the current system are stated as such in the comprehensive statewide plan for services to aid abused and neglected children. The plan attributes these problems to the inadequacy of the current system's structure for administering child protective services on a statewide basis. (34:60)

E. RECENT ACTIVITIES IN OTHER STATES

During the last few years, there has been a steady increase in state legislative activity related to child abuse. Some of the major reform-oriented amendments adopted by the various states since 1980 include the following:

- Child protection laws broadened to cover sexually exploited children (those involved in prostitution or pornography).
- Feedback allowed to reporters on outcome of investigations.
- Expansion of criminal laws and increased penalties in child abuse cases (particular in sexual abuse and sexual exploitation cases).
- Children's Trust Funds created (or other methods of creative financing of child abuse prevention and treatment programs).
- State level programs, offices, or councils on child abuse and neglect established.
- Multi-disciplinary teams required in each county (and given legal access to CPS agency records).
- Categories of possible perpetrators of child abuse broadened to include others residing in household besides biological parents and legal guardians, as well as staff members of residential institutions and day care centers.
- Legal protections against firing or other retaliatory job actions provided for "whistle blowers" who report institutional child abuse.

- Process developed for expungement of old CPS records of unfounded reports of abuse.
- Inter-agency sharing of child abuse information and a cooperative investigative process (particularly between CPS, police, and the schools) mandated.
- Criminal penalties created for making false child abuse reports.
- Laws on evidence revised to permit greater use of the statements of child victims (e.g., more liberal in-court use of out-of-court statements and videotaped testimony).
- Civil and criminal immunity extended beyond reporters to those involved in the investigative process and those taking children into protective custody.
- Time limits set for filing court actions and holding hearings.
- Legal recognition given to use of court-appointed non-attorney guardians ad litem (or Court Appointed Special Advocates) on behalf of children. (17:2,3)

Two proposals which are gaining increased legislative attention, if not approval, are the children's bill of rights and the children's trust fund.

The concept of a children's bill of rights comes from the need for children to receive special protection when involved in the criminal justice system. Illinois and Wisconsin are two of the states which have taken initial action to provide such protection.

Illinois has introduced an "Abused Child Shield Law" which, if enacted, would protect children who are either a victim of child abuse or a witness to an abusive situation. The proposed law provides for in-chamber videotaping of the child's deposition, the child's right to counsel, exclusion of the child from court proceedings, and videotaping of any followup questioning. (25:17,18)

Wisconsin has enacted a "Children's Bill of Rights" which provides each child with a court-appointed guardian who is (1) to explain, in language understandable to the child, all legal proceedings; (2) to assist the child and his family in coping with the emotional impact of the crime and the subsequent criminal proceedings; and (3) to advise the district attorney and the judge concerning the child's understanding of the proceedings and the potential effects of the proceedings on the child. (7)

Child abuse prevention has been an important item on recent state legislative agendas. A key factor for prevention programs is the availability of funding. Beginning in 1980, children's trust fund legislation emerged as the funding mechanism of choice in at least six states: California, Iowa, Kansas, Michigan, Virginia and Washington. (30:17)

The funding for most of these trusts is generated by a variety of surcharges. Iowa, Kansas, Virginia and Washington have increased marriage license fees and earmarked some proceeds for their children's trust funds. California's trust fund relies on a surcharge on copies of birth certificates. Michigan, the exception to the use of surcharges, allows its taxpayers to designate up to \$2 of their income tax refund to the children's trust fund. (29:5)

In 1982, Arizona enacted legislation very similar to the children's trust fund but concerning both the prevention and treatment of child abuse. The fund receives revenue from marriage license fees, and it provides financial assistance to community treatment programs that offer direct services to abused children and their parents or guardians. (12)

Appendix F of this report describes the various state legislative strategies which may be considered for improving the delivery of child protective services.

II. FINDINGS AND RECOMMENDATIONS

As directed by Assembly Concurrent Resolution No. 47, the subcommittee reviewed and evaluated the comprehensive statewide plan for services to aid abused and neglected children. In its study, the subcommittee focused on the plan's conclusions and recommendations, but it also considered other relevant concerns, such as day care licensing, which were not addressed in the plan.

The subcommittee agrees with the comprehensive plan's conclusion that the quality of existing child protective services appears to be generally adequate but that the administration of these services on a statewide basis is generally inadequate. Likewise, the subcommittee acknowledges the plan's assertion that the lack of coordination at the state level is contributing to fragmentation and duplication in the delivery of services to abused and neglected children.

Although the subcommittee supports the plan's recommendation for designating the department of human resources as the

state entity responsible for ensuring that adequate and uniform child protective services are provided on a statewide basis; it does not agree with the recommendation that the child protective services duties of the welfare division should be transferred to the division of youth services. Instead, it believes the state welfare division is best able to assume the responsibility for developing statewide standards and coordinating and monitoring services.

Except for the recommendations to develop multidisciplinary protective service teams and to pursue new revenue sources to fund the service delivery system, the subcommittee has no comments to offer regarding the remaining recommendations made in the comprehensive statewide plan for services to aid abused and neglected children. (See Appendix C for a summary of the recommendations.) It should be pointed out, however, that some of the subcommittee's recommendations may relate directly or indirectly to certain aspects of the plan and its recommendations which are not discussed above.

The following sections of this report represent the subcommittee's recommendations and legislative proposals pertaining to child abuse and neglect, including changes needed to improve state and local services to aid abused and neglected children. The recommendations cover a broad range of topics including child abuse education and prevention programs, a child protection act, child protective custody hearings, a children's trust fund for child abuse and neglect prevention, court-appointed special advocates, requiring criminal background investigations of certain persons working with children, the department of human resources' authority and responsibility concerning services to aid abused and neglected children, extending victims of crime compensation to abused and neglected children, funding child abuse and neglect services, licensing family day care homes, multidisciplinary protective service teams, reporting child abuse and neglect, and the state policy regarding abused and neglected children.

A. CHILD ABUSE EDUCATION AND PREVENTION PROGRAMS

At the very least, by increasing the visibility and understanding of child abuse and neglect, it is hoped that a more general concern for the welfare of our state's children and youth will be advanced. (34:1)

The passage quoted above is from the "Forward" section of the comprehensive statewide plan for services to aid abused and neglected children, and it emphasizes the importance of

educating the public concerning the child abuse and neglect problem. Education, whether public awareness programs or formal classroom instruction, is now recognized as a key ingredient in any child abuse prevention program.

In addition to educating the general public and those lay persons interested in the problem, there is also a need to educate our children to protect themselves and to learn how to become nonabusive parents. Unfortunately, most schools do not offer child abuse education. Moreover, the comprehensive statewide plan for services to aid abused and neglected children reveals that most schools avoid teaching classes on child and family development. (34:4)

The Education Commission of the States has concluded that:

If child abuse prevention is ever to become a reality, more states will have to make a commitment to public education, and those who have already made the commitment will have to do a better job. (19:10)

During its public hearings in Las Vegas and Reno, the subcommittee heard several witnesses testify regarding the need for increased efforts in child abuse education. In Reno, a coordinator of a program for abused children suggested that parenting education should begin as early as possible and should be a part of the public school curriculum. (58) At the same meeting, the subcommittee received a presentation regarding California's Child Assault Prevention (CAP) Program which teaches children what they can do when faced with danger or abuse and where to seek help. (See Appendix G for a description of the CAP Program.)

The subcommittee recognizes the importance of education in preventing child abuse and neglect, and therefore, recommends:

Child abuse and neglect education be provided for the professionals and lay persons of each community.

School districts disseminate information which will educate children regarding abuse and neglect.

Two actions for the prevention of child abuse and neglect:

- (a) Parenting education begin as early as the preschool years of a child's life and be a mandatory part of the curriculum in elementary,

junior high and high schools. The subcommittee recommends further that the curriculum include, but not be limited to, communication, problem solving and conflict resolution skills, positive self-esteem and human development; and

- (b) Empower children against assaults of all types by a child abuse prevention program such as California's Child Assault Prevention Program which teaches children to be safe, strong and free.

B. CHILD PROTECTION ACT

The current states' statutes pertaining to child abuse and neglect vary greatly in their comprehensiveness. All 50 states and the District of Columbia have enacted statutes requiring that child abuse be reported to a designated state agency or official. Child abuse and neglect may be addressed by several different sections of each state's laws (e.g., criminal laws, reporting statutes, juvenile or family court laws and other civil law), each of which may be different in terms of definition, scope and application. Because of this, the National Center on Child Abuse and Neglect urges states to adopt comprehensive child abuse and neglect laws as part of their civil statutes.

The major purposes of such a law are to:

1. Provide a single definition of child abuse and neglect to promote uniformity in terms and definitions;
2. Specify the conditions under which the state intervenes into family life;
3. Specify reporting requirements and procedures both for those persons mandated to report and those persons encouraged to report;
4. Encourage a therapeutic and treatment-oriented approach to child abuse and neglect, rather than a punitive approach;
5. Designate the administrative structures with primary responsibility for child abuse and neglect; and
6. Encourage coordination and cooperation among all disciplines which deal with abused and neglected children. (37:12)

Nevada's child protection statutes are currently separated in different chapters and titles of Nevada Revised Statutes. Part of these statutes (NRS 200.501 to 200.5085, "Child Abuse and Neglect") is contained in chapter 200 of NRS, "Crimes Against The Person." Others are found in chapter 62, "Juvenile Court Act," and there are still others (NRS 432.090 to 432.130, "Registries for Child Abuse and Neglect") in chapter 432 of NRS, "Public Child Welfare and Youth Services."

In their testimony to the subcommittee, the directors of the county child protective services agencies in Clark and Washoe counties both recommended that the state adopt a comprehensive child protection act. (57;60) This recommendation was also made by one of Washoe County's court-appointed special advocates who appeared before the subcommittee in Reno. (51)

The department of human resources presented the subcommittee with the results of a child abuse and neglect opinion survey which the department conducted in the first few months of 1984. The participants in this statewide survey included representatives of the following professions: education, judicial, juvenile probation, law enforcement, legal, medical, and social service and other human services. According to the survey, 93 percent of the respondents believe that a child protection act should be enacted in Nevada. (42:1,6)

The subcommittee concurs and, therefore, recommends:

That a comprehensive child protection act be added to the Nevada Revised Statutes. The subcommittee recommends that the act clarify which agencies are responsible for child protection and welfare and which jurisdictions are responsible for funding child abuse and neglect services. The subcommittee recommends further that the child protection act give authority and responsibility for child protective services to the department of human resources, cover definitions, and describe program services and procedures.

C. CHILD PROTECTIVE CUSTODY HEARING

During the subcommittee's public hearing in Reno on April 13, 1984, attorneys and concerned parents expressed dissatisfaction with the inadequacy of procedural safeguards to protect parental and family rights in Nevada's child protective custody system. In particular, they stated their concern over the considerable length of time which is allowed to elapse before a hearing is held after a child has been removed from his parents in cases of child abuse or neglect.

According to the standards relating to abuse and neglect adopted by the Institute of Judicial Administration and the American Bar Association, the court should convene a hearing as soon as possible after a child has been removed from his parents to determine whether emergency temporary custody of the child should be continued. The rationale for this standard is as follows:

The guiding principle here is the recognition of the importance of certainty and permanence to the child's psychological well-being. If there is no compelling reason to displace the presumption of parental autonomy, return to the custody of parents or other such caretakers should take place immediately. If custody is to be denied to the child's parents or caretakers, it is in the child's best interests to make a judicial determination swiftly in order to speed and facilitate permanent placement of the child. (1:99,100)

The juvenile master for one of Washoe County's judicial districts recommended to the subcommittee that a hearing be held within a certain time frame before an independent arbitrator or magistrate when a child is removed from his home. (55) A Reno attorney suggested requiring that such a hearing be held within 48 to 72 hours after a child has been removed from his or her parents. (52)

The subcommittee concurs and, therefore, recommends:

The statutes be amended to require either a juvenile master or a district court judge to hold a protective custody hearing to examine the facts within 72 hours after a child has been removed from his parents.
(BDR 5-158)

D. CHILDREN'S TRUST FUND FOR CHILD ABUSE AND NEGLECT PREVENTION

Throughout the course of its study, the subcommittee found a great amount of support for increasing state and local efforts in preventing child abuse and neglect. The subcommittee heard repeated testimony that providing more state funding for child abuse and neglect prevention programs will save the taxpayers money in the longrun because it will keep many children from entering more costly systems such as the prison system.

As discussed in the introduction to this report, six states* have established children's trust funds for supporting child

*California, Iowa, Kansas, Michigan, Virginia and Washington.

abuse and neglect preventive services. There are two aspects to the children's trust fund:

1. Money to build the fund is generated by surcharges on marriage licenses, birth certificates or divorce decrees (or by specially designated refunds of income tax in those states which have a state income tax); and
2. An advisory group to establish priorities for distributing the fund is created from individuals with a demonstrated interest in preventing child abuse. (16:1)

A report by the National Conference of State Legislatures indicates that the children's trust fund concept is appealing because "(i)t relieves some of the pressure on regular state social services budgets, fosters the creation of community-based programs, encourages community-level planning, and focuses on the prevention aspect of child abuse and neglect." (29:6)

The subcommittee recognizes the serious need for the state to make every effort to prevent child abuse and neglect. It believes a children's trust fund, funded by increased birth certificate and marriage license fees, should be established to fund programs for preventing child abuse and neglect.

The subcommittee, therefore, recommends:

The statutes be amended to create a children's trust fund for child abuse and neglect prevention under the director of the department of human resources. The subcommittee recommends further that the trust fund be established in the following manner:

- (a) The statutes be amended to increase the state marriage license fee by \$1 and the state fee for birth certificates by \$2. One dollar of each marriage license fee and \$2 of each birth certificate fee collected should be deposited with the state treasurer who should transfer the funds to the welfare division of the department of human resources for deposit in the children's trust fund for the prevention of child abuse;
- (b) The statutes be amended to designate the director of the department of human resources as the administrator of the trust fund and to authorize the director to designate the state

welfare division certain administrative functions;

- (c) The statutes be amended to create a children's trust fund committee to develop criteria for awarding trust fund money and to make the final decisions regarding the awarding of contracts and grants. The committee should consist of the following seven members:

- (1) The administrator of the youth services division of the department of human resources;
- (2) The superintendent of a local school district to be appointed by the director of the department of human resources;
- (3) A district court judge to be appointed by the director of the department of human resources;
- (4) A director of a local child protective services agency to be appointed by the director of the department of human resources;
- (5) A representative of a community organization involved with children and youth to be appointed by the director of the department of human resources;
- (6) One public member with knowlege or experience in the area of child abuse services to be appointed by the governor; and
- (7) One Nevada legislator with knowledge or experience in the area of child abuse services to be appointed by the legislative commission.

The subcommittee recommends further that at least one of the seven members of the committee be a resident of a rural county.

- (d) The statutes be amended to provide that the children's trust fund committee should

annually award contracts and grants from the children's trust fund to state and local government agencies; nonprofit community agencies; or educational institutions. The subcommittee recommends further that the contracts and grants must be used for the development or delivery of child abuse and neglect prevention services which may include educational programs;

- (e) The statutes be amended to require that no more than 5 percent of the moneys in the children's trust fund may be expended for administrative expenses related to the fund and that the travel expenses for the committee members who are not state employees may be withdrawn from the trust fund;
- (f) The statutes be amended to provide that the trust fund committee meet at least twice a year; if additional meetings are required, they should be called at the discretion of the director of the department of human resources and within the limits of the 5 percent budget established in item (e) of this recommendation.
- (g) The statutes be amended to provide that any balance of funds remaining in the children's trust fund account at the end of the fiscal year be carried over to the next fiscal year; and
- (h) The statutes be amended to require the director of the department of human resources to submit a report regarding the children's trust fund for child abuse and neglect prevention to each regular session of the legislature and to report to the 1987 legislature regarding the possible need to expand the fund to include contracts or grants to community-based programs providing counseling and treatment services to abused children. (BDR 38-154)

The subcommittee recommends further that any additional department of human resources' staff positions, which are provided by increased general fund appropriations for child abuse and neglect services, serve the function of providing liaison assistance to the children's trust fund administrator and the children's trust fund committee.

E. COURT APPOINTED SPECIAL ADVOCATES

Federal guidelines, as promulgated by the National Center on Child Abuse and Neglect, state that "a child who is alleged to be abused or neglected should have independent legal representation in a child protection hearing." The guidelines emphasize the right of a child to have a guardian ad litem (appointed by the court in addition to the child's attorney) who may or may not be an attorney. The role of the guardian ad litem is to represent the rights, interests, welfare and well-being of the child. (37:26,27)

In Nevada, community volunteers function very similarly to guardians ad litem for abused and neglected children in Clark and Washoe counties. These volunteers participate in the Court Appointed Special Advocate (CASA) program in their respective counties. They are appointed by the juvenile court judge to represent the interests of abused and neglected children coming before the court. Appendix H contains a description of the CASA program in Clark County.

The subcommittee believes that every effort should be made to ensure that each child victim of abuse or neglect is assigned an independent advocate or guardian ad litem to represent his interests in court proceedings. The subcommittee feels, however, that it would be too costly at this time to mandate a guardian ad litem program at public expense. As an alternative, the subcommittee supports establishing CASA programs in every county in the state.

The subcommittee, therefore, recommends:

The Court Appointed Special Advocate program be expanded into Nevada's rural areas.

F. CRIMINAL BACKGROUND INVESTIGATIONS OF CERTAIN PERSONS WORKING WITH CHILDREN

Because of two well-publicized child sexual abuse cases in Washoe County (one involving children in a day care center and another involving children in a private preschool), the subcommittee received much correspondence and several telephone calls regarding the need for the state to strengthen its requirements for preemployment screening of the operators and employees of child care facilities. In response, the subcommittee and its staff researched the current state procedures for regulating child care workers. The results of this research is presented in the following paragraphs.

Nevada Revised Statutes 432A.131 provides that the child care services bureau of the youth services division (Nevada department of human resources) is the sole agency authorized to license child care facilities except for:

* * * Child care facilities in any county or incorporated city where the governing body has established a child care licensing agency and enacted an ordinance requiring that child care facilities be licensed by the county or city need not be licensed by the bureau. Such a licensing agency shall adopt such standards and other regulations as may be necessary for the licensing of child care facilities, and the standards and regulations:

(a) Must be not less restrictive than those adopted by the bureau.

(b) Take effect only upon their approval by the bureau.

According to the child care services bureau, the state licenses and regulates child care facilities in all areas of Nevada except Carson City, Las Vegas, the unincorporated areas of Clark County, and Washoe County. The jurisdictions noted above all have regulations which equal or exceed the state regulations.

State regulations (chapter 432A of Nevada Administrative Code) currently require each applicant (licensee and director) of a child care facility to sign an authorization which gives the child care services bureau permission to investigate his background. The bureau submits the applicant's personal information to the investigation division of the department of motor vehicles which checks for a criminal record. In addition, the bureau checks the child abuse central registry for any cases where the applicant is named as a child abuser. As a final measure, the bureau requests a local criminal report from the sheriff or police department in the applicant's community of residence.

A major problem with the current procedure is that Nevada has no central depository of criminal records which contains information from every jurisdiction. Another problem is that the statutes do not require submission of applicant fingerprints to the Federal Bureau of Investigation (FBI) central file on criminal records. Without the FBI records, the state has no way to identify persons with criminal records in other states.

