



Placement of Children in Foster Care

Legislative Counsel Bureau

Bulletin No.
09-05

January 2009

BULLETIN NO. 09-05

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE
PLACEMENT OF CHILDREN IN FOSTER CARE**

Senate Bill 356, Section 4
(Chapter 290, *Statutes of Nevada 2007*)

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**REPORT TO THE 75th SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE
PLACEMENT OF CHILDREN IN FOSTER CARE**

I. INTRODUCTION

During the 2007 Session, the Nevada Legislature passed Senate Bill 356 (Chapter 290, *Statutes of Nevada 2007*, page 1086), which instructed the Legislative Commission to appoint the Subcommittee to Study the Placement of Children in Foster Care and charged the committee to:

- Study the procedures and standards used in the state for placing children in foster care;
- Review the procedures and standards used in other states for placing children in foster care;
- Review and evaluate the standard for determining when to place a child in protective custody pursuant to NRS 432B.390;
- Address methods to reduce the number of foster care placements in the state, including, without limitation, the placement of children in group homes, family foster homes, child welfare facilities and other facilities, which house children who have been placed in foster care; and
- Study other issues relating to the placement of children in foster care.

A copy of the statutory provisions in Senate Bill 356, Section 4 that created and set forth the power and duties of the subcommittee is provided in Appendix A.

A. COMPOSITION OF THE ADVISORY GROUP

The Senate Majority Leader and the Speaker of the Assembly appointed the following legislators to the subcommittee for the 2007-09 biennium:

Senator Steven Horsford, Chairman
Assemblywoman Susan Gerhardt, Vice Chair
Senator Barbara K. Cegavske
Senator Maurice E. Washington
Assemblyman Bernie Anderson
Assemblywoman Valerie E. Weber

Legislative Counsel Bureau (LCB) staff services for the subcommittee were provided by, Rex Goodman, Program Analyst, Fiscal Analysis Division; Sarah Lutter, Senior Research Analyst, Research Division; Brenda J. Erdoes, Legislative Counsel, Legal Division; and Donna Thomas, Secretary, Fiscal Analysis Division.

B. OVERVIEW OF THE SUBCOMMITTEE'S PROCEEDINGS

During the 2007-08 interim, the subcommittee conducted five meetings, including one work session. The five meetings were held in Las Vegas, Nevada, on the following dates: December 3, 2007; January 31, 2008; March 20, 2008; May 15, 2008; and July 25, 2008. All five meetings were videoconferenced between the Grant Sawyer State Office Building in Las Vegas and the Legislative Building in Carson City, which allowed testimony from both locations.

During the course of its work, the subcommittee considered testimony from a wide variety of state and local government agencies; businesses; community groups; nonprofit organizations; and the public. Representatives of Casey Family Programs, a national non-profit organization whose stated mission is the support of foster care improvement, and the National Conference of State Legislatures (NCSL) provided testimony regarding methods and best practices to safely reduce the number of children placed in foster care, as well as information on the safety assessment standards used in other states to determine when to place a child in protective custody, and the methods used by other states to fund child welfare expenditures and maximize federal funding for these services. The Nevada Department of Health and Human Services, Division of Child and Family Services (DCFS), the Washoe County Department of Social Services (WCDSS), and the Clark County Department of Family Services (DFS) participated throughout the interim study and provided testimony on various subjects, including the evaluation of the state's present standards for placing children in protective custody and possible methods to reduce the number of children placed in foster care. Representatives from Girls and Boys Town of Nevada and current and former foster care youth from Foster and Adoptive Youth Together (FAYT) provided testimony about their personal experiences with the foster care system in Nevada. The subcommittee also received testimony from a representative of the University of Nevada, Las Vegas, School of Social Work, who explained the findings of an academic study published concerning the placement of children in protective custody in Clark County, including the use of the Child Haven facility in Las Vegas.