Unlike the licensee and the director, the caretakers and support staff of child care facilities are not subject to background checks for criminal records.

The subcommittee discovered that five states (Alaska, California, Georgia, Illinois and Minnesota) have laws which

require the fingerprinting of the licensees or supervisory personnel of child care facilities. The Federal Bureau of Investigation informed the subcommittee that these five states submit fingerprint cards for certain employees working with minors.

California appears to be the only state that has enacted legislation which requires fingerprint checks of all child care workers [Cal. Health & Safety Code, § 1522 (West Supp. 1984)]. Similar legislation has been considered in Illinois.

Concerned over the need to prevent persons with records as child abusers or violent criminals from working with children, the subcommittee feels strongly that the state and its local governments should have the authority to require criminal background investigations for every person employed by or residing in a child care facility, school or any other facility or institution caring for children. Furthermore, the subcommittee believes that it should be a gross misdemeanor for an employer to hire any child care worker or similar employee who has not submitted to a criminal background investigation.

The subcommittee, therefore, recommends:

The statutes be amended to require a criminal background investigation as an additional condition of employment for each person employed or seeking employment, for compensation, in a child care facility, public or private school, or any other public or private facility or institution which cares for children 17 years of age or younger. The subcommittee recommends further that such a person must submit to a criminal background investigation which should include, among other things, providing his fingerprints to the Federal Bureau of Investigation. The subcommittee recommends, moreover, that the individual employee or his employer bear all costs of the investigation. In addition, the subcommittee recommends that any person found to have been convicted of child abuse or neglect, any sex offense, or any violent act should be immediately terminated if already employed in a facility or institution caring for or serving children, or should be denied employment if he is an applicant for employment. (BDR 38-155)

The statutes be amended to provide that the penalty for hiring a person who has not submitted to proper investigation and fingerprinting as a compensated employee of a child care facility or public or private school be a gross misdemeanor. (BDR 38-155)

The statutes be amended to require family members and other residents of child care facilities who are 16 years of age or older to submit to criminal background investigations and fingerprinting. (BDR 38-155)

G. DEPARTMENT OF HUMAN RESOURCES' AUTHORITY AND RESPONSIBILITY
CONCERNING SERVICES TO ABUSED AND NEGLECTED CHILDREN

Much testimony was received by the subcommittee in regard to the need for consistent and uniform child protective services and a coordinating authority to ensure that such services are provided on a statewide basis. Directors of local agencies, both public and private, serving abused and neglected children proposed that the department of human resources be authorized to coordinate and plan child protective services on a statewide basis. (59;60)

The comprehensive statewide plan for services to aid abused and neglected children also addresses the need for the department of human resources to coordinate statewide services. The following statements represent the plan's primary recommendation regarding the administration of child protective services:

Although there could undoubtedly be several administrative structures designed for the coordination, direction, operation and implementation of statewide Protective Service for abused and neglected children in Nevada, it would seem most logical for the State of Nevada, Department of Human Resources to be the state agency given the legislative mandate to assume primary responsibility for ensuring that adequate services are being provided throughout the state for these children and their families. It is important to note that, although this mandate may allow for other state and county agencies to carry out certain aspects of the service responsibilities, there should be no other divisions, bureaus or county agencies allowed to assume the critically important role of central coordination.

The Department of Human Resources has the greatest amount of administrative authority and flexibility needed to delegate and direct the activities of its various social service divisions, i.e., Nevada State Welfare, Mental Health, Youth Services, etc. Likewise, it has a highly visible status within Nevada government, which would allow it to be easily identified and contacted when concerns arise from local communities around the state. Also, in terms of legislative funding authorization and accountability, it would be much more effective to designate the Department as the state entity responsible for the coordination of all direct services and service contracts for abused and neglected children. (34:28,29)

In his testimony before the subcommittee, the director of the department of human resources recommended that the welfare division of the department of human resources be statutorily designated as the single state agency responsible for coordinating child protective services on a statewide basis through establishing uniform service standards, monitoring and evaluating services, and taking corrective action when necessary. He also suggested that the welfare division be specifically authorized to deliver child protective services in certain portions of the state, while providing financial assistance to any programs carried on by designated local agencies in the other areas of the state. (53)

The subcommittee concurs with the department of human resources and, therefore, recommends:

The statutes be amended to authorize the welfare division of the department of human resources to coordinate state and community efforts in the prevention, identification and treatment of child abuse and neglect in Nevada. (BDR 38-153)

The statutes be amended to designate the welfare division of the department of human resources as the single state agency responsible for the coordination and planning on a statewide basis of child protection services (CPS) in Nevada. The subcommittee recommends further that the welfare division's coordination and planning functions include, but not be limited to, the following:

- (a) Legal authority to establish standards for the uniform provision of child protective services throughout the state;
- (b) The necessary staff to monitor and evaluate the child protective services provided throughout the state; and
- (c) Authority to take corrective action to assure local compliance with state standards.
(BDR 38-153)

The statutes be amended to authorize the welfare division of the department of human resources to provide directly or arrange for the provision of child protective services from public or private, state or local agencies. The subcommittee recommends further that the welfare division be authorized to provide financial support, within the limits provided by the legislature, to child protective services programs provided by local agencies. (BDR 38-153)

The statutes be amended to designate the welfare division of the department of human resources as the state agency responsible for administering state and federal funds for child abuse and neglect. (BDR 38-153)

A concurrent resolution be enacted directing the department of human resources to report to the 1987 legislature its experiences, both positive and negative, as they pertain to child abuse and neglect legislation adopted by the 1985 legislature. (BDR 161)

H. EXTENDING VICTIMS OF CRIME COMPENSATION TO ABUSED AND NEGLECTED CHILDREN

The subcommittee recognizes that child victims of abuse and neglect and their families sometimes have to bear tremendous financial costs associated with medical treatment and psychological counseling. These costs increase if long-term therapy is necessary.

According to the National Organization for Victim Assistance, some states' victims assistance programs include victims of child abuse or neglect under their provisions.

Nevada's victim compensation program, as provided under chapter 217 of Nevada Revised Statutes, "Aid to Certain Victims of Crimes," specifically provides compensation for minors involved in the production of pornography, but does not provide for all child abuse and neglect victims. For example, children who are abused by a relative are excluded from the current statute because of a provision in NRS 217.220 which disallows compensation if the victim is a relative of the offender.

The legislative commission's subcommittee to study the problems of compensation for certain victims of criminal acts and possible statutory changes to entitle other victims of crime to compensation (Senate Concurrent Resolution No. 29, File No. 129, Statutes of Nevada 1983) has recommended legislation that would make victims of sexual abuse eligible for awards under the compensation for victims program, even if the offense is committed by a relative. (45:20) The S.C.R. 29 subcommittee has also made recommendations concerning compensation award limits for minors involved in pornography and in regard to videotaping the deposition of minors who are victims of sexual abuse.

The subcommittee agrees with these recommendations for sexually abused and exploited children but believes that additional statutory amendments are necessary in order to assure that all victims of the various types of child abuse and neglect are eligible for compensation under the state program.

The subcommittee, therefore, recommends:

The statutes be amended to assure that the victims of child abuse and neglect are included under the provisions of chapter 217 of Nevada Revised Statutes, "Aid To Certain Victims Of Crimes." (BDR 16-160)

I. FUNDING OF CHILD ABUSE AND NEGLECT SERVICES IN NEVADA

The comprehensive statewide plan for services to aid abused and neglected children states that adequate revenues must be available if the state's child protective services are to be provided at an adequate level in every community. It points out, however, that only a fraction of the money needed has been available to fund early intervention, emergency treatment or preventive services for abused and neglected children. (34:13)

Several persons appearing before the subcommittee testified in favor of increasing both state and local funding to child abuse and neglect programs. Some witnesses also suggested that the state should move away from its present reliance on federal Title XX funds or any other federal grant monies which support child protective services.

At the meeting which was held in Las Vegas on January 13, 1984, the director of the department of human resources advised the subcommittee of the need for additional funding for homemaker services, prevention programs, educating children to protect themselves, day care and respite care, staff training, 24-hour response, and emergency intervention services. In response to a question from the subcommittee, he indicated that the department's new child abuse specialist is only a temporary 1-year federal grant position. (53)

The director of a private agency serving abused and neglected children in Clark County proposed that the state develop a funding formula that earmarks protective services money available to local communities based on their juvenile population. (59) Similar recommendations for a state subsidy formula were made by representatives of county child protective services agencies from northern and southern Nevada.

Appendix I of this report is the subsidy formula which is found in the comprehensive statewide plan for services to aid abused and neglected children. The plan's recommendation, which the subcommittee opposes, is to use this formula for the local governments to reimburse the state for providing child abuse and neglect services instead of the state reimbursing each county for its services.

Another concern addressed by several witnesses during the subcommittee's public hearing in Las Vegas is the need to establish the protective services system in Clark County under one agency. As discussed in previous sections, Clark County Juvenile Court Services provides services to neglected children while the state welfare division serves abused children in Clark County. The director of the Clark County Juvenile Court Services suggested that his agency could provide services to both abused and neglected children if it received adequate state funds. (57)

Based on the testimony it received in its public hearings, the subcommittee believes that there is a definite need for increased state and local financial support for programs that assist abused and neglected children. Moreover, the subcommittee feels that the state can best express its commitment to resolving this problem by making child abuse and neglect a funding priority in the appropriations process during the 1985 session of the legislature.

The subcommittee, therefore, recommends:

The 1985 legislature appropriate additional funds from the state general fund for state and local services to aid abused and neglected children. The subcommittee specifically recommends that necessary funds be provided to adequately fund the following activities and positions:

- (a) Counseling and treatment services for the victims of child abuse and neglect;
- (b) A statewide 24-hour response system for child abuse and neglect cases;
- (c) A permanent child abuse specialist position in the department of human resources;
- (d) State welfare staff to monitor and evaluate the child protective services provided throughout the state;
- (e) State welfare staff to plan the delivery of child protective services;
- (f) Training programs for child protective services staff, law enforcement officials, and medical personnel; and
- (g) Emergency intervention services to be made available in each county.

The department of human resources develop and implement a child protective services' funding formula which provides for the distribution of funds to local governments based on child population. In developing the funding formula, the subcommittee recommends that the department make the necessary adjustments to meet the special needs of the rural counties.

The local governments increase their financial commitment to child abuse and neglect services.

The department of human resources provide each county with sufficient state funds, within the limits set by the legislature, to provide for both child abuse and neglect services under one county agency.

J. LICENSING FAMILY DAY CARE HOMES

Family day care is day care provided to a child in the home of another family or individual. A family day care home is a private family home in which children receive day care during some part of a 24-hour day.

Licensed child care facilities in Nevada include child care centers, child care institutions, family care homes, and group care homes. Child care centers provide day or night care for more than 12 children, and child care institutions provide day and night care and developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. Family homes provide care for at least five and not more than six children, and group homes care for no less than seven and no more than 12 children. (chapter 432A of Nevada Administrative Code, "Child Care Services.")

According to the child care services bureau of the department of human resources, state regulation of family day care homes extends only to homes operated by a person who is compensated for caring for five or more children. This conforms to the statutory definition of child care facility in subsection 2 of Nevada Revised Statutes 432A.020, which is:

* * * an establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, for compensation, to five or more children under 18 years of age.

In addition to the child care services bureau, certain local governments may license child care facilities if their standards and regulations are not less restrictive than the bureau. The local governments with licensing authority include Carson City, Las Vegas, Clark County, and Washoe County.

The City of Las Vegas and Clark County have expanded their licensing requirements to include homes caring for one or more children. Washoe County is considering reinstating its previous licensing requirement for family day care homes caring for two or more children.

Cognizant of the public concern over the recent national and local cases of children being abused in child care facilities, the subcommittee believes that it would be in the best interest of Nevada's children to require state or local licensing of all family day care homes and any facility where one or more children are cared for by a nonrelative who is compensated for such care.

The subcommittee, therefore, recommends:

The statutes be amended to require licensing of any facility furnishing care on a temporary or permanent basis, during the day or overnight, for compensation, to one or more children under 18 years of age who are not related to the person operating the facility.
(BDR 38-156)

K. MULTIDISCIPLINARY PROTECTIVE SERVICE TEAMS

During its public hearings in Las Vegas and Reno, the subcommittee heard testimony from certain witnesses who were proponents of utilizing the multidisciplinary team concept for working with abused and neglected children throughout Nevada.

The comprehensive statewide plan for services to aid abused and neglected children also supports the use of multidisciplinary protective service teams. The plan recommends the establishment of such teams throughout the state. The teams would consist of protective services workers and specialists representing fields such as law, law enforcement, nursing, pediatrics, and psychiatry or psychology. (34:20,21)

The subcommittee concurs and, therefore, recommends:

Creating multidisciplinary teams comprised of experts in such fields as social work, medicine, mental health, law and child development to deal with child abuse and neglect cases in every community. The subcommittee recommends further that the concept of a multidisciplinary team be included in the statutes but that the composition of the team not be mandated because this would tend to limit flexibility.

L. REPORTING CHILD ABUSE AND NEGLECT

Recognizing the need for Nevada to have a strong law for reporting child abuse and neglect, the subcommittee requested its staff to identify any problems with our current law and any conflicts between the state law and the federal reporting guidelines.

In his initial presentation to the subcommittee at its first meeting, the deputy legislative counsel assigned to the subcommittee said that Nevada's statutes require only those psychologists who have actually examined or treated an abused or neglected child to report a suspected case of abuse or neglect. He explained that psychologists who have obtained such information from other sources (e.g., a parent) are not required to report.

Subsequently, the deputy legislative counsel advised the subcommittee that the provisions of subsection 2 of Nevada Revised Statutes 200.502, which require certain persons to report abused or neglected children, do not conform to the legislative guidelines of the Federal Government in the Model Child Protection Act (revised, 1983). He indicated further that the federal guidelines would require abrogation of Nevada's testimonial privilege for confidential communications between abusers and their physicians, psychologists, and other practitioners of healing arts.

The subcommittee, therefore, recommends:

The statutes be amended to conform Nevada's child abuse reporting requirements to the provisions of the National Center on Child Abuse and Neglect's Federal Model Child Protection Act (Revised 1983). (BDR 16-159)

Appearing before the subcommittee at the Las Vegas public hearing, the director of a local women's organization testified that certain school administrators in Clark County are discouraging or preventing their teachers from reporting child abuse and neglect cases. She suggested that the penalty for failing to report abuse and neglect and for restraining or threatening a person against reporting should be a felony. (54)

The subcommittee concurs and, therefore, recommends:

The statutes be amended to make it a felony for certain persons; who are required by statute to report, to fail to report child abuse and neglect and for any person to prevent or attempt to prevent a person from making a report. (BDR 16-159)

M. STATE POLICY REGARDING ABUSED AND NEGLECTED CHILDREN

The introduction to The Child Protection Team Handbook says:

* * * The highest priority of treatment is to protect the child. If in doubt, the issue should be resolved in favor of the child. The second priority of treatment is to help the parents; and the third priority is to restore the family if possible. (2:3)

Despite the aforementioned statement and the testimony received by the subcommittee which indicates that the public believes the "best interests of the child" should be considered above all other factors in child abuse and neglect cases, the subcommittee concludes that present state administrative policies give equal if not more weight to efforts to maintain or reunite the family as compared with efforts to protect the abused or neglected child.

The subcommittee believes that state policy should reflect the best interests of the child as the state's first priority and, therefore, recommends:

The statutes be amended to express the policy of the State of Nevada as being that the state's first priority regarding abused and neglected children is the protection of the child and the second priority is the maintenance of the family structure. (BDR 5-157)

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APPENDIX A

Assembly Bill 50 (chapter 291, Statutes of Nevada 1981)

APPENDIX A

Assembly Bill No. 50—Assemblymen Coulter and Chaney

CHAPTER...291...

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; 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.

3. The specialist for child abuse and neglect is in the unclassified service of the state. He must have a background of working with cases which involve abuse or neglect of children.

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 evaluated.

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.

If the specialist submits a plan which would result in placing responsibility for cases of neglect and abuse of children in a single agency or department in the state, the recommendation must be accompanied by other proposals and estimates of the cost and effectiveness of each alternative. Any plan submitted must include information relative to increasing the participation of private persons and organizations in cases of abuse and neglect and alternate placement of victims outside institutions.

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.

5. Report at least once in each quarter to the interim finance committee of the legislature, setting forth in detail:

- (a) Problems encountered;
- (b) Recommendations made to the director of the department of human resources and measures taken by the department to put them into effect;
- (c) Developments in the field of abuse and neglect of children; and
- (d) Proposals for legislation which are being prepared for presentation to the 62nd regular session of the legislature.

SEC. 3. 1. This act shall become effective upon passage and approval.

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

APPENDIX B

Summary From Child Abuse and Neglect: A Report and Recommendation on How the Present System of Services Works in Nevada and How It Could Be Improved*

*Prepared on behalf of the Department of Human Resources by Frank P. Carmen. Submitted to the 1983 Session of the Nevada Legislature. April 8, 1983.

CHILD ABUSE AND NEGLECT

A REPORT AND RECOMMENDATION ON HOW
THE PRESENT SYSTEM OF SERVICES WORKS
IN NEVADA AND HOW IT COULD BE IMPROVED.



SUBMITTED IN COMPLIANCE WITH AB 50, AN
ACT PASSED DURING THE 61ST LEGISLATIVE
SESSION RELATING TO CHILD ABUSE AND NEGLECT;
WHICH CREATED THE POSITION OF SPECIALIST
FOR CHILD ABUSE AND NEGLECT IN THE
DEPARTMENT OF HUMAN RESOURCES; AND
DIRECTED THAT SUCH A REPORT BE FURNISHED
TO THE 62ND SESSION OF THE NEVADA STATE
LEGISLATURE.

PREPARED ON BEHALF OF THE
NEVADA DEPARTMENT OF
HUMAN RESOURCES BY

FRANK P. CARMEN

SUMMARY

This report essentially concludes that Nevada's present system for meeting the statutory obligations of providing services to abused and neglected children is woefully deficient. Although the quality of existing services being provided by both state and county agencies appears to be generally adequate, the systematic structure of administering these services on a statewide basis is generally inadequate. The existing system is actually a "non-system" made up of "Patchwork Agreements" with county welfare offices, local juvenile courts and various local and State agencies. There is very little formal coordination, there is a great deal of fragmentation and there is considerable duplication of effort. The best example of the worst situation exists in Clark County, Nevada, with its split responsibility between State Welfare and the Juvenile Court for abused and neglected children.

The report recommends against a continuation of the present status quo arrangements with county agencies to carry out the State's Protective Service responsibilities. Although it would be the "easy solution" to just increase the various purchase of service agreements with county welfare agencies and juvenile courts, Nevada would still have essentially a fragmented system, lacking effective coordination and encouraging duplication. Also, the friction which presently exists between State and local officials regarding funding responsibilities would continue.

The report recommends instead, that the State of Nevada, through its' Department of Human Resources, assume full responsibility for ensuring that an effectively unified Protective Service system be developed statewide. This should be accomplished by transferring the existing Protective Service responsibility from the Nevada State Welfare Division and placing it instead in a newly expanded Division of Children, Youth and Family Services or, at the very least, consolidating all Protective and Child Welfare Services into a highly visable unit within the Welfare Division.

The Division of Children, Youth and Family Services would establish multi-disciplinary Child Protection teams to function in at least three primary regions of the state, with smaller teams or units in rural areas of the state, which are the most distant or isolated. The State, through the coordinator of the Child Protection teams and the administrators of various divisions and departments, would see to it that each county would establish a committee made up of representatives from key agencies within the community, who would form a service network or consortium of programs for abused and neglected children.

The Child Protection teams would be primarily state employees, with some contract employees from speciality areas, who would be directly responsible for providing crisis intervention, investigative and emergency placement services. The community service consortium, operating out of the local mayor's office or juvenile court, would be responsible for reviewing cases periodically and ensuring

that the "system" was functioning properly.

The estimated additional cost of implementing a statewide Protective Service System is \$2.7 million. It is recommended that a "county-subsidy" formula be developed whereby the counties within Nevada would reimburse the State for the partial cost of providing efficient and systematic services in their communities. Two possible ways of calculating such a subsidy would be either on a per child, per service basis or a flat percentage amount based upon the number of children within a community who are under 18 years of age.

It is further recommended that new revenue generating sources be explored in an effort to ensure that state and local programs will be sufficiently funded to provide adequate Protective Services to abused and neglected children. Some suggestions offered are revenues from increased fees for divorce and marriage, fines imposed on abusive and neglectful parents, increased traffic fines, state lottery revenue and/or imposing an entertainment tax on the revenue generated from video arcade games. Also, a state inheritance tax could be enacted with a percentage of the revenue designated for child abuse and neglect services.

Since it is unrealistic for such a system to become fully operational by July 1, 1983, immediate steps should be taken to at least rectify the existing split system in Clark County and to expand the purchase of service capabilities of State Welfare's programs in rural Nevada. A decision will also need to be made regarding Washoe County

as to what amount the State should pay the local welfare agency until such time as the State can assume its full responsibilities.

A specific time frame is recommended that would authorize the Nevada State Welfare office in Las Vegas to assume full service responsibilities for abused and neglected children by January 1, 1984. In Washoe County and in the rural Nevada areas, where purchase of service contracts are in place, July 1, 1984, would be established as the takeover date for State Welfare.

During this time, the Director of the Department of Human Resources and his staff, would coordinate the implementation of this system and make any administrative adjustments possible; which would not require legislative authorization. Then, during the 1985 legislative session, a status report would be given to the Legislature detailing the system's operation, cost, etc. and would make specific recommendations regarding required legislation needed to "fine-tune" the system.

An essential element is that this session of the Nevada State Legislature must reach a decision on this matter and provide direction to State and local agencies. A clear "Mandate for Action" must be issued so that those public and private agencies involved in providing services to abused and neglected children can plan accordingly to safeguard Nevada's future.

APPENDIX C

Summary of Recommendations Included in the Report on
Child Abuse and Neglect Submitted to the
Nevada Legislature by the Department of
Human Resources in April 1983*

*Prepared by the Research Division, Legislative Counsel
Bureau, October 27, 1983

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LEGISLATIVE COUNSEL BUREAU

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SUMMARY OF RECOMMENDATIONS
INCLUDED IN THE REPORT ON CHILD ABUSE AND NEGLECT
SUBMITTED TO THE NEVADA LEGISLATURE BY THE
DEPARTMENT OF HUMAN RESOURCES IN APRIL 1983

Prepared by: Research Division,
Legislative Counsel Bureau
Date: October 27, 1983

I. OVERALL OBJECTIVE

To develop an efficient, statewide "protective service system" for abused and neglected children.

II. SPECIFIC RECOMMENDATIONS

A. Organizational Structure

1. Designate the state department of human resources as the entity responsible for:
 - a. Insuring that an effectively unified protective service system is developed statewide;
 - b. Insuring that adequate services are being provided throughout the state; and
 - c. Coordinating these services. (Pages 28, 48, 61)
2. Change the name of the existing state division of youth services to the division of children, youth and family services; and expand its duties by transferring the current child welfare service responsibilities from the state welfare division to the new division. (Pages 31, 61)
3. Make the state directly and clearly responsible for the initial investigative services for all abuse and neglect referrals; and make the state responsible for establishment and coordination of all long-term service resources, but allow local agencies to assume responsibility for coordination of long-term treatment and care through purchase-of-service arrangements with local providers. (Pages 30, 48).

4. Develop multidisciplinary protective service teams called "child protection teams" at the community level throughout the state to provide crisis-oriented, acute care. (State responsibility) (Pages 20-22, 61)
5. Develop formal, coordinated "consortiums" of providers of long-term services at the community level throughout the state. (State coordination of local responsibility) (Pages 24-27, 61)
6. Regionalize the state system into northern, southern and rural components. (Pages 29, 34, 61)
7. Operate the system on a 24-hour per day, 7-days per week basis with emergency shelter homes and professionals to provide emergency services in rural areas being financed through contracts with the state department of human resources. (Page 29)

B. Finances

1. Devise a "county reimbursement" formula whereby local governments reimburse the state for a part of the costs and services; and mandate formal, contractual agreements to effectuate the reimbursement system. (Pages 45, 49, 51, 53, 62)
2. Pursue new sources to generate revenue to insure adequate funding of the system. (Pages 45, 62, examples on pages 54-56)

C. Timing and Transition

1. Immediately authorize the state welfare division to employ the additional child welfare workers needed for the division to assume full responsibility for child protective services in Clark County, using existing Title XX funds and increased general fund dollars. (Pages 58, 62)
2. Increase the funding for existing state purchase-of-services contracts with Washoe and the rural counties until the state system can be established. (Pages 58, 62)

3. Establish specific time frames for the state to assume full responsibility, allowing until January of the year following the legislative session for transition in Clark County and July of the year following the session for Washoe and the rural counties. (Pages 58, 63)
4. Direct the department of human resources immediately to begin efforts to put together a transition team to orchestrate the logistics of the transfer of responsibilities. (Page 59)
5. Direct the department of human resources to report to the legislature regarding administrative reorganization and mandated reimbursement formulas which are needed to "fine-tune" the system. (Pages 58, 63)

APPENDIX D

Everything You Always Wanted To Know About Child Abuse and Neglect and Asked!*

*Published by the National Center on Child Abuse and Neglect.

Published by: The National Center on Child Abuse and Neglect
1205 Oneida Street
Denver, Colorado 80220
(303) 321-3963

EVERYTHING YOU ALWAYS WANTED TO KNOW ABOUT CHILD ABUSE AND NEGLECT
AND ASKED!

INTRODUCTION

The National Center on Child Abuse and Neglect (NCCAN), created by the Child Abuse Prevention and Treatment Act of 1974, as amended, serves as the focal point for Federal activities related to child abuse and neglect. The National Center conducts research into the causes, prevention, and treatment of child abuse and neglect; supports demonstration projects designed to reveal the best means of prevention and treatment; publishes annual directories of programs and research; provides technical assistance to public and private agencies and community groups; and through its State grant program, provides additional resources for States to improve and strengthen their programs.

As part of its mandate to provide information to the public, NCCAN operates the Clearinghouse on Child Abuse and Neglect Information, a central database for the gathering and dissemination of information concerning child maltreatment. What follows are answers to questions most often asked and answered by the Clearinghouse.

Child abuse and child neglect are serious social problems which successfully can be dealt with only if all elements of the community work together to help prevent and treat them. To this end, we must all become aware of the indicators of child abuse and neglect, and the procedures to bring such cases to the attention of the proper authorities. In addition, we should support effective preventive and treatment programs in our own communities.

WHAT ARE CHILD ABUSE AND CHILD NEGLECT?

Basically, there are four types:

1. Physical Abuse:

Includes violent assault with an implement such as a knife or strap, burns, fractures, or other actions leading to possible injury to the child. "Spanking" for purely disciplinary reasons generally is not seen as child abuse.

2. Neglect:

- o Physical - Includes abandonment; refusal to seek, allow, or provide treatment for illness or impairment; inadequate physical supervision; disregard of health hazards in home; and inadequate nutrition, clothing, or hygiene when services are available.
- o Educational - Includes knowingly permitting chronic truancy, keeping the child home from school repeatedly without cause, or failing to enroll a child in school.

3. Emotional Abuse:

Includes verbal or emotional assault; close confinement such as tying or locking in closet; inadequate nurturance such as that affecting failure-to-thrive babies; knowingly permitting antisocial behavior such as delinquency, serious alcohol/drug abuse; or refusal to allow medical care for a diagnosed emotional problem.

4. Sexual Abuse:

Includes sexual molestation, incest, and exploitation for prostitution or the production of pornographic materials.

Legally, a "child" usually means a person under age 18, and child abuse and neglect occur at all stages of childhood, including adolescence.

What makes child abuse and neglect different from crimes committed against children by strangers is that the abuser is a parent, custodian, or guardian and someone with a duty to protect and guide the child to normal adulthood, as families have done throughout the generations. Thus, child maltreatment is a sign of a family in trouble.

ARE THERE SIGNS OF CHILD ABUSE AND NEGLECT?

There are many indications that a family may be in trouble. Any one of them may not mean anything or may have other explanations. However, if there are a number of them, or they occur frequently, child abuse or neglect may be suspected.

Physical Abuse

Child's appearance:

- o Unusual bruises, welts, burns, fractures, or bite marks.
- o Frequent injuries, always explained as "accidental".

Child's behavior:

- o Reports injury by parents.
- o Unpleasant, hard to get along with, demanding, often does not obey. Frequently causes trouble or interferes with others. Frequently breaks or damages things; or is unusually shy, avoids other people including children, seems too anxious to please, seems too ready to let other people say and do things to him/her without protest.
- o Frequently late or absent or often comes to school much too early; hangs around after school is dismissed.
- o Avoids physical contact with adults.
- o Wears long sleeves or other concealing clothing to hide injuries.
- o Child's story of how a physical injury occurred is not believable; it does not seem to fit the type or seriousness of the injury observed.
- o Child seems frightened of parents, or shows little or no distress at being separated from parents.
- o Child is apt to seek affection from any adult.

Parent or caretaker's behavior:

- o Uses harsh discipline which doesn't seem right for the age, condition, or "offense" of the child.
- o Offers an explanation of child's injury that does not make sense, does not fit the injury, or offers no explanation at all.
- o Seems unconcerned about the child.
- o Views the child in a negative way - as always bad or evil.
- o Misuses alcohol or other drugs.
- o Attempts to conceal child's injury or to protect identity of person responsible.

Neglect

Child's appearance:

- o Often not clean.
- o Comes to school without breakfast, often does not have lunch or lunch money.
- o Clothes are dirty or unsuitable for the weather.
- o Seems to be alone often, for long periods of time.
- o Needs glasses, dental care, or other medical attention.

Child's behavior:

- o Often tired, has no energy, lethargic.
- o Frequently absent from school.
- o Begs or steals food.
- o Causes trouble in school; often has not done homework, uses alcohol or drugs, engages in vandalism, or sexual misconduct.

Parent or caretaker's behavior:

- o Misuses alcohol or other drugs.
- o Has disorganized, unstable home life.
- o Seems not to care about what happens; gives impression of feeling that nothing is going to make much difference anyway.

- o Lives very much isolated from friends, relatives, neighbors; does not seem to know how to get along well with others.
- o Has long term chronic illnesses.
- o Has history of neglect as a child.

Emotional Abuse

Child's appearance:

- o Signs may be less obvious than in other forms of mistreatment. Behavior is best indication.

Child's behavior:

- o Self-destructive, apathetic, depressed, withdrawn, passive. Shows lack of positive self-image.
- o Problems in school - either experiencing academic failure, developmental delays or appears hyperactive, "driven."
- o Seems overly anxious when faced with new situations or people, or displays a pseudo-maturity inconsistent with age
- o Disorganized, distrustful or rigidly compulsive.
- o Takes on adult roles and responsibilities, including those of a parent.
- o Appears autistic, delusional, paranoid; engages in excessive fantasizing.
- o Throws tantrums; seems impulsive, defiant, antisocial, aggressive; constantly test limits
- o Fearful, hyperalert, lack of creativity and exploration.
- o Difficulty in making friends and dealing with others, or lack of familial attachment and excessive peer dependence.
- o Is excessively fearful, anxious, prone to nightmares or is oblivious to hazards and risks.

Parent or caretaker's behavior:

- o Blames or belittles child.
- o Is cold and rejecting; withholds love.
- o Treats children in the family unequally.
- o Does not seem to care much about child's problems.

Sexual Abuse

Child's appearance:

- o Has torn, stained, or bloody underclothing.
- o Experiences pain or itching in the genital areas.
- o Has venereal disease.

Child's behavior:

- o Appears withdrawn or engages in fantasy or baby-like behavior.
- o Has poor relationships with other children.
- o Is unwilling to participate in physical activities.
- o Is engaging in delinquent acts or runs away.
- o States that he/she has been sexually assaulted by parent or guardian.
- o Acts like an adult, not a child.

Parent or caretaker's behavior:

- o Very protective or jealous of child.
- o Encourages child to engage in prostitution or sexual acts in the presence of caretaker.
- o Misuses alcohol or other drugs.
- o Is frequently absent from home.

HOW MUCH CHILD ABUSE AND NEGLECT IS THERE?

Researchers agree that child abuse and neglect involves a significant number of children in the United States. However, because of differences in the ways each community defines, identifies, and handles these cases, estimates on the number of child abuse and neglect cases in the United States vary.

One major research effort to assess the national incidence of child maltreatment was the National Survey of the Incidence and Severity of Child Abuse and Neglect, conducted by Westat, Inc. and Development Associates, Inc. for NCCAN. This study was designed to provide a complete picture of the numbers and characteristics of maltreated children, beyond those provided through official reports. After polling both child protective service (CPS) and non-CPS sources, the Study projected that at least 652,000 children are abused and/or neglected annually in the United States, meaning that 10.5 children are maltreated for each 1,000 children under the age of 18 years. NCCAN cautions that 652,000 is a conservative estimate of the total number of children in the United States maltreated annually, based on statistically verifiable data, and that very likely the actual number of children abused and neglected each year is at least 1,000,000.

Another research effort, the National Study of Child Neglect and Abuse Reporting, by the American Humane Association's Child Protection Division, has attempted to record all reported cases of child abuse and neglect in the states, territories, and the District of Columbia since 1973. The most recent Study, analyzing official reports in 1980, found that 788,844 reports of child maltreatment were documented nationwide during that year.

WHO ARE THESE CHILDREN AND THEIR FAMILIES?

Taken together, the research efforts mentioned above do provide some insight into the "average" troubled family.

Age

- o The average age of children reported as abused and/or neglected in 1979 was 7 and one-half years.
- o Preschool children, from birth to 5 years of age, represent 28% of the overall child population, but account for 74% of maltreatment fatalities.
- o Conversely, children 6 to 14 years of age represent 52% of the overall child population, but account for only 3% of the fatalities.

- o In general, the incidence rate for maltreatment increases with age, with two exceptions:
 - The physical abuse of males decreases after age 5.
 - The physical neglect of both males and females is relatively constant and similar for age groups over 2 years.

Sex

- o The percentages and incidence rates for males and females are nearly identical when all forms of maltreatment and all age groups are considered.
- o However, adolescent females are more likely to experience all forms of maltreatment compared with their male counterparts.
- o Teenage boys, on the other hand, are more likely to experience educational and emotional neglect than are teenage girls, but are slightly less likely to experience physical neglect than are the girls.
- o The incidence rate for sexual abuse is highest among adolescent females, but half the female victims of sexual abuse are under 11 years of age.

Family Income

- o Maltreated children can be found in all income groups.
- o Slightly over 48% of the families reported to CPS agencies in 1979 were receiving public assistance, while such families represent 7% of families across the United States.
- o For each major form of maltreatment, the incidence rates for white children are much higher in families with incomes less than \$15,000 than in higher income families.
- o For nonwhite children, neglect incidence rates are much higher in lower income families than in higher income families. However, abuse incidence rates are close to constant and at a relatively low level across income levels for nonwhite children.

Race

- o Over 66% of children reported as maltreated in 1979 were white, 22% were black, and 12% were hispanic or "other".
- o The incidence rates for blacks and whites overall are almost identical, especially in middle and upper income families.

Geographic Location

- o No geographic setting is free of child abuse and neglect. The incidence rates are similar for urban, suburban, and rural communities.
- o In rural counties, the incidence rate for sexual abuse is higher than elsewhere.
- o In urban areas, the incidence rate for educational neglect is higher than elsewhere.
- o In suburban locations, the incidence rate for emotional neglect is higher than elsewhere.

WHAT CAUSES CHILD ABUSE?

As most parents know, raising a child is not an easy job. Everyday stresses and strains, coupled with the burdens of child care, cause most parents to feel angry at some time. But why do some parents threaten their children's health or safety?

There is no simple answer as to the causes of child maltreatment, just as there are no simple answers to the causes of other social problems such as drug abuse or depression. However, there are conditions or situations that may make child maltreatment more likely to happen.

Isolation:

Many abusive parents had troubled childhoods themselves and thus learned very early that they could not rely on others for emotional support. As a result, they never learned the social skills necessary to form solid relationships with relatives, neighbors, and friends. They are often isolated from their communities and families, and may seem to reject offers of help, having learned to be suspicious of the good intentions of others. When faced with stressful situations - a fussy baby, for example - they feel totally alone and "trapped", and may react with violent abuse or neglectful depression.

Generational Cycle:

"Violence begets violence" and it is thought that many abusive parents are repeating the child-rearing practices that they had been subjected to as children. In some cases, abused children who become parents find themselves unable to alter the cycle of violence, despite their intentions and efforts to be good parents, because they have never been exposed to proper parenting practices. Also, in some families a "role reversal" occurs - the abused child becomes a parent in order to find the love and acceptance she/he had missed as a child. The baby is then placed in an adult role, with the parent expecting that the baby will "take care of me". The parent sees the child as having capabilities far beyond what is appropriate for its age. When the young child does not meet these expectations, violence can occur.

Economic and Other Stress Factors:

Even without children, adults encounter many stressful situations - unemployment, poverty, illness, or divorce. For parents, these conditions can be doubly traumatic, for there are no "vacations" from parental responsibilities. When a parent, who may be predisposed toward child maltreatment because of upbringing or isolation, must deal with any of these stressful situations it is possible that little time or energy is left for the children. Also, in times of stress, the slightest misbehavior by the child can be "the last straw" and lead to violent abuse.

Pathology of the Parent:

A common perception is that abusive parents are "sick", a perception that sometimes hampers the identification of families in trouble. Rarely is chronic mental illness the cause of child maltreatment, although this possibility exists.

Unreasonable Expectations:

As the number of extended families diminish and the size of nuclear families grows smaller, children have fewer opportunities to see or participate in childrearing. Without exposure to children at various stages of development, some parents may have a basic lack of information about normal childhood development and parenting. Without an understanding of a child's capabilities, these parents may develop expectations for the child that cannot be met. This form of parental ignorance, coupled with the child's inability to meet unreasonable demands, can lead to abuse or neglect.

IS CHILD MALTREATMENT MORE LIKELY TO HAPPEN IN CERTAIN FAMILIES?

Yes, but it remains impossible to predict whether or not child maltreatment will occur in a given family situation. However, a family may be "at risk" if the

parent...

- o Is a "loner" - feels isolated, with no family to depend upon, no real friends, does not get along with the neighbors.
- o Has no understanding of the stages of child development and does not know what to expect of a child at a given age.
- o Has a poor self-image, feels worthless, with a pervading sense of failure.
- o Feels unloved, unappreciated, unwanted, with a great fear of rejection.
- o Has severe personal problems such as ill health, alcoholism, or drug dependency.
- o Feels that violence can often be the solution to life's problems, or has not learned to "blow off steam" in a socially acceptable manner.
- o Is experiencing a time of severe stress - sudden unemployment, painful divorce, for examples - without any coping mechanisms.
- o Had been abused or neglected as a child.

or the child...

- o Is "different" - is smaller than average, sicklier, disabled, is considered unattractive, was premature.
- o Resembles or reminds the parent of someone the parent hates - "takes after" a disappointing spouse or former loved one.
- o Is more demanding or otherwise poses more problems than do other children in the family.
- o Is unwanted - seen as a "mistake" or burden, having "ruined things" for the parent.

IS SEXUAL ABUSE A PARTICULAR PROBLEM?

Yes. The "conspiracy of silence" that surrounds this form of maltreatment, plus the emotional scars inflicted on its victims, make this problem of particular concern.

WHAT IS CHILD SEXUAL ABUSE?

Sexual abuse has been defined in a variety of ways and encompasses a wide range of behavior ranging from fondling and exhibitionism to forcible rape and incest, to commercial exploitation in prostitution or the production of pornographic materials. The Federal Child Abuse Prevention and Treatment Act of 1974, as amended, defines the term "sexual abuse" as the "obscene or pornographic photographing, filming, or depiction of children for commercial purposes; or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under circumstances which indicate that the child's health or welfare is harmed or threatened thereby...".

Inherent in this and many definitions found in state laws is the involvement of an adult responsible for the child's welfare in exploiting the child. Thus the term "child sexual abuse" used in a child abuse and neglect context means that acts of sexual abuse committed by a stranger to the child may be defined and handled quite differently from the same act committed by a parent or other caretaker.

HOW FREQUENTLY DOES CHILD SEXUAL ABUSE OCCUR?

The National Survey of the Incidence and Severity of Child Abuse and Neglect, in researching and analyzing the incidence of various forms of child maltreatment in the United States, found that 44,700 children were victims of some form of sexual exploitation, excluding threatened or attempted sexual assault not involving actual physical contact. While analyzing data from CPS and non-CPS sources, the Survey noted that its findings were based on conservative research procedures and therefore may only be reflecting the "tip of the iceberg".

IS CHILD SEXUAL ABUSE OFTEN NOT REPORTED?...AND WHY?

It is thought that child sexual abuse is one of the most underreported forms of child maltreatment, since this type of maltreatment often remains undetected and the impact is not apparent for many years. The American Humane Association, in its study of child abuse and neglect reported to CPS agencies in 1978 found that 6,078 children were found to be sexually maltreated during that year. The reluctance of many family members, who may be the only people aware of what is occurring, to report such incidents to the authorities for fear of social censure, public scrutiny, and possible removal of the family breadwinner, plus the possibility that no physical, tangible harm is immediately apparent, are felt to contribute to the underreporting of this form of child maltreatment. In addition, children may not report incidents of sexual abuse because of ignorance, fear of reprisals by the perpetrator, fear that their parents will blame them, or guilt over any physical pleasure they may have experienced. Thus, for the most part, the incidence of sexual abuse remains locked in a "conspiracy of silence".

WHAT ARE THE RESULTS OF CHILD ABUSE AND NEGLECT?

The physical effects on the child are indeed sobering -

- It is estimated that at least 1,000 children die each year as a result of physical abuse or severe neglect, and it may be as high as 5,000.
- Further, 137,400 children suffer serious injury at the hands of their parents, injuries serious enough to require professional medical treatment and that may require permanent special care.
- The list of physical injuries resulting from abuse is long and unpleasant, including cuts, burns, bruises, laceration of internal organs, head injuries, punctures, and fractures. Neglect, especially of young children, can result in skin infections, failure-to-thrive, malnutrition, dehydration, maggot infestation, and other physical problems that may be permanently debilitating.

But beyond the physical scars left by child maltreatment, the emotional damage inflicted on a child can last an entire lifetime. Maltreated children might have difficulties in school and/or in making friends, or otherwise may be denied a normal childhood. Some maltreated children experience problems such as drug abuse, alcoholism, obesity, unwanted pregnancy, and delinquency during adolescence. Having learned violence at home, abused children may act out their lessons against their own children or against society in general. Among the more infamous adults who were mistreated as children are Charles Manson, Sirhan Sirhan, James Earl Ray, and Lee Harvey Oswald.

Thus, child maltreatment affects more than just the family involved. The problems experienced by the victims of child maltreatment eventually touch all members of the community in some way. The abused child who grows into the abusive parent continues the cycle of violence. The neglected child, left to fend for himself, becomes the delinquent or criminal. The potentials and talents that the child could have brought to the community and family are lost. The public must deal with the financial costs of legal process and prison for both victims of child abuse - the child and the parent. Thus, child abuse is everyone's problem.

WHAT IS BEING DONE ABOUT THIS PROBLEM?

There is considerable help available to families in trouble. Since the problems of child abuse and neglect came to public attention nearly twenty years ago, the concerned efforts of numerous individuals have resulted in laws, agencies, and community support systems designed to help. In every state and territory, CPS agencies exist to provide counseling, material assistance, and guidance to families in stress. For severe cases, juvenile courts serve to protect children from further abuse and possible death. Parents who have experienced this problem themselves have formed self-help groups to assist others in similar situations. And the Federal government, reflecting the child's rights as a citizen, has assumed a role in child protection.

WHAT IS THE FEDERAL ROLE IN CHILD ABUSE AND NEGLECT?

The Federal government's role in child abuse and neglect is to aid state and local efforts in two ways. First, it provides some financial assistance to fund the agencies that investigate and treat child abuse and neglect. Secondly, it funds research, demonstration projects, and technical assistance efforts designed to improve our ability to prevent and treat child abuse and neglect.

Primary responsibility for dealing with the problems of child abuse and neglect is vested in state and local agencies. Each state has laws requiring the reporting of known and suspected child abuse and neglect cases; reports are investigated by public social service or law enforcement agencies in the local community. Preventive and treatment services for both the children and families involved are provided by local public and private agencies.

The Federal government has no authority to investigate specific cases of child abuse and neglect nor the practices of child protective services agencies, which are regulated by state and local laws.

WHAT IS THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT?

The National Center on Child Abuse and Neglect (NCCAN), created by the Child Abuse Prevention and Treatment Act (P.L. 93-247, as amended) and located in the Children's Bureau of the U.S. Department of Health and Human Services, acts as the principal focus for Federal activity in developing policies, plans, and programs relating to the prevention, identification, and treatment of child abuse and neglect.

Virtually every activity of NCCAN, in the performance of its mandate, involves the gathering and disseminating of information. Special emphasis has been placed on gathering information relating to ongoing and completed research and to service programs in the field. This information, together with information on child abuse and neglect audiovisual materials and state laws, comprises the data base for a computerized information storage and retrieval system which is used by NCCAN to answer requests for child abuse and neglect information from program planners, policy makers, researchers, and the general public.

WHAT DO STATE REPORTING LAWS REQUIRE?

The enactment of child abuse and neglect reporting laws by state legislatures began in earnest in the early 1960's. Today all 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands have reporting legislation. In general, these laws mandate the reporting of suspected maltreatment, provide penalties for failure to report, provide immunity to reporters from legal actions associated with the report, and define reportable conditions.

Who Must Report?

Due to the medical profession's description and identification of battered children, legislators have looked to the medical profession as the class most likely to discover child maltreatment. Today every jurisdiction requires physicians to report suspected child abuse, with laws that either specifically mention physicians or by a more general directive, such as "practitioner of the healing arts", or "any health professional". In addition, associated medical personnel such as nurses, dentists, osteopaths, and interns are required to report suspected child maltreatment in many states.

As the public understanding of child abuse and neglect has grown, so too has the number of professions mandated by the states to report suspected maltreatment. The realization that child abuse and neglect may not be limited to severe physical abuse and that medical treatment for severely abused children may not be sought in time to avoid permanent injury or death has coincided with a dramatic increase in the number of professions specifically mentioned in state laws as mandatory reporters, to include those with frequent contact with children, such as teachers and child care professionals.

Thus, the trend in mandatory reporting laws appears to be toward broadening the base of possible reporters. This is accomplished either by mandating that "any person" with reason to believe that child is being maltreated report, or by specifically listing the professions required to report. A wide variety of professions are mentioned in various state reporting laws, with teachers, school officials or personnel, and social workers named most frequently.

Who May Report?

In general, anyone suspecting that a child is being mistreated may report that suspicion. A number of states provide specific statutory authority for permissive, rather than mandatory, reporting. However, many states make no provision for permissive reporting because they mandate reporting by everyone. If in doubt as to the requirements in your state, check with your state CPS agency.

Are There Penalties For Failure to Report?

Yes. While the identification of maltreated children needed to get help to them and their families ultimately depends upon the responsiveness of a concerned community, the vast majority of states impose a criminal and/or civil penalty for failure to report when mandated by law to do so.

Can I Be Sued for A Mistaken Report?

No. All jurisdictions provide immunity from civil or criminal liability for reporters acting in good faith. While the majority of states qualify their immunity provisions with the requirement that the report be made in good faith, 20 states as of 1979 included a presumption of the good faith of reporters in their reporting laws.

What Conditions Must Be Reported?

Every jurisdiction requires that suspected cases of child abuse and neglect be reported. Over the years, the range of reportable conditions found in state laws and the definitions of abuse and neglect have broadened. Today, many state laws specifically include sexual abuse, emotional or mental injury, and threatened harm among their reportable conditions, as well as the traditional definitions of child abuse which include physical injury and severe neglect.

In all states, a reporter is not required to know or to be certain that a child has been abused or neglected as defined under state law. Reporting laws apply whenever the individual reporter has reason to believe or suspects that maltreatment is occurring.

WHAT HAPPENS IF I REPORT SOMEONE?

While the exact procedures may vary from state to state, generally a child protective service worker will visit the reported family as soon as possible after the report is made. This initial contact is made to determine if the child is in immediate danger and to begin assistance or treatment if needed by the family. Depending upon the urgency of the situation, the CPS worker will then take appropriate action which could include, in drastic circumstances, removal of the child from the home. Such actions are rare and employed only when there appears to be immediate danger to child's health or safety. In some states and circumstances, law enforcement personnel might be called upon to assist the CPS worker or might respond to the report, if there is an indication that the child needs immediate transportation to a medical facility or other police services.

In some states, the reporting laws permit certain mandated reporters, such as doctors, to keep the child in protective custody if the reporter has reason to believe that the child would be returning to a dangerous environment and additional abuse. The authority to remove a child from home is necessarily limited, however, and a court hearing is required, usually within a few days, to keep the child in shelter care. Also, some states require mandatory reporters to file written reports following the oral report. These reports are particularly necessary and useful should any sort of legal action result.

WHAT CAN/IS BEING DONE TO PREVENT THE PROBLEM?

Throughout the United States, much is being done to prevent child abuse and neglect, but much remains to be done. Often, prevention efforts are not labeled as such, since any program or activity that serves to strengthen the family helps to prevent child maltreatment. This is because most people in our society believe that the family unit should remain our basic social institution, and that under normal circumstances, the care and nurturing of children is the unique province of parents and other family members. Therefore, strengthening and supporting the family is a basic goal for any comprehensive prevention program.

Prevention program can generally be seen as primary, referring to those efforts aimed at positively influencing parents before maltreatment occurs; or secondary, referring to those supportive services offered families considered "at risk." The key aspects of primary prevention efforts are that they are offered to all members of a certain population or community; are voluntary; attempt to influence societal forces that affect parents and children; and seek to positively promote family unity, as well as prevent family dysfunction. Secondary prevention efforts are aimed at families that, while perhaps not yet abusive, are more likely to become so than the general population. The defining characteristics of secondary prevention efforts are that they are offered to an already defined group of vulnerable families; are voluntary; are more problem-focused than primary prevention efforts; and seek to prevent future parent-child problems by focusing on alleviating particular stresses on identified parents and strengthening positive elements.

Prevention programs in each of these categories are not uncommon, especially in communities devoted to improving the quality of family life. Examples of primary prevention programs include parenting classes and support groups, such as those sponsored by hospitals, that are open to new and expecting parents; public awareness campaigns, designed to raise awareness of the existence of the problem and provide a focal point for the mobilization of community resources through media presentations; and volunteer speakers bureaus that provide trained speakers to schools, churches, and other community organizations. Examples of secondary prevention programs include special high school programs for teenage parents, and support services for parents of infants with special problems, such as birth defects or prematurity. The list of programs, services, and activities that can help in preventing child maltreatment is long, and may encompass visiting nurses, employment counseling, help or "hot" lines, family planning information, health care clinics, parent aides, mental health counseling, and self-help groups.

There is no ignoring the fact that changes in family structure, increased mobility, the complexities of our fast paced society, economic stresses, and other aspects of modern American life have increased enormously the pressures and strains on individuals. Nevertheless, it is possible to build on our traditions of mutual assistance and to create concerned communities and informal social networks to support families and children. We can develop a variety of practical and psychological supports to be available not only to vulnerable families, but to all families.

WHAT CAN I DO TO HELP?

Get involved. Know what services exist to help troubled families in your community, and work toward establishing services where the needs remain. Support crisis nurseries, emergency shelters, parenting classes, parent aide programs, parental self-help groups, community networks, counseling and mental health centers, and all forms of assistance to families in crisis. Most importantly, if you know of such a family, report to the authorities so that this service need can be identified and treated.

WHERE DO I FIND REPORTING INFORMATION?

Since the responsibility for investigating reports of suspected child abuse and neglect lies at the state level, each state has established a child protective service reporting system. NCCAN annually compiles the descriptions of the reporting procedures in each state. Listed below are the names and addresses of the child protective services agency in each state, followed by the procedures for reporting suspected child maltreatment.

Alabama:

Alabama Department of Pensions
and Security
64 North Union Street
Montgomery, Alabama 36130

Reports made to County 24-hour
emergency telephone services.

Alaska:

Department of Health and Social
Services
Division of Family and Youth
Services
Pouch H-05
Juneau, Alaska 99811

Reports made to Division of
Social Services field offices.

American Samoa:

Government of American Samoa
Office of the Attorney General
Pago Pago, American Samoa 96799

Reports made to the Department
of Medical Services.

Arizona:

Department of Economic Security
P.O. Box 6123
Phoenix, Arizona 85005

Reports made to Department of
Economic Security local offices.

Arkansas:

Arkansas Department of Human
Services
Social Services Division
P.O. Box 1437
Little Rock, Arkansas 72203

Reports made to the statewide
toll-free hotline (800) 482-5964.

California:

Department of Social Services
714-744 2 Street
Sacramento, California 95814

Reports made to County Departments
of Welfare and the Central Registry
of Child Abuse (916) 445-7546
maintained by the Department of
Justice.

Colorado:

Department of Social Services
1575 Sherman Street
Denver, Colorado 80203

Reports made to County Departments
of Social Services.

Connecticut:

Connecticut Department of Children
and Youth Services
Division of Children and Youth
Services
170 Sigourney Street
Hartford, Connecticut 06105

Reports made to (800) 842-2288.

Delaware:

Delaware Department of Health
and Social Services
Division of Social Services
P.O. Box 309
Wilmington, Delaware 19899

Reports made to statewide
toll-free reporting hotline
(800) 292-9582.

District of Columbia:

District of Columbia Department
of Human Services
Commission on Social Services
Family Services Administration
Child Protective Services
Division
First and I Streets, S.W.
Washington, D.C. 20024

Reports made to (202) 727-0995.

Florida:

Florida Department of Health
and Rehabilitative Services
1317 Winewood Boulevard
Tallahassee, Florida 32301

Reports made to (800) 342-9152.

Georgia:

Georgia Department of Human
Resources
47 Trinity Avenue, S.W.
Atlanta, Georgia 30334

Reports made to County
Departments of Family and
Children Services.

Guam:

Child Welfare Services
Child Protective Services
P.O. Box 2816
Agana, Guam 96910

Reports made to the State Child
Protective Services Agency
at 646-8417.

Hawaii:

Department of Social Services
and Housing
Public Welfare Division
Family and Children's Services
P.O. Box 339
Honolulu, Hawaii 96809

Reports made to the hotline
operated by Kapiolani-Children's
Medical Center on Oahu, and to
branch offices of the Division
on Hawaii, Maui, Kauai, Mokalai.

Idaho:

Department of Health and Welfare
Child Protection
Division of Welfare
Statehouse
Boise, Idaho 83702

Reports made to Department of
Health and Welfare Regional Offices.

Illinois:

Illinois Department of Children and
Family Services
State Administrative Offices
One North Old State Capitol Plaza
Springfield, Illinois 62706

Reports made to (800) 25-ABUSE.

Indiana:

Indiana Department of Public Welfare
Division of Child Welfare -
Social Services
141 South Meridian Street, 6th Floor
Indianapolis, Indiana 46225

Reports made to County Departments
of Public Welfare.

Iowa:

Iowa Department of Social Services
Division of Community Programs
Hoover State Office Building
Fifth Floor
Des Moines, Iowa 50319

Reports made to the legally
mandated toll-free reporting
hotline (800) 362-2178.

Kansas:

Kansas Department of Social and
Rehabilitation Services
Division of Social Services
Child Protection and Family
Services Section
Smith-Wilson Building
2700 West Sixth
Topeka, Kansas 66606

Reports made to Department of
Social and Rehabilitation
Services Area Offices.

Kentucky:

Kentucky Department for
Human Resources
275 East Main Street
Frankfort, Kentucky 40621

Reports made to County
Offices within 4 regions
of the state.

Louisiana:

Louisiana Department of Health
and Human Resources
Office of Human Development
Baton Rouge, Louisiana 70804

Reports made to the parish
protective service units.

Maine:

Maine Department of Human
Services
Human Services Building
Augusta, Maine 04333

Reports made to Regional Office
or to State Agency at
(800) 452-1999.

Maryland:

Maryland Department of Human
Resources
Social Services Administration
300 W. Preston Street
Baltimore, Maryland 21201

Reports made to County
Departments of Social Services
or to local law enforcement
agencies.

Massachusetts:

Massachusetts Department of Social
Services
Protective Services
150 Causeway Street
Boston, Massachusetts 02114

Reports made to Regional Offices.

Michigan:

Michigan Department of Social
Services
300 S. Capitol Avenue
Lansing, Michigan 48926

Reports made to County
Departments of Social Welfare.

Minnesota:

Minnesota Department of Public
Welfare
Centennial Office Building
St. Paul, Minnesota 55155

Reports made to the County
Department of Public Welfare.

Mississippi:

Mississippi Department of Public
Welfare
Division of Social Services
P.O. Box 352
Jackson, Mississippi 39216

Reports made to (800) 222-8000.

Missouri:

Missouri Department of Social
Services
Division of Family Services
Broadway Building
Jefferson City, Missouri 65101

Reports made to (800) 392-3738.

Montana:

Department of Social and
Rehabilitation Services
Social Services Bureau
P.O. Box 4210
Helena, Montana 59601

Reports made to County Departments
of Social and Rehabilitation
Services.

Nebraska:

Nebraska Department of
Public Welfare
301 Centennial Mall South
5th Floor
Lincoln, Nebraska 68509

Reports made to local law
enforcement agencies or to
County Divisions of Public
Welfare.

Nevada:

Department of Human Resources
Division of Welfare
251 Jeanell Drive
Carson City, Nevada 89710

Reports made to Division of
Welfare local offices.

New Hampshire:

New Hampshire Department
of Health and Welfare
Division of Welfare
Bureau of Child and Family
Services
Hazen Drive
Concord, New Hampshire 03301

Reports made to Division of
Welfare District Offices.

New Jersey:

New Jersey Division of Youth
and Family Services
P.O. Box 510
One South Montgomery Street
Trenton, New Jersey 08625

Reports made to (800) 792-8610.
District Offices also provide
24-hour telephone service.

New Mexico:

New Mexico Department of
Human Services
P.O. Box 2348
Santa Fe, New Mexico 87503

Reports made to County Social
Service Offices or to
(800) 432-6217.

New York:

New York Department of
Social Services
Child Protective Services
40 North Pearl Street
Albany, New York 12207

Reports made to (800) 342-3720
or to District Offices.

North Carolina:

North Carolina Department of Human
Resources
Division of Social Services
325 North Salisbury Street
Raleigh, North Carolina 27611

Reports made to County Departments
of Social Services.

North Dakota:

North Dakota Department of Human
Services
Social Services Division
Children and Family Services Unit
Child Abuse and Neglect Program
Russel Building, Hwy. 83 North
Bismarck, North Dakota 58505

Reports made to Board of Social
Services Area Offices and to
24-hour reporting services provided
by Human Service Centers.

Ohio:

Ohio Department of Public Welfare
Bureau of Children Services
Children's Protective Services
30 E. Broad Street
Columbus, Ohio 43215

Reports made to County Departments
of Public Welfare.

Oklahoma:

Oklahoma Department of Institutions,
Social and Rehabilitative Services
Division of Social Services
P.O. Box 25352
Oklahoma City, Oklahoma 73125

Reports made to (800) 522-3511.

Oregon:

Department of Human Resources
Children's Services Division
Protective Services
509 Public Services Building
Salem, Oregon 97310

Reports made to local Children's
Services Division Offices and to
(503) 378-3016.

Pennsylvania:

Pennsylvania Department of
Public Welfare
Office of Children, Youth
and Families
Bureau of Family and Community
Programs
1514 North 2nd Street
Harrisburg, Pennsylvania 17102

Reports made to the toll-free
CHILDLINE (800) 932-0313.

Puerto Rico:

Puerto Rico Department of
Social Services
Services to Families
With Children
P.O. Box 11398,
Fernandez Juncos Station
Santurce, Puerto Rico 00910

Reports made to local offices
or to the Department.

Rhode Island:

Rhode Island Department for
Children and Their Families
610 Mt. Pleasant Avenue
Providence, Rhode Island 02908

Reports made to State agency
child protective services unit
at (800) 662-5100 or to
District Offices.

South Carolina:

South Carolina Department of
Social Services
P.O. Box 1520
Columbia, South Carolina 29202

Reports made to County
Departments of Social Services.

South Dakota:

Department of Social Services
Office of Children, Youth and
Family Services
Richard F. Kneip Building
Pierre, South Dakota 57501

Reports made to local offices.

Tennessee:

Tennessee Department of Human
Services
State Office Building
Room 410
Nashville, Tennessee 37219

Reports made to County Departments
of Human Services.

Texas:

Texas Department of Human Resources
Protective Services for Children
Branch
P.O. Box 2960
Austin, Texas 78701

Reports made to (800) 252-5400.

Utah:

Department of Social Services
Division of Family Services
150 West North Temple, Room 370
P.O. Box 2500
Salt Lake City, Utah 84103

Reports made to Division of Family
Services District Offices.

Vermont:

Vermont Department of Social and
Rehabilitative Services
Social Services Division
103 South Main Street
Waterbury, Vermont 05676

Reports made to State agency at
(802) 828-3433 or to District
Offices (24-hour services).

Virgin Islands:

Virgin Islands Department of
Social Welfare
Division of Social Services
P.O. Box 500
Charlotte Amalie
St. Thomas, Virgin Islands 00801

Reports made to the Division of
Social Services.

Virginia:

Virginia Department of Welfare
Bureau of Family and Community
Programs
Blair Building
8007 Discovery Drive
Richmond, Virginia 23288

Reports made to (800) 552-7096
in Virginia, and (804) 281-9081
outside the state.

Washington:

Department of Social and Health
Services
Community Services Division
Child Protective Services
Mail Stop OB 41-D
Olympia, Washington 98504

Reports made to local Social
and Health Services Offices.

West Virginia:

Department of Welfare
Division of Social Services
Child Protective Services
State Office Building
1900 Washington Street E.
Charleston, West Virginia 25305

Reports made to (800) 352-6513.

Wisconsin:

Wisconsin Department of Health
and Social Services
Division of Community Services
1 West Wilson Street
Madison, Wisconsin 53702

Reports made to County Social
Services Offices.

Wyoming:

Department of Health and
Social Services
Division of Public Assistance and
Social Services
Hathaway Building
Cheyenne, Wyoming 82002

Reports made to County Departments
of Public Assistance and Social
Services.

WHERE CAN I FIND MORE INFORMATION?

The address of the National Center on Child Abuse and Neglect is:

NCCAN
P.O. Box 1182
Washington, D.C. 20013

NCCAN also sponsors 10 regional resource centers. For more information, contact the regional center for your state:

Region I CAN Resource Center

Judge Baker Guidance Center
295 Longwood Avenue
Boston, MA 02115
Telephone: (617) 232-8390
(Connecticut, Maine, Massachusetts,
Rhode Island, Vermont, New Hampshire)

Region III CAN Resource Center

Howard University Institute for
Urban Affairs and Research
2900 Van Ness Street, N.W.
Washington, D.C. 20008
Telephone: (202) 686-6770
(District of Columbia, Delaware,
Maryland, Pennsylvania, Virginia,
West Virginia)

Region V CAN Resource Center
Graduate School of Social Work
University of Wisconsin-Milwaukee
Milwaukee, WI 53201

Telephone: (414) 963-4184
(Illinois, Indiana, Michigan,
Minnesota, Ohio, Wisconsin)

Region VII CAN Resource Center

Institute of Child Behavior
and Development
University of Iowa-Oakdale Campus
Oakdale, IA 52319
Telephone: (319) 353-4791
(Iowa, Kansas, Missouri, Nebraska)

Region IX CAN Resource Center

Department of Special Education
California State University
5151 State University Drive
Los Angeles, CA 90032
Telephone: (213) 224-3283
(Arizona, California, Hawaii,
Nevada, Guam, Trust Territories)

Region II CAN Resource Center

College of Human Ecology
Cornell University, MVR Hall
Ithaca, NY 14853
Telephone: (607) 256-7794
(New Jersey, New York, Puerto
Rico, Virgin Islands)

Region IV CAN Resource Center

Regional Institute for Social
Welfare Research
P.O. Box 152
Athens, GA 30601
Telephone: (404) 542-7614
(Alabama, Florida, Georgia, Kentucky,
Mississippi, North Carolina, South
Carolina, Tennessee)

Region VI CAN Resource Center

Graduate School of Social Work
University of Texas at Austin
Austin, TX 78712
Telephone: (512) 471-4067
(Arkansas, Louisiana, New Mexico,
Oklahoma, Texas)

Region VIII CAN Resource Center

National Center for the Prevention &
Treatment of Child Abuse and Neglect
1205 Oneida Street
Denver, CO 80220
Telephone: (303) 321-3963
(Colorado, Montana, North Dakota,
South Dakota, Utah, Wyoming)

Region X CAN Resource Center

Panel for Family Living
157 Yesler Way, #208
Seattle, WA 98104
Telephone: (206) 624-1062
(Alaska, Idaho, Oregon, Washington)

Parents Anonymous, modeled after Alcoholics Anonymous, has chapters throughout the United States. For more information, or the location of the chapter in your community, contact:

National Office of PA
22330 Hawthorne Boulevard
Suite 208
Torrance, California 90505

Telephone: (213) 371-3501
Toll Free: (800) 421-0353 California only: (800) 352-0386

Parents United is a self-help organization for all family members affected by sexual abuse. For more information, contact:

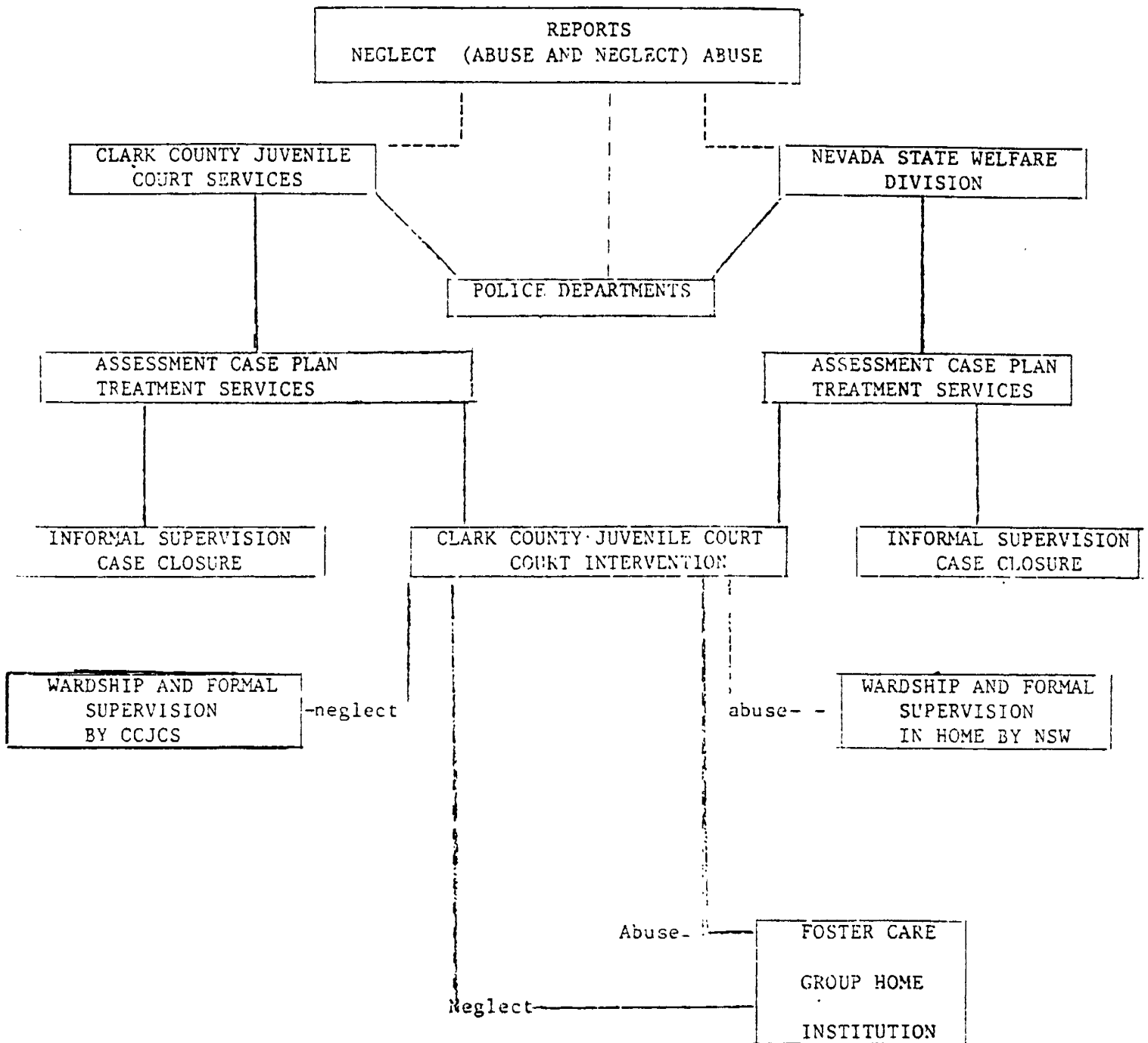
Parents United, Inc.
P.O. Box 952
San Jose, California 95102

Telephone: (408) 280-5055

APPENDIX E

Child Protective Service Case Flow Clark County

CHILD PROTECTIVE SERVICE CASE FLOW CLARK COUNTY



APPENDIX F

Memorandum, Dated April 12, 1984, from Donald O. Williams,
Senior Research Analyst, Legislative Counsel Bureau,
to Assemblymen David E. Humke and Shelley Berkley
Concerning State Legislative Strategies for
Delivering Child Protective Services

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



LEGISLATIVE COMMISSION (702) 885-5627
JAMES I. GIBSON, *Senator, Chairman*
Arthur J. Palmer, *Director, Secretary*
INTERIM FINANCE COMMITTEE (702) 885-5640
ROGER BREMNER, *Assemblyman, Chairman*
Daniel G. Miles, *Fiscal Analyst*
Mark W. Stevens, *Fiscal Analyst*

ARTHUR J. PALMER, *Director*
(702) 885-5627

FRANK W. DAYKIN, *Legislative Counsel* (702) 885-5627
JOHN R. CROSSLEY, *Legislative Auditor* (702) 885-5622
DONALD A. RHODES, *Research Director* (702) 885-5637

April 12, 1984

M E M O R A N D U M

TO: Assemblyman David Humke, Chairman
Assemblyman Shelley Berkley, Vice Chairman
Legislative Commission's Subcommittee to Review and
Evaluate the Comprehensive Statewide Plan for Services
to Aid Abused and Neglected Children (A.C.R. 47)

FROM: Donald O. Williams, Senior Research Analyst *DCW*

SUBJECT: Legislative Strategies for Service Delivery,
NCSL Seminar on Child Abuse

The subcommittee asked me to review and summarize the publications which Assemblyman Berkley obtained at the National Conference of State Legislatures' Seminar on Child Abuse (Child Abuse: Legislative Strategies for Service Delivery, December 13-14, 1984, Washington, D.C.).

I can advise you that much of the material from the seminar discusses children's issues other than child abuse and neglect. The topics covered include, among others, children's mental health, juvenile justice, education of handicapped children, alcohol and drug abuse, and severely mentally retarded children.

The seminar's information pertaining to abused and neglected children includes some publications which you received in your packet at the first subcommittee meeting. Of the remaining material, the most relevant to our study are the proposals for state legislative action. Theses are discussed below.

WHAT THE STATES CAN DO*

States and localities make choices that have dramatic effects on the lives of children. They choose how much of a particular federal budget cut to pass on to state residents; how to allocate federal block grant funds within the state; and how to control their own revenue systems.

*A Children's Defense Budget: An Analysis of the President's FY 1984 Budget and Children, The Children's Defense Fund, Washington, D.C., 1983, pp. 54-56.

There is ample evidence that state and local governments can act affirmatively for children, given strong political leadership and hard work. For example:

- As of 1982, six states had adopted children's trust funds that provide new revenues for preventive services aimed at child abuse; and
- Thirteen states have shown new interest and leadership on children's issues by establishing special legislative committees, subcommittees, or commissions focused on children, according to a survey by the National Conference of State Legislatures (NCSL). In 1982, 17 more states reported that they would be considering proposals for such committees in 1983. The NCSL, itself, is forming a new subcommittee on children's issues, and adopted a policy resolution in August 1982 that pointed out the special harm that budget cuts had exacted on cost-effective children's programs.

States must develop their own positive programs for children. There are cost-effective ways for states to show their willingness to respond to children's needs and demonstrate leadership. For example, states can provide preventive services to help children remain with their own families and prevent foster care placements that could cost the state much more.

State officials and citizens should develop careful accountings of how state money is spent. It is important to know how a state raises and spends its funds.

States should work to establish a children's presence in state legislatures to spotlight decisions affecting children and families. Models for this include legislative committees for children in California, Illinois, Delaware, South Carolina, and Florida. While establishing a committee does not guarantee that the legislature as a whole will protect or consider children's interests, it does provide a focus for considering ways in which legislative decisions affect children. To be effective, these committees need influential legislators, who can affect key policy, budget, and appropriations decisions.

State governments must be stronger national advocates. States must send a clear message to the Reagan Administration and Congress to ensure a minimum national floor of decency for all children.

FURTHER IMPROVEMENT OF CHILD PROTECTION LAWS - APPROACHING
A MODEL STATUTORY SCHEME

(Howard Davidson, Director, American Bar Association National Legal Resource Center for Child Advocacy and Protection)

Since the 1970's, a variety of "model acts" and standards related to child abuse and neglect have been developed by individual authors, private organizations, and the Federal Government. The following are several suggested areas for further legislative action, directed towards an "ideal" law:

1. Child protective service (CPS) agencies and the public child welfare system should be legally required to provide home-based preventive and reunification services which will allow maltreated children to safely remain in or be quickly returned to their families;
2. The law should provide that in court cases involving maltreated children, the CPS agency, parents, and the child will each be represented by legal counsel, all of whom should have participated in relevant training prior to assuming these responsibilities;
3. Following a report alleging child maltreatment, the parents should be provided with written notice that a report was made and explaining their rights and responsibilities in connection with the investigation, access to records, services which can be provided, and the implications of possible court action;
4. In responding to child neglect reports where financial impoverishment is a major cause of family difficulties, the law should assure that public assistance benefits available to the child and parents shall in no case be less than the amount which would be paid for a different family to support the child in foster care;
5. Legislation should mandate that a substantial percentage of a state's social services budget be spent on activities related to the prevention of child abuse and neglect;
6. Investigators in child abuse or neglect cases should be given "qualified immunity" from civil liability which might arise from their investigations;
7. In all criminal cases involving child abuse, the child victim should be appointed a guardian ad litem or an equivalent person to assist them in dealing with the criminal judicial process; and

8. Particularly troublesome aspects of abuse and neglect definitions require greater elaboration (e.g., prenatal abuse, medical neglect and "Baby Doe" cases, and psychological or emotional abuse).

All of the above improvements are predicated on the state legislature appropriating adequate funds for child protective service to assure:

1. Adequate caseworker/family ratios;
2. Availability of a full range of preventive and other treatment services (e.g., day care, homemaker, respite care, job and housing assistance);
3. Appropriate training for all CPS agency personnel and related professionals (e.g., guardians ad litem, doctors and teachers); and
4. A comprehensive public awareness and child abuse and neglect prevention program.

CHILDREN'S TRUST FUND

The purpose of the Children's Trust Fund is to authorize a special funding mechanism which will provide services for child abuse and neglect prevention through community-based organizations.

In 1982, only six states had passed Children's Trust Fund bills. Last year, NCSL projected that a total of 15 states would have initiated such a measure by 1984. It is evident to note that this type of project is gaining strength in the state legislatures. While the fund is not a panacea to solve all the problems of abuse and neglect, it does serve to augment existing state monies allocated for mandatory emergency and protective services.

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APPENDIX G

Child Assault Prevention Training Center of
Northern California

CAPsule



The Newsletter of the Child Assault Prevention Training Center of Northern California

Summer 1984 Vol. 1 No. 1

Hello Membership!

Welcome to the first edition of the CAP Training Center's newsletter. This premier issue of our quarterly newsletter is dedicated to the 600 supporters who became our partners in prevention during our April, 1984 Membership Drive. Subscription to the newsletter is included with the membership. The newsletter will keep you in touch with the goings-on of the Training Center: who we are and what we are up to; CAP news around the state and nation; educational reports on all aspects of child abuse prevention; and tips for parents, CAP workers and other caretakers of children. For those of you who haven't joined us, don't miss out on upcoming issues. Fill out the membership form on the back page and send it in today!

CAP Comes To California

It has been an amazing three years. When we first started bringing CAP to California, we had no idea that so many people from so many different communities would respond with such enthusiasm, hard work, warmth and friendship. We never imagined that at the end of our start-up period, we would find ourselves saying that there would be over 35 projects, with more on the way. We did not expect that through these projects over 70,000 children would have participated in workshops, along with all of their teachers and many of their parents. We feel very, very fortunate to have met with such wonderful surprises.

The CAP Training Center

It was in the fall of 1983 that the CAP Training Center became a formal entity, but this was a matter of naming only. In practice, the Training Center was actually born 2½ years earlier in March of 1981 when we began organizing the first major Training Program.

The success of our work and the success of local CAP Projects has been made possible by the gifts given us by the women of the original CAP Project (and National Training Center) in Columbus, most especially Sally Cooper. We have been given not only a complete, incredibly popular

Continued on page 3

How We Started: The Story of Columbus, Ohio

In January, 1978, Women Against Rape received a phone call from a second-grade teacher. One of her students had been raped, and she requested our help in calming the fears of the child's classmates and in offering the children some practical suggestions to prevent sexual victimization.

Prior to this, we at Women Against Rape had focused almost exclusively on rape-prevention with adults. In order to respond to the teacher's request, a small group of us met to research sexual assault against children. Our group included an elementary school teacher, a creative arts teacher, a child development specialist, a rape-prevention researcher, social workers, and parents. What we discovered surprised and angered us. We learned that one out of every four girls are sexually assaulted, and one out of every eleven boys! Clearly, as rape-crisis center counselors, we needed to address the problem of sexual assault of children.

Four months later, we were ready. But by

now, the program for the second-grade class had evolved into a school project that included workshops for parents and teachers as well as children in each classroom. And we were beginning to get requests for the program from other schools and teachers, too. It appeared the response to child assault prevention was overwhelming. We realized that we had stumbled onto something significant.

So we began the long, often frustrating search for funding that would enable us to pilot the program in several elementary schools. The Ms. Foundation awarded us a challenge grant of \$10,000 in August, 1978. Finally, after a year of countless rejections and many long, emotional meetings, we received from The Columbus Foundation the matching \$10,000 we needed to begin the project. In September, 1979, the Child Assault Prevention (CAP) Project was finally on its way!

Once begun, CAP quickly assumed a life of its own. By the time we were ready for our fourth school, we no longer had to

Continued on page 4



CHILD ABUSE PREVENTION TRAINING ACT - AB 2443 (Maxine Waters)

Child abuse, in all its dimensions, from sexual, physical, and emotional abuse, to child neglect, is a difficult and depressing issue. Where do we look to find the beginnings of hope?

Californians have every reason to be proud of the primary prevention programs that are reaching children in their school classrooms in counties throughout the state. These programs are bringing children a new sense of self-confidence and activity by teaching them what they can do to take care of themselves when faced with danger or abuse, and where they can turn to find adults who will help them when they are in need. For adults these programs have provided a new sense of optimism about a problem that is one of the crucial issues of our time.

THE PROBLEM

Child abuse has reached epidemic proportions. It is a major health and safety issue for every state in the country. For example, experts estimate that one out of every 4 girls and one out of every 11 boys will be sexually assaulted at least once before the age of 18. These are stated as conservative estimates. The consequences of child abuse are also major social issues. Many children, not knowing who to talk to or where to seek help, turn to drugs, alcohol, running away from home, prostitution, and suicide to deal with the trauma and the pain in their lives.

WHAT WILL MAKE A DIFFERENCE?

High-quality, comprehensive primary prevention programs, reaching large numbers of children in a personal way, have been proving their effectiveness. These programs involve the child's whole community with presentations and workshops for parents, school staff, and children. Non-threatening, age-appropriate programs for children from preschool through the 12th grade, teach what children can do to help ensure their safety, from assertiveness and saying NO, to peer support and a special self-defense yell, to finding trusted adults who will believe them and provide help.

EXTRAORDINARY COST-EFFECTIVENESS

Both in human and financial terms, primary prevention is extremely cost-effective. Programs can prevent years of suffering and personal trauma. They can save lives. Prevention programs cost an average of \$7 per child. Compare this with the thousands of dollars spent on each

child abuse case for child protective services, police, the courts, legal fees, treatment costs, and incarceration of offenders. All of these services are necessary and need to be fully supported. But prevention programs are an essential part of the team effort, and offer the long-range hope that the need for after-the-fact services will gradually diminish as our communities become more and more effective at ensuring children's safety.

THE ROLE OF SCHOOLS

Schools are an excellent place to teach children and their parents, however schools bear the burden of countless responsibilities. So this legislation, while mandating that school districts allow prevention programs to take place in their classrooms, does not require that the schools take on the extra work load of providing the programs themselves. The success of independent community agencies, with specialized expertise, bringing prevention workshops to the schools has been greeted with applause from the teachers and administrators of the schools they have served. This bill has been designed to make life easier, not harder for school personnel.

TRAINING CENTERS

Two Prevention Training Centers will be funded by this legislation, one for southern California and one for northern California. They will operate on a clearinghouse principle. They will provide training in the major prevention programs now operating throughout the State. They will also provide information about state of the art curricula from around the country and arrange training in those models for counties requesting them. They will provide ongoing technical assistance and aid in developing multicultural staff for projects in each county. The funding of these Centers will be critical for the establishment of new projects following the passage of this bill, and for the expansion of projects already in existence which are chosen for funding.

Please join the people from communities in every part of California who are working to pass AB 2443, by endorsing it, writing letters of support, and making financial contributions. The Child Abuse Prevention Training Act is an historic piece of legislation, providing every child in the state a chance to participate in a primary prevention workshop, and providing every Californian a sense of hope.

— Rich Snowden



Cap. trainer Beth Sandweiss with Alameda student demonstrating self-defense techniques

Shirley Sahlin

Children's Success Stories

California is a national leader in child abuse prevention training, as measured both by the number and quality of its in-school programs. Our efforts here have shown that the three best things about prevention training are:

CHILDREN LOVE IT!

PARENTS LOVE IT!

IT REALLY WORKS!

The following stories represent a sampling of the follow-up data collected by the Child Assault Prevention Training Center. Names have been changed to respect the privacy of children and their families.

Assault in the Girls Room at School (Alameda County, 1982)

A 10-year old girl named Ginny had just finished going to the bathroom, when a man who was a stranger pushed open the door to the stall she was in and tried to grab her. She immediately started her special self-defense yell and kicked him very hard in the shins. This stunned him long enough for her to be able to get past him and out into the hallway where she called for help. The man fled the school with teachers in pursuit, but got away. Ginny, however, was safe.

Prevention Has a Life of Its Own (Columbus, Ohio, 1983)

One teacher during a six-week follow-up report, said that she had seen children using the "safe, strong, and free" language from the prevention workshop in their interactions out on the playground. Several times she had seen a child being treated unfairly, telling the bully to leave her alone. Meanwhile other children gathered to back her up, telling the bully, "She's right. Leave her alone, don't be mean. Be a friend instead." Incidents that otherwise would have required intervention on the

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Write a Letter . . . FOR CHILDREN'S SAFETY!!

THE CHILD ABUSE PREVENTION TRAINING ACT, AB 2443, authored by Maxine Waters, will provide programs in schools throughout California to teach children what they can do when faced with danger or abuse and where they can turn for help from caring adults.

Letters of support, heartfelt and written in your own way, make a big difference on a bill like AB 2443, and will play a crucial part in passing this historic legislation. Here's how you can help:

1. WRITE A LETTER TO YOUR STATE SENATOR

Send it to: State Senator _____
State Capitol
Sacramento, CA 95814

2. WRITE A LETTER TO THE GOVERNOR

You can simply re-write or re-type the letter you wrote to your Senator.

Send it to: Governor George Deukmejian
c/o. Maureen Higgins, Legislative Assistant
State Capitol
Sacramento, CA 95814

3. MAKE A COPY OF EACH LETTER

Send them to: CAP (The Child Assault Prevention Training Center)
1017 University Avenue
Berkeley, CA 94710

The Training Center is a primary sponsor of AB 2443. It's most important that you write your Senator and the Governor as soon as possible, because things are happening very quickly with the bill. But we would also love it, if you could send us copies, so we can make sure that each Senator knows just how much support there is in his or her district for 2443.

THANK YOU FOR CARING AND FOR HELPING!!

Continued from page 1

and effective program, but also non-stop encouragement, support, and technical assistance. The women of CAP-Columbus have made sacrifices to subsidize and strengthen our work. They have been through the hard times with us, and can now celebrate with everyone here, in a very personal way, the victory that CAP is for children in California.

We are proud of how much the Training Center has accomplished in so short a period of time with so few resources. We have:

1. Direct Service: trained over 10,000 children in Northern Alameda County to be **SAFE, STRONG, FREE.**
2. Provided inspiration, personal support, and ongoing technical assistance for local projects.
3. Organized, administered, and subsidized 3 major and 10 local CAP Training Programs, training over 400 people to do CAP.
4. Organized special training sessions on developing multicultural staffing, provided ongoing consultation, and worked

on modifying CAP for the diverse communities of California.

5. Organized a 2 day Trainer's Seminar to help develop leadership of local CAP Projects and to help develop a pool of skilled Trainers ready to lead Training Programs arranged by the Center.
6. Developed a very successful, and financially self-supporting CAP Preschool Program, and are continuing to provide training to local projects so they can work with preschool children.
7. Worked extensively with both media and funding sources to help CAP become a well-known and well-respected program throughout Northern California.
8. Organized and funded the development of the CAP Network of Northern California.
9. Helped design and write AB 2443, the Child Abuse Prevention Training Act, which is to provide significant funding for primary prevention programs in the schools, and are continuing to serve as primary sponsors, coordinating the lobbying efforts needed to pass the bill.

A Growing Network of Children's Advocates

Everyone who is part of CAP is making history. Together we are giving children, finally, a fighting chance. We are giving them ways to use their own strength, intelligence, and resources to defend themselves against abuse, neglect, exploitation, and the whole range of crimes committed against them.

There is a special beauty in children learning self-respect and self-confidence, and in the joy they feel as they become empowered. There could be no better reward for all the people who have worked, struggled, and fought to bring CAP to their own communities and to keep it strong and growing.

A relatively small group of people is making an enormous difference in the lives of children and their parents. And this is only the beginning.

Continued on page 4

Continued from page 1

wheel our way past skeptical administrators. Instead, we were deluged with requests from parents, teachers, and social service groups to do the project for children.

This response to the project was both exhilarating and frightening. People who had experienced CAP gave us support we hadn't dreamed of. Parents told us how important the workshops were to them. Many said they felt more secure about their children's independence and safety after the workshops. Some said they wish that they'd had this information when they were children; perhaps then they'd have been spared the trauma of assault. Teachers told us that the style and tone of the workshops were special, that we had an effective teaching technique. And children loved the workshops; they begged for more. This affirmation kept us going, even when we were too tired to be articulate about our program.

Jokes developed around the office that the CAP project didn't need us, that we were always running just to catch up with it! It was partially true; hanging on for dear life, as in the children's game, "crack-the-whip," we felt we were at the end of a very fast-moving string of events, and we often felt out of control.

So What's CAP All About?

The Child Assault Prevention (CAP) Project seeks to end the sexual victimization of children through the education of elementary school children and the adults in their communities.

Recognizing children's vulnerability to assault, we focus on children's problem-solving abilities to help them identify and defuse potentially dangerous situations. In a one-hour workshop using role-plays and guided group discussion, children learn assertiveness, peer support and communication skills. The complementary adult workshop educates parents, teachers and

community members about child sexual assault and prepares them to respond effectively to children in crisis.

Perhaps part of CAP's popularity is its versatility and broad application. To children, CAP is fun and exciting. It's not frightening or confusing. We teach children that they have the right to be safe, strong and free. In the CAP children's workshop, in the company of their friends and in the safety of their classroom, children practice strategies to help them keep their rights to be safe, strong and free.

To adults, CAP is reassuring. Parents are often reluctant to talk about the possibility of sexual assault with their children because they're afraid they'll frighten them. Parents may also be uncomfortable with the subject of child assault itself. CAP provides a structure, a language, and a strategy for parents and children to talk about child sexual assault. In helping parents and children prevent assault, CAP offers hope.

To the abused child, CAP means that someone who understands and is willing to help is within reach. For the teacher or parents of that child, CAP provides vital information and support during a crisis.

For still others, CAP's very existence validates a personal assault experience and helps survivors know that something is being done to stop the sexual assault of still more children.

Without a doubt, CAP has deeply touched many lives. Certainly, it has affected ours. Through this project, each of us has had to deal with the pain of child sexual assault on a personal level. Talking with children, hearing of their experiences, and observing a society unable or unwilling to help them, hurt us in profound ways. We turned that hurt and anger into the energy that enables us to do something to prevent assault.

— *Strategies For Free Children*

Membership Success

The first annual membership drive for the Child Assault Prevention Training Center of Northern California was a tremendous success, resulting in 600 founding members, and raising \$18,000.

100 volunteer fundraisers participated in the drive, Honorary Chairpersons for which were Ann Fraser and Ross McGowan of KPIX's People Are Talking. Each volunteer fundraiser made a commitment to raise at least \$200 in memberships.



Grand Prize Winner, for selling \$950 in new memberships, was Betty Mayo of San Leandro Marina Childcare Center, shown above receiving two round trip tickets to Hawaii donated by World Airways from Kate Kain, director of Training. Diane Kelly, an Alameda parent, raised \$750 in new memberships.

Thirty of the new members received raffle prizes donated by local merchants. The photo above shows the prizes being drawn by volunteer fundraiser Keniss Sue and her son.

The CAP Training Center of Northern California offers workshops for parents, teachers and children, pre-school through junior high. All programs are designed to reduce children's vulnerability to assault by teaching them how to recognize and handle dangerous situations. Children learn to assert their rights to be safe, strong and free, by using simple self defense techniques, assertive responses such as saying "NO" or "STOP", and how to get help from adults they trust. The workshops provide an effective and hopeful response, for both parents and children, to the threat of child assault.

CAP Members receive a subscription to the newsletter, *Prevention Pages*, and a partnership in CAP's work to help all children be Safe, Strong and Free. If you would like to join, use the application form on back page and mail it, along with your check, to the CAP Training Center of Northern Calif., 1017 University Avenue, Berkeley, Calif. 94710.

— *Lynn Dorroh*

Continued from page 3

Upcoming Events

The Training Center is one of the many CAP Projects in the State that has developed a Jr. High school project. In October Trainers from these, along with other prevention programs will participate in a conference on their work. We are excited about this opportunity to begin dialogue about teenage youth.

Also

The Training Center has scheduled trainings during the summer in Napa, Reno, Butte, Santa Cruz, and Berkeley. The Training Center will also participate in the National CAP Training Conference in Columbus, Ohio. If you wish further information on any of our trainings, please contact our Training Coordinator, Yuri Morita, at (415) 549-2655.

Good Tidings and Best Wishes from the National CAP Training Center, Columbus, Ohio

We are very excited with all the news we hear of California's CAP Projects! We wish we could be there with you to celebrate your successes, wring our hands over your worries, and generally become close friends. That is not possible across the miles, but our hearts are with you in your work.

We point to California all the time because you represent CAP's finest success. "When you, over three years ago, 'take the project and run with it!', and never in our wildest imaginings did we think that you would run so far, so fast, so WILDLY! The preschool project, the multicultural adaptations, the Training Center, the new projects, the state-wide work, the legislation are all examples of your dedication, hard work, (and probably your exhaustion). Beyond the work, we feel a sense of respect and friendship which is very deep. For all of this, and more, we thank you.

Many of you continue to send us newspaper articles about your project, new ideas, letters apprising us of your progress, and publicity flyers that you've developed to advertise your work. We love to open our mail from California, keep it coming!

The legislation you are working on is very exciting. Funding remains a major problem because there is no commitment to prevention on a local, state or national level. We are watching California, as is the rest of the country, hoping for your victory so we can use your precedent to bring other states forward. We know that this work is exhausting and we appreciate your dedication and commitment.

CAP Columbus is alive and well and growing. We are hosting the FIRST National CAP Training Conference this summer, July 16-19. Participants from all over the country will be offered training in English and Spanish. Registrations are coming in and we are learning more than we ever wanted to know about conference planning.

Ms. Magazine ran our article on CAP in its April issue and the mail is overwhelming. So many people want children to have these opportunities, the responses are terrific.

CAP continues to travel to new states. Yvonne, now a Massachusetts resident is offering three trainings in the Boston area for new projects to start up. Cathy just returned from Odessa, Texas, and Sally and Laurie are working with the Ohio School for the Deaf on adaptations for hearing impaired children. Soon, we will have folks ready to travel around the country to offer trainings to people working with these children. CAP is for EVERY child.

Strategies for Free Children is sold out! The second edition is at the printers and will be available soon. If you need copies, please let us know. (See accompanying add for order form.)

CAP is working with the Columbus Board of Education to create a policy that would mandate that all school children in public schools be given at least one classroom session on prevention of assault. This will result (if we're successful) in CAP

workshops in all 74 public schools starting next year. The commitment to children is growing in all of our communities, our work is paying off. We'll keep you up to date on this, in case you'd like to try the same thing in your area.

Laurie has been working madly with Franklin County Children's Services (our equivalent of Child Protective Services) on a contract to provide workshops for all children referred to that system. Finally, it looks like we will be seeing all children who are in foster homes, residential programs, or kids who have been returned to their biological parents' homes. We want very much to be able to talk with these children since we know they need advocates and people who believe in their strength.

APT (Assault Prevention Training) Project, born of CAP to work with adults who are or are alleged to be developmentally disabled or chronically mentally ill, is working hard. Already success stories are flooding the office. Indeed this population is vulnerable to sexual assault. Contact Candace Pierson at our address for more information.

Well, we've run on long enough. We think of you often, hope your successes on behalf of children are many, and look forward to opportunities where we can meet personally and share our work.

Good luck to each and every one of you,
SALLY COOPER LAURA KAGY
CATHY PHELPS
CAP National Training Center

Students' comments on CAPP Home St. and Elm St. Schools, Santa Clara County

SIXTH GRADE

- I thought the saying "no" technique is the best. I feel confident that I could say "NO".
- I especially liked the little skits that were put on. I think that the whole program was very good and I hope that you will come back.
- I liked the little scenes where someone was taking away their rights because it showed what can really happen, and what you can do.
- The best thing you did was the roll playing because it helped us say no, and to learn how to scream for help.

FIFTH GRADE

- I liked the whole thing. It was fun. We learned a lot of stuff. We got to see plays and talk with them. I liked the whole thing the best.
- I liked everything you did because you showed what to do and what not to do. I know myself I learned a lot on what to say to somebody and. I hope everybody keeps Safe - Strong - Free for the rest of their lives. I enjoyed it.
- I liked everything because it has answered some of my questions like What do you do when you are all alone? or What do you do if one of your relatives is forcing you to do something?
- I liked the yell the most of all. I could help save a life one day and if everybody was yelling that person would run like crazy.

FOURTH GRADE

- The best part was I learned my rights. I learned that I can tell anyone that something bad happened.
- I liked the part best when the kid stuck up for himself. I got a lot about it. Mostly about the embarrassing.
- I liked all of the program. I liked it because it taught me a lot and showed me what to do when I'm in trouble.

THIRD GRADE

- I liked the plays and the yells. I liked learning to stay away from strangers.
- Best things about CAPP. I liked every play you did and also I liked the yell best and I like the pins.

COME AGAIN!

CAP Is For Everyone

Incidences of child assault can be found in populations of every race, class, culture and creed. At first individual communities deny its existence. The denial comes from an illusion that "our people would never hurt each other in that way; another group of people might, or depraved people would, or ignorant people do, but not us." We often make children more vulnerable by telling them they will be safe if they stay away from people that look _____

(fill in your favorite prejudice). This bigotry puts them at greater risk by leading them to trust those that don't look a certain way and not seek help from those who do. This self-deception ends when we are forced to confront victimization of children in our own community, sometimes in our own home. Even this recognition may not be enough to break through the myths.

Because we are conditioned to believe that abuse never happens in decent communities, the family, becomes cloistered in a shroud of secrecy, protecting the offender and isolating the victim. The CAP Training Center focuses on multicultural issues partly because we live in a multicultural society and child abuse exists in every community. We recognize that children's safety is an issue that doesn't change priority while crossing cultural lines. And we believe that what we have learned from each other about racial oppression is central to the subject of children's rights.

To be effective in every community we need to be wary of ethnocentric values that cause culturally specific child rearing practices to be labeled abusive. In the past the CAP Training Center staff have had many disputes on how to differentiate between discipline and abuse when considering children that are being spanked. It was clear that some of our differences fell along cultural lines. Understanding culture and traditions helps to determine what, if any intervention should be made.

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Some CAP workers around the state have expressed the belief that the feminist analysis of CAP precludes strong participation of 3rd World women. A common myth is that women of color, as a group, are less likely feminist than are white women. This position appears to be confirmed when observing the activists in the movement. A disproportionately small number of these women are non-white.

However the feminist analysis of issues are understood, familiar experiences by most women of color. They are, after all, similar to the civil rights analysis as outlined by civil rights leaders. What keeps nonwhites out of the overwhelming white women's movement is not a lack of commitment but a difference in priorities. It would be nonsensical for a Black woman to give priority to fighting sexism in the Boardroom if racism prohibits her from being employed at even the lowest level.

The CAP Training Center recognizes that the insensitivity to race and class as reflected in the women's movement agenda has confirmed 3rd World women's perception of feminism and has kept women from working together towards common goals. We have worked hard to make multicultural concerns a cornerstone of our efforts instead of just part of a laundry list of issues. Our labor has been rewarded with the development and maintenance of a multicultural staff. By working cooperatively we learn that CAP is an easy issue for women of diverse backgrounds to rally for together.

Our experience has shown that when multicultural women channel their energies into protection of children's rights there are few disputes about priorities. This is not surprising once noting that violence against children and violence against women involve the same issues as violence against people of color. In each case the victim is rendered isolated, dependent (economically and sometimes emotionally) and vulnerable to offenders who treat their victims as objects that exist primarily to fulfill their wants and desires.

We believe an extra priceless dimension is found in CAP when attention is paid to this solidarity. By actively supporting the goal of empowerment of all people regardless of age, sex or race, we insure the safety of, lend strength to, and guarantee the freedom for, each of us.

SAFE, STRONG, FREE. That's what we are all about!

Upcoming Issues: Recruitment and retention of staff; Initial thoughts on child assault prevention in Mexico and Japan!

— Editor

Continued from page 2

part of the teacher, were now things that the children were able to settle in effective, constructive ways on their own. This was conflict resolution at its best and made for a happier school environment.

8½ Year Old Escapes Molester (Sutter County, 1983)

Michael's mom is a volunteer for a brand-new prevention program in a rural county. Michael had gone to several staff meetings to help with rehearsing the role plays. Then one afternoon after school, while he was playing in the vacant lot across from his backyard, a man who was drinking beer approached him with candy and a BB gun. He said, "Do you want to have some candy?" Michael said, "I don't talk to strangers," and backed away. The man said, "Do you want to look at my BB gun?" Michael again said "no" very assertively.

Suddenly he saw a second man, also drinking beer, behind him. At that moment the first man grabbed him, dragged him between two parked cars on the street, and started to molest him. Michael planted his feet to get his balance, then kicked the man in the shin, scraped down his shin with his foot, stomped on his instep, did his yell, broke free, and ran to a neighbor's for help. The two men ran off in the other direction.

Though this was a traumatic experience for Michael, he felt very proud of himself and he was safe. Then the director of the program went over to see him at his home the next day, the first thing he said to her was, "I did good, Marsha!"

From Out of Nowhere — A Group Effort (Columbus, Ohio, 1980)

Trina was playing out at the end of her front yard when a man drove up, parked across the street, got out and came over to her. He smiled and was friendly until he grabbed her, then he started dragging her toward the car. Trina immediately did her yell while she tried to break free. Five other children appeared seemingly out of nowhere, ran toward the scene, (but not near enough to put themselves in danger) and they were all doing their yells loud and clear. The man could not believe what was happening, let go of Trina, jumped back in his car and sped off.

More success stories coming in future newsletters. As they come in from California you'll be the first to hear!



COUNTIES OR CITIES WITH
CHILD ASSAULT PREVENTION PROJECTS
AS OF JUNE 1984

Reno - CAP

CAP

Pasadena-CAP

APPENDIX H

Court Appointed Special Advocate Program,
Clark County Juvenile Court Services

CLARK COUNTY JUVENILE COURT SERVICES

COURT APPOINTED SPECIAL ADVOCATE PROGRAM

The Court Appointed Special Advocate ("CASA") Program is an innovative program which has received national recognition because of its successful advocacy efforts for children. The Court is enthusiastic about the program's potential for assisting abused, neglected, troubled, or delinquent children, for providing important input to the Juvenile Court Judge making decisions affecting these children, and for increased community awareness and involvement in these serious issues affecting children and families in Clark County.

THE PROGRAM ITSELF:

Community volunteers are being recruited, trained, and appointed by the Juvenile Judge to serve as advocates for abused and neglected children coming before the Juvenile Court, as well as for some delinquent and pre-delinquent youths. In the past, such children have had no consistent person who stayed with them and remained committed to representing only their interests in court. The Judge, who must make decisions affecting these children's lives, often hears conflicting assertions and recommendations, with little agreement on what is the best course of action for the abused or neglected child. After assignment of a CASA to a particular child, the volunteer becomes acquainted with this child, does an in-depth investigation of the facts, makes an impartial assessment of the situation, and makes an independent recommendation to the Court. Because of the CASA volunteer's commitment to no other interest than the child's welfare, he has a special status in Court. and a high value is placed on his recommendations. Representing a child's interests in this manner is a serious responsibility, and CASA's are given considerable training and resource materials prior to their assignment. Legal and social work services are also available when needed.

WHAT TYPE OF PERSON IS NEEDED TO BE A GOOD CASA?

Responsible people from as broad a spectrum of the community as possible are needed to represent the diverse children who come through the Court process. Special education and expertise are not required, although any special skills or abilities that CASA's possess are beneficial and are matched, to the extent possible, with special needs of children. What is needed is a commitment to stay with the child until his or her needs for a secure, permanent home are met, and a sense of responsibility about the seriousness of the assignment. The amount of time involved in functioning as a CASA varies considerably from case to case. It may be as little as ten hours, or as much as fifty hours over a period of six months or longer. The time constraints of individual CASA's are one of the factors taken into consideration in assigning certain types of cases.

WHAT'S IN IT FOR THE CHILD?

The child is provided an advocate who takes the time to recognize his individual needs and to represent his interests in court until a secure, permanent placement is made for him/her.

WHAT'S IN IT FOR THE COURT?

The Court receives an impartial assessment, with assurances that nothing other than the child's welfare motivates the recommendations from the CASA. It has the assurance that this child will not become "lost" in the system, but will be followed until a satisfactory placement is arranged for the child. The Judge is more confident in his decision-making because of the additional input from trained, concerned members of the community who bring with them different perspectives than perhaps are shared by those working within the system.

WHAT'S IN IT FOR THE PROSPECTIVE CASA?

The prospective CASA has an opportunity to play a direct, responsible, and vitally important role in the future of a child. Child abuse and neglect is a serious problem in our community, and this represents an opportunity to learn, to have an impact, and to know that you have done something worthwhile in assisting a child incapable of fully representing his or her own interests. Because of the Court's understandable concern about protecting the privacy of troubled families, much of the Juvenile Court's involvement with individual families has been out of view of the general public. It is also understandable, therefore, that many members of the public have misconceptions about the nature and extent of family problems, about the appropriateness of governmental intervention in family functioning, and about realistic solutions to these problems. Participation in this program affords an opportunity to evaluate these things for yourself and to have a voice in what happens to individual mistreated children in Clark County.

Carol M. Stillian,
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Clark County Juvenile Court Services
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APPENDIX I

Subsidy Formula for Local Child Protective Services*

*Child Abuse and Neglect: A Report And Recommendation On How The Present System Of Services Works In Nevada And How It Could Be Improved, prepared on behalf of the Nevada Department of Human Resources by Frank P. Carmen.
Carson City, Nevada: April 8, 1983, p. 51.

<u>COUNTY</u>	<u>UNDER 18 POPULATION</u>	<u>x \$10.00 =</u>	<u>SUBSIDY AMOUNT</u>
Carson	8,174		\$ 81,740
Douglas	5,041		50,410
Lyon	3,956		39,560
Storey	347		3,470
Clark	128,637		1,286,370
Esmeralda	197		1,970
Eureka	351		3,570
Lander	1,299		12,990
Lincoln	1,346		13,460
Nye	2,601		26,010
White Pine	2,472		24,720
Washoe	46,280		462,800
Churchill	4,039		40,390
Elko	5,396		53,960
Humboldt	2,812		28,120
Mineral	1,877		18,770
Pershing	952		9,520
	<hr/>		<hr/>
TOTALS	215,799		\$2,157,990

Source: U.S. Bureau of the Census; Bureau of Business
and Economic Research, College of Business
Administration, University of Nevada-Reno.

APPENDIX J

Suggested Legislation

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SUMMARY--Requires that the protection of abused or neglected children be given priority over the preservation of the family. (BDR 5-157)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to children; requiring that the protection of the child be given priority over the preservation of the family in any proceeding or in providing any service regarding abuse or neglect; 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. Chapter 62 of NRS is hereby amended by adding thereto a new section to read as follows:

In any proceeding or in providing any service regarding the abuse or neglect of a child, the primary object is the protection of the child, which must take precedence over the preservation of the family.

Sec. 2. NRS 62.031 is hereby amended to read as follows:

62.031 1. This chapter [shall] must be liberally construed to the end that each child coming within the jurisdiction of the court [shall receive] receives such care, guidance and control, preferably in his own home, except as provided in section 1 of this act for victims of abuse or neglect, as will be conducive to

the child's welfare and the best interests of the state, and that when such child is removed from the control of his parents, the court shall secure for him care as [nearly as possible equivalent] equivalent as possible to that which should have been given him by them.

2. The purpose of this chapter is also to promote the establishment, supervision and [implementation of preventive] the carrying out of programs designed to prevent persons under the age of 18 from coming under the jurisdiction of the juvenile division of the district court.

Sec. 3. NRS 128.0123 is hereby amended to read as follows:

128.0123 "Case plan" means:

1. A written agreement between the parents of a child who is a ward of the juvenile court pursuant to chapter 62 of NRS and the agency having custody of the child; or

2. Written conditions and obligations imposed upon the parents directly by the juvenile court,
which have a primary objective of reuniting the family or, if abuse or neglect of a child is involved, protecting the child or,
if the parents neglect or refuse to comply with the terms and conditions of the case plan, freeing the child for adoption.

Sec. 4. NRS 200.501 is hereby amended to read as follows:

200.501 It is the policy of this state to provide for the cooperation of law enforcement [officials,] officers, courts of

competent jurisdiction, and all appropriate state agencies providing human services in relation to preventing, identifying and treating [child] abuse and neglect [,] of children, through the complete reporting of [child] abuse and neglect of children and investigation of such reports by a social agency and the provision of services where needed, primarily 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 [.] , and then, if possible, to preserve the family.

Sec. 5. NRS 200.504 is hereby amended to read as follows:

200.504 1. The welfare division of the department of human resources or the authorized county agency shall:

(a) File with the central and regional registries for [child] abuse and neglect of a child a copy of each report of [child] abuse or neglect of a child received by or referred to [them.] it.

(b) Investigate each report of [child] abuse or neglect received or referred to it by a law enforcement agency to determine the circumstances surrounding the injury or injuries, the cause thereof, and the person or persons responsible.

(c) Upon completing the investigation, report to the central registry:

(1) Identifying and demographic information on the child alleged to be abused or neglected, his parents and the person or persons allegedly responsible for the abuse or neglect.

(2) The facts of the alleged [child] abuse or neglect, including the date and type of alleged [child] abuse or neglect, the manner in which abuse was inflicted and the severity of the injuries.

(d) Upon disposition of the case, report the nature of the disposition to the central registry and the referring law enforcement agency, if any.

(e) Provide such social services as are necessary primarily to protect the child and then, if possible, to preserve the family.

2. The welfare division shall advise each authorized county agency of any report received or referred and investigation made in that county. Each authorized county agency shall advise the welfare division of each report received or referred and investigation made.

3. If the division or agency determines that further action is necessary to protect the child who is the subject of the report, as well as any other child under the same care who may be in danger of abuse or neglect, the division or agency may refer the case to the district attorney for criminal prosecution or it may

recommend the filing of a petition in the juvenile division of the district court as provided in chapter 62 of NRS.

SUMMARY--Requires prompt hearing for child held in custody
because of abuse or neglect. (BDR 5-158)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial
Insurance: No.

AN ACT relating to children; requiring a prompt hearing for a
child taken into custody and detained because of abuse or
neglect; 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. Chapter 62 of NRS is hereby amended by adding
thereto the provisions set forth as sections 2 to 5, inclusive,
of this act.

Sec. 2. 1. A child taken into custody and detained must be
given a hearing, conducted by a judge or master, to determine
whether further detention is necessary or in the best interest of
the child:

(a) Within 24 hours, excluding Saturdays, Sundays and holidays,
after the child submits an application for a hearing if the child
is detained because he is in need of supervision or has committed
a delinquent act; or

(b) Within 72 hours after being taken into custody, if the
child is detained because of abuse or neglect.

2. A child may be released after the hearing only upon the written consent of the judge or master.

Sec. 3. 1. Except as provided otherwise in this section a child under 18 years of age must not at any time be confined or detained in any police station, lockup, jail or prison, or detained in any place where the child can come into communication with any adult convicted of crime or under arrest and charged with crime, except that where no other detention facility has been designated by the court, until the judge or probation officer can be notified and other arrangements made therefor, the child may be placed in a jail or other place of detention, but in a place entirely separated from adults confined therein. Whenever it is possible to do so, special efforts must be made to keep children who are neglected or in need of supervision apart from children charged with delinquent acts.

2. The official in charge of any detention home may by written order direct the transfer to the county jail of a child placed in the detention home. The child must not be detained in the county jail for more than 24 hours unless a district judge orders him so detained for a longer period. Such an order may be made by the judge without notice to the child or anyone on his behalf. Any

child under 18 years of age who is held in the county jail pursuant to the provisions of this subsection must, where possible, be placed in a cell separate from adults.

Sec. 4. Whenever any child is halted by a peace officer for any violation of a traffic law or ordinance which is punishable as a misdemeanor, the peace officer may prepare and issue a written traffic citation under the same criteria as would apply to an adult violator. If the child gives his written promise to appear in court by signing the citation, the officer shall deliver a copy of the citation to the child and shall not take him into physical custody for the violation.

Sec. 5. During the pendency of a criminal or quasi-criminal charge of murder or attempted murder, a child may petition the juvenile division of the court for temporary placement in a juvenile detention facility.

Sec. 6. NRS 62.040 is hereby amended to read as follows:

62.040 1. Except as otherwise provided in this chapter, the court has exclusive original jurisdiction in proceedings:

(a) Concerning any child living or found within the county who is neglected because:

(1) He has been abandoned by his parents, guardian, or other custodian;

(2) He is without proper parental care and control, or subsistence, education, medical or other care or control necessary

for his well-being, or he is suffering from congenital drug addiction or the fetal alcohol syndrome, because of the faults or habits of his parents, guardian or other custodian or their neglect or refusal, when able to do so, to provide them;

(3) He has been subjected to physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation or negligent treatment or maltreatment constituting abuse and neglect as defined in NRS 200.5011, by a person who is responsible for his welfare under circumstances which indicate that his health or welfare is harmed or threatened thereby;

(4) His parents, guardian, or other custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization or other physical or mental incapacity; or

(5) He has been placed for care or adoption in violation of law.

(b) Concerning any child living or found within the county who is in need of supervision because he:

(1) Is a child who is subject to compulsory school attendance and is an habitual truant from school;

(2) Habitually disobeys the reasonable and lawful demands of his parents, guardian, or other custodian, and is unmanageable; or

(3) Deserts, abandons or runs away from his home or usual place of abode, and is in need of care or rehabilitation. The child must not be considered a delinquent.

(c) Concerning any child living or found within the county who has committed a delinquent act. A child commits a delinquent act if he:

(1) Commits an act designated a crime under the law of the State of Nevada except murder or attempted murder, or violates a county or municipal ordinance or any rule or regulation having the force of law; or

(2) Violates the terms or conditions of an order of court determining that he is a child in need of supervision.

(d) Concerning any child in need of commitment to an institution for the mentally retarded.

2. This chapter does not deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or to determine the custody or guardianship of children in divorce or domestic relations cases.

3. This chapter does not deprive justices' courts and municipal courts in any county having a population of 250,000 or more of original jurisdiction to try juveniles charged with minor traffic violations but:

(a) The restrictions set forth in [subsection 3 of NRS 62.170] subsection 1 of section 3 of this act are applicable in those proceedings; and

(b) Those justices' courts and municipal courts may, upon adjudication of guilt of the offenses, refer any juvenile to the juvenile court for disposition if the referral is deemed in the best interest of the child and where the minor is unable to pay the fine assessed or there has been a recommendation of imprisonment.

In all other cases prior consent of the judge of the juvenile division is required before reference to the juvenile court may be ordered. Any child charged in a justice's court or municipal court pursuant to this subsection must be accompanied at all proceedings by a parent or legal guardian.

4. Action taken by the juvenile court pursuant to the jurisdiction conferred by subparagraph (3) of paragraph (a) of subsection 1 does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts and circumstances.

Sec. 7. NRS 62.170 is hereby amended to read as follows:

62.170 1. Except as provided in [subsection 6,] section 4 of this act, any peace officer or probation officer may take into custody any child who is found violating any law or ordinance or

whose surroundings are such as to endanger his welfare. When a child is taken into custody, the officer shall immediately notify the parent, guardian or custodian of the child, if known, and the probation officer. Unless it is impracticable or inadvisable or has been otherwise ordered by the court, or is otherwise provided in this section, the child must be released to the custody of his parent or other responsible adult who has signed a written agreement to bring the child to the court at a stated time or at such time as the court may direct. The written agreement must be submitted to the court as soon as possible. If such person fails to produce the child as agreed or upon notice from the court, a writ may be issued for the attachment of the person or of the child requiring that the person or child, or both of them, be brought into the court at a time stated in the writ.

2. If the child is not released, as provided in subsection 1, the child must be taken without unnecessary delay to the court or to the place of detention designated by the court, and, as soon as possible thereafter, the fact of detention must be reported to the court. Pending further disposition of the case the child may be released to the custody of the parent or other person appointed by the court, or may be detained in such place as is designated by the court, subject to further order.

[3. Except as provided otherwise in this section a child under 18 years of age must not at any time be confined or detained in

any police station, lockup, jail or prison, or detained in any place where the child can come into communication with any adult convicted of crime or under arrest and charged with crime, except that where no other detention facility has been designated by the court, until the judge or probation officer can be notified and other arrangements made therefor, the child may be placed in a jail or other place of detention, but in a place entirely separated from adults confined therein. Whenever it is possible to do so, special efforts must be made to keep children who are neglected or in need of supervision apart from children charged with delinquent acts.

4. A child who is taken into custody and detained must, upon application, be given a detention hearing, conducted by the judge or master, within 24 hours after the child submits an application, excluding Saturdays, Sundays and holidays. A child must not be released after a detention hearing without the written consent of the judge or master.

5. The official in charge of any detention home may by written order direct the transfer to the county jail of a child placed in the detention home. The child must not be detained in the county jail for more than 24 hours unless a district judge orders him so detained for a longer period. Such an order may be made by the judge without notice to the child or anyone on his behalf. Any

child under 18 years of age who is held in the county jail pursuant to the provisions of this subsection must, where possible, be placed in a cell separate from adults.

6. Whenever any child is halted by a peace officer for any violation of a traffic law or ordinance which is punishable as a misdemeanor, the peace officer may prepare and issue a written traffic citation under the same criteria as would apply to an adult violator. If the child gives his written promise to appear in court by signing the citation, the officer shall deliver a copy of the citation to the child and shall not take him into physical custody for the violation.

7. During the pendency of a criminal or quasi-criminal charge of murder or attempted murder, a child may petition the juvenile division for temporary placement in a juvenile detention facility.]

SUMMARY--Extends duty to report suspected abuse or neglect of children. (BDR 16-159)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to abuse or neglect of a child; extending the duty to report; increasing the penalty for failure to report; providing a penalty for preventing the making of a report; 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. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

No person shall prevent or attempt to prevent a person from making the report required under NRS 200.502.

Sec. 2. NRS 200.502 is hereby amended to read as follows:

200.502 1. A report must be made promptly to the local office of the welfare division of the department of human resources, to any county agency authorized by the juvenile court to receive such reports, or to any police department or sheriff's office when there is reason to believe that a child under 18 years of age has been abused or neglected. If the report of [child abuse and neglect] abuse or neglect of a child involves

the acts or omissions of the welfare division or a county agency authorized by the juvenile court to receive reports, or a law enforcement agency, the report must be made to and the investigation made by an agency other than the one alleged to have committed the acts or omissions. Upon the receipt of a report concerning the possible abuse or neglect of a child, the welfare division, county agency or law enforcement agency shall, within 3 working days, investigate. The law enforcement agency shall forthwith refer the report to the local office of the welfare division or county agency. No child about whom a report is made shall be removed from his parents, stepparents, guardian or other persons having lawful custody by a law enforcement agency without consultation with the division unless, in the judgment of the reporting physician or the law enforcement agency, immediate removal is essential to protect the child from further injury or abuse.

2. Reports must be made [:

(a) By every] by the following persons who know or have reason to believe that a child known to them in their professional or official capacities has been abused or neglected:

(a) Each physician, dentist, chiropractor, optometrist, resident [and intern licensed in this state, examining, attending or treating an apparently abused or neglected child.

(b) By the] , intern, professional or practical nurse, physician's assistant, psychologist and advanced emergency medical technician-ambulance licensed in this state.

(b) Each superintendent, manager or other person in charge of a hospital or similar institution, upon notification, which [shall] must be provided by every physician whose attendance with respect to an apparently abused or neglected child is pursuant to his performance of services as a member of the staff of the hospital or institution.

(c) [By every professional or practical nurse, physician's assistant, psychologist and advanced emergency medical technician-ambulance licensed or certified to practice in this state, who examines, attends or treats an apparently abused or neglected child.

(d) By every attorney, clergyman, social worker, school authority and teacher.

(e) By every] Each attorney and clergyman.

(d) Each social worker, and the administrator, teacher, counselor or librarian of a school.

(e) Each person who maintains or is employed by a licensed child care facility or children's camp.

(f) [By every] Each person who maintains, is employed by or

serves as a volunteer for an agency or service which advises persons regarding [child abuse and neglect] abuse or neglect of children and refers them to persons and agencies where their requests and needs can be met.

3. A report may be made by any other person.

Sec. 3. NRS 200.507 is hereby amended to read as follows:

200.507 Any person who knowingly and willfully violates the provisions of NRS 200.502 and 200.503 or section 1 of this act is guilty of a [misdemeanor.] felony and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

SUMMARY--Extends aid to victims of crime to children who have been abused or neglected. (BDR 16-160)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to aid to certain victims of crimes; extending compensation to children who have been abused or neglected; 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. NRS 200.5011 is hereby amended to read as follows:

200.5011 As used in NRS 200.501 to 200.509, inclusive:

1. ["Child abuse and neglect"] "Abuse or neglect of a child" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation or 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.

2. "Mental injury" means a substantial injury to the intellectual or psychological capacity of a child as evidenced by an observable and substantial impairment of his ability to function within his normal range of performance or behavior.

3. "Negligent treatment or maltreatment" includes, but is not limited to, abandonment of the child, lack of proper parental care, control and supervision, and lack of subsistence, education, medical care or other care or control necessary for the well-being of the child because of the faults or habits of his parents, guardian or custodian or their neglect or refusal, when able to do so, to provide them.

4. "Person responsible for the child's welfare" includes, but is not limited to, the child's parent, guardian, foster parent or a person in charge of, or employed in, a public or private residential home or facility having physical custody of the child.

5. "Physical injury" includes, but is not limited to:

- (a) Permanent or temporary disfigurement;
- (b) Impairment of any bodily function or organ of the body; and
- (c) Injury resulting from excessive corporal punishment.

6. "Sado-masochistic abuse" means:

- (a) Flagellation or torture practiced by or upon a person; or
 - (b) The condition of being fettered, bound or otherwise physically restrained,
- if the flagellation, torture or physical restraint can be reasonably construed as being for the purpose of sexual arousal or gratification.

7. "Sexual abuse" includes, but is not limited to, acts upon a child constituting:

- (a) Incest under NRS 201.180;
- (b) Lewdness with a child under NRS 201.230;
- (c) Annoyance or molestation of a minor under NRS 207.260;
- (d) Sado-masochistic abuse;
- (e) Sexual assault under NRS 200.366; and
- (f) Statutory sexual seduction under NRS 200.368.

8. "Sexual exploitation" includes, but is not limited to, allowing or encouraging a child to engage in prostitution and allowing or encouraging a child to engage in obscene or pornographic filming, photographing or recording on video tape.

Sec. 2. NRS 217.050 is hereby amended to read as follows:

217.050 "Personal injury" means:

1. Actual bodily harm or threat of bodily harm which results in a need for medical treatment; [or]

2. In the case of a minor who was involved in the production of pornography in violation of NRS 200.710, 200.720 or 200.730, any harm which results in a need for medical treatment or any psychological or psychiatric counseling, or both [.] ; or

3. Any mental or physical injury of a minor resulting from abuse or neglect as those terms are defined in NRS 200.5011.

Sec. 3. NRS 217.070 is hereby amended to read as follows:

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act; [or]

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720 or 200.730 [.] ; or

3. A minor who suffers personal injury as a result of abuse or neglect.

Sec. 4. NRS 217.200 is hereby amended to read as follows:

217.200 1. The hearing officer may order the payment of compensation and the award of a governor's certificate for meritorious citizen's service to a victim [as defined in NRS 217.070] for:

(a) Medical expenses, expenses for psychological counseling and nonmedical remedial care and treatment rendered in accordance with a religious method of healing, actually and reasonably incurred as a result of the personal injury or death of the victim;

(b) Loss of earnings or support not to exceed \$200 per week and reasonably incurred as a result of the total or partial incapacity of the victim;

(c) Pecuniary loss to the dependents of a deceased victim;

(d) Funeral expenses, not in excess of \$1,000, which are actually and reasonably incurred as a result of the death of the victim; and

(e) Any other loss which results from the personal injury or death of the victim and which the hearing officer determines to be reasonable.

2. The hearing officer may order that an emergency award be made to the victim to avoid financial hardship. The hearing officer may order that the amount of the emergency award be deducted from the final award, or if the emergency award exceeds the amount finally awarded to the victim, that the victim repay the difference between the two awards. An award of compensation including any emergency award ordered to be paid in advance to assist the victim, may be made subject to such terms and conditions as the hearing officer considers necessary or advisable with respect to payment, disposition, allotment or apportionment of the award.

3. No award may be made for less than \$100 or for more than \$15,000 except in the case of a minor who was involved in the production of pornography [.] or of a minor who suffers personal injury as a result of abuse or neglect.

Sec. 5. NRS 217.220 is hereby amended to read as follows:

217.220 1. Except as otherwise provided in subsection 2, compensation must not be awarded if the victim:

(a) Is a relative of the offender;

(b) Was, at the time of the personal injury or death of the victim, living with the offender in a continuing relationship;

(c) Violated a penal law of this state, which caused or contributed to his injuries or death;

(d) Was injured or killed as a result of the operation of a motor vehicle, boat or airplane unless such vehicle, boat or airplane was used as a weapon in a deliberate attempt to harm the victim;

(e) Was not a resident of the State of Nevada at the time the incident upon which the claim is based occurred; or

(f) Was a coconspirator, codefendant or accomplice of the offender whose crime caused the victim's injuries.

2. The provisions of subsection 1 do not apply to a minor who was involved in the production of pornography in violation of NRS 200.710, 200.720 or 200.730 [.] or to a minor who suffers personal injury as a result of abuse or neglect.

3. The hearing officer may deny an award if he determines that the claimant will not suffer serious financial hardship.

SUMMARY--Authorizes the welfare division to provide and coordinate protective services for children who are victims of abuse or neglect. (BDR 38-153)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to protective services for abused or neglected children; making the welfare division the single state agency responsible for the coordination of protective services and the administration of state and federal money for abuse or neglect of children; authorizing the division to provide directly or arrange for the provision of protective services; 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. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. As used in sections 3 and 4 of this act, "protective services" means the programs and services furnished by the state, or any of its political subdivisions or any agency of either, or private institution or agency for the care, protection, supervision or treatment of children who are victims of abuse or neglect.

Sec. 3. The welfare division shall act as the single agency of this state:

1. Responsible for the organization, planning and coordination of all protective services provided throughout the state.

2. Responsible for administering, within amounts authorized by the legislature, any money granted to the state by the Federal Government or appropriated by the state for the purpose of providing protective services.

Sec. 4. 1. The welfare division shall:

(a) Provide or authorize another public or private agency to provide protective services.

(b) Coordinate and assist, financially or otherwise, the efforts of any person or public or private agency which provides protective services.

(c) Establish by regulation reasonable and uniform standards for providers of protective services throughout the state.

2. The welfare division may:

(a) Employ, appoint or assign, within the limits of legislative authorization, such staff as is necessary to evaluate and supervise the protective services provided in this state.

(b) Contract with any political subdivision or any agency thereof or any private institution or agency to provide protective services.

(c) Take any other action which may be appropriate to ensure the uniformity of protective services and to ensure that the providers of protective services conform to the standards established pursuant to subsection 1.

SUMMARY--Creates children's trust account and committee for protection of children to aid in prevention of abuse or neglect of children. (BDR 38-154)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to children; establishing the children's trust account for the prevention of abuse or neglect; creating the committee for protection of children to award money from the account; increasing the fees charged for marriage licenses and certificates of birth; 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. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. 1. The committee for protection of children, is hereby created within the department of human resources.

2. The committee consists of the following seven members, with at least one member residing within a county with a population of less than 100,000:

(a) The administrator of the youth services division of the department of human resources;

(b) A superintendent of a county school district appointed by the director of the department of human resources;

(c) A district court judge appointed by the director of the department of human resources;

(d) A director of a local agency providing services for abused or neglected children appointed by the director of the department of human resources;

(e) A representative of a community organization involved with children appointed by the director of the department of human resources;

(f) A member of the general public with knowledge of or experience in services to prevent abuse or neglect of children appointed by the governor; and

(g) A legislator with knowledge of or experience in services to prevent abuse or neglect of children appointed by the legislative commission.

Sec. 3. 1. The committee shall meet at least twice a year. Additional meetings may be called by the director of the department of human resources as he determines necessary.

2. The expenses for travel of those members who are not state employees and the cost of the meetings must be paid solely out of the money in the children's trust account available for administrative expenses under subsection 2 of section 4 of this act.

Sec. 4. 1. The children's trust account is hereby created in the state general fund. The money in the account must be used to prevent the abuse or neglect of children.

2. No more than 5 percent of the money credited to the account each year may be used for the expenses of administering the fund.

3. The interest and income earned on the money in this account, after deducting any applicable charges, must be credited to the account.

4. Any money remaining in the account at the end of each fiscal year does not revert to the state general fund but must be carried over into the next fiscal year.

Sec. 5. 1. The director of the department of human resources is responsible for administering the children's trust account. He may delegate to the administrator of the welfare division any of the duties involved in administering the account.

2. The director shall report to each regular session of the legislature regarding the agencies or organizations that have been awarded money from the children's trust account, the money credited to the account, the interest and income on the money in the account, any unexpended money in the account, and the general expenses of administering the account.

Sec. 6. The committee shall:

1. Make annual awards of money from the children's trust

account to agencies of the state or its political subdivisions,
and nonprofit community organizations or educational institutions
which provide or will provide services for the prevention of the
abuse or neglect of children.

2. Adopt by regulation criteria to determine which programs
and services are eligible for an award of money under subsection
1.

Sec. 7. NRS 122.060 is hereby amended to read as follows:

122.060 1. The clerk is entitled to receive as his fee for
issuing the license the sum of \$13.

2. The clerk shall also at the time of issuing the license
collect the sum of \$3 and pay it over to the county recorder as
his fee for recording the certificate described in NRS 122.130.

3. The clerk shall also at the time of issuing the license
collect the additional sum of [~~\$4~~] \$5 for the State of Nevada.
The fees collected for the state must be paid over to the county
treasurer by the county clerk on or before the 5th day of each
month for the preceding calendar month, and must be placed to the
credit of the state fund. The county treasurer shall remit quar-
terly all such fees deposited by the clerk to the state treasurer
[for credit] , who shall credit one-fifth to the children's trust
account, and the remainder to the state general fund.

4. The clerk shall also at the time of issuing the license

collect the additional sum of \$5 for the account for aid for victims of domestic violence in the state general fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the 5th day of each month for the preceding calendar month, and must be placed to the credit of that account.

Sec. 8. NRS 440.690 is hereby amended to read as follows:

440.690 1. The state registrar shall keep a true and correct account of all fees received under this chapter.

2. The money collected pursuant to subsection 2 of NRS 440.700 must be remitted by the state registrar to the state treasurer for credit to the children's trust account, and any other proceeds accruing to the State of Nevada under the provisions of this chapter [shall] must be forwarded to the state treasurer for deposit in the state general fund . [in the manner provided by law.]

3. Upon the approval of the state board of examiners and pursuant to its regulations, the health division may maintain a bank account for the purpose of refunding overpayments of [vital statistics fees.] fees for vital statistics.

Sec. 9. NRS 440.700 is hereby amended to read as follows:

440.700 1. The board may set reasonable fees for searches of records, copies of certificates and other services performed by the state registrar.

2. The fee collected for furnishing a copy of a certificate of birth must include the sum of \$2 for credit to the children's trust account.

3. Upon the request of any parent or guardian, the state registrar shall supply, without fee, a certificate limited to a statement as to the date of birth of any child as disclosed by the record of such birth when the same is necessary for admission to school or for securing employment.

[3.] 4. The United States Bureau of the Census may obtain, without expense to the state, transcripts or certified copies of births and deaths without payment of a fee.

Sec. 10. The director of the department of resources shall report to the 1987 regular session of the legislature whether the purposes for which money in the children's trust account may be awarded should include programs providing counseling and treatment of abused or neglected children.

SUMMARY--Requires investigation of person employed in position where he is responsible for welfare of children. (BDR 38-155)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to children; requiring an investigation of any person employed in a position where he is responsible for the welfare of children; making it unlawful to employ a person for such a position if he refuses to submit to the investigation or if he has been convicted of specified offenses; 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. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Any person who is employed or is seeking employment for compensation in a position where he is responsible for the welfare of a minor child; including but not limited to any owner, operator or employee of a public or private facility for the care, education or recreation of children, shall as a condition of such employment apply to his local law enforcement agency for an investigation of his background, which must include providing his fingerprints to the Federal Bureau of Investigation. When the investigation is completed, a written report of the

results, on distinctively identifiable paper, must be given to the person investigated. The person investigated must pay the costs of the investigation.

2. A copy of the report must be shown to the employer or prospective employer and if the person is employed in such a position, the copy must be kept by the employer in his office nearest to the place where the employee is working. Any reports kept by the employer must be available for inspection by any law enforcement officer or representative of a governmental agency responsible for regulating the occupation or facility involved.

3. If a child is receiving care in a private home, each occupant of the home 16 years of age or older shall submit to the investigation required under subsection 1.

Sec. 3. Any person who knowingly employs or allows the continued employment of another person who is required to submit to investigation under section 1 of this act and refuses to do so or who has been convicted of any of the following:

1. Murder, voluntary manslaughter or mayhem;
2. Any other felony involving the use of a firearm or other deadly weapon;
3. Assault with intent to kill, commit sexual assault or mayhem;
4. Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure; or

5. Abuse or neglect of a child or contributory delinquency,
is guilty of a gross misdemeanor.

SUMMARY--Extends licensing requirement to all facilities for child care that receive compensation. (BDR 38-156)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to facilities for child care; extending licensing requirements to any facility that provides care for compensation; 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. NRS 432A.020 is hereby amended to read as follows:

432A.020 For purposes of this chapter:

1. "Board" means the board for child care.
2. "Bureau" means the child care services bureau of the youth services division in the department.
3. "Chief" means the chief of the bureau.
4. "Child care facility" means an establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, for compensation, to [five] one or more children under 18 years of age. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in chapter 424 of NRS or maternity home; or

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility.

5. "Department" means the department of human resources.

6. "Director" means the director of the department.

SUMMARY--Directs department of human resources to report to next legislature on new legislation dealing with abuse or neglect of children. (BDR 161)

CONCURRENT RESOLUTION--Directing the department of human resources to report to the 64th session of the legislature its experiences with new legislation concerning abuse or neglect of children.

WHEREAS, The welfare division of the department of human resources is the central governmental agency charged with the responsibility for investigating all reported cases of abuse or neglect of a child and for providing the appropriate social services to the child and his family; and

WHEREAS, The abuse and neglect of children in this state is a source of great concern to all Nevadans and specifically to the members of this legislature; and

WHEREAS, Only the availability of all pertinent information can ensure that all possible measures are being taken to safeguard the lives and health of this state's children; now, therefore, be it

RESOLVED BY THE OF THE STATE OF NEVADA, THE

CONCURRING, That the director of the department of human resources is directed to report to the 64th session of this legislature on the experiences, both positive and negative, of the welfare division with all legislation adopted by this session

of the legislature pertaining to the abuse or neglect of children; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the legislative counsel to the director of the department of human resources.