In addition, the subcommittee heard testimony from members of a technical workgroup, which was created to review topics related to the focus of the interim study. The technical workgroup was comprised of representatives from the organizations and government agencies listed above, as well as representatives from other stakeholders and organizations, including Child Focus; Olive Crest - Nevada; the Nevada Youth Alliance; the Peace Officers Research Association of Nevada (PORAN); Clark County Legal Services and Washoe Legal Services; the Service Employees International Union (SEIU); Clark County Juvenile Court; the Clark County District Attorney's Office; and the Nevada Division of Welfare and Supportive Services (DWSS).

The information included in this report provides a general overview of the complex issues and information considered by the subcommittee in formulating its recommendations for committee letters and legislation to be considered by the

2009 Legislature. For more detailed information on the subcommittee, please consult the minutes and exhibits from the meetings, which are available from the Legislative Counsel Bureau's Research Library. The minutes (excluding exhibits) and a copy of this report are available electronically on the Legislature's website at www.leg.state.nv.us.

II. RECOMMENDATIONS FOR THE 2009 LEGISLATIVE SESSION

During the Legislative Commission's Subcommittee to Study the Placement of Children in Foster Care's final meeting on July 25, 2008, the members conducted a work session and approved five requests for bill drafts to be considered by the 2009 Legislature. A description of the recommendations is included in Appendix B. The issues the subcommittee discussed during the 2007-08 interim and the recommendations that resulted from those discussions are detailed below.

A. RECOMMENDATION TO DEVELOP AND IMPLEMENT A CONSISTENT PRACTICE MODEL FOCUSED ON A CHILD-CENTERED SAFETY APPROACH.

The subcommittee received testimony from representatives of its technical workgroup regarding the need to implement a consistent practice model to standardize practices throughout the state regarding safety decisions and subsequent foster care placements. The workgroup testified that standardizing decision points in child welfare cases would support safely reducing the number of children placed in foster care by establishing clear and consistent parameters around when a child may be placed in foster care and what reasonable efforts are required to prevent such actions.

The technical workgroup further testified that the recommendation to develop a consistent practice model was centered on the idea that the state must come to some agreement concerning the occurrence and impact of child maltreatment in a family and create a response approach based on this agreement. The approach that the workgroup recommended was one of providing an adequate array of services to meet the needs of families making reasonable efforts to prevent children from being removed from their home or, if removed, to expedite their return. The workgroup identified the final report of a recent assessment of the existing service array in Clark County, which indicated that the state faces the dilemma of whether to create an array of services to support families in crisis or, alternatively, create a system for the systemic removal of children and placement of those children in foster care. Further discussion of the recommendation to create or expand the array of services available to families is included under item D below.

In addition to the testimony provided by the technical workgroup, the subcommittee heard testimony from representatives of Casey Family Programs regarding the safety assessment tool utilized in Nevada to determine whether a child is safe within his home. Casey Family Programs provided a comparison of the safety assessment tool that Nevada utilizes to similar or equivalent tools utilized by other states, including Arizona, California, and Illinois. Among the tools compared, Nevada's safety assessment was quite similar to those used by other states. Of the 12 items in Nevada's instrument, 11 had equivalent or similar items in the instruments of at least two of the comparison states.

The subcommittee also received data and analyses from the state and county child welfare agencies, as well as Casey Family Programs, regarding the racial disproportionality of children in Nevada's foster care system. From data¹ provided by the agencies and analyses performed by Casey Family Programs and the subcommittee's staff, it was evident that racial disproportionality does exist among the children experiencing foster care placements in Nevada. According to data on the racial and ethnic breakdown of children experiencing foster care in Nevada in 2007, compared to the racial and ethnic breakdown of the general population of the state, African American children were significantly overrepresented in foster care in all three child welfare jurisdictions in the state. While making up less than seven percent of the state's population of children ages 0 – 19 years old, African American children made up nearly 21 percent of children entering foster care in 2007. American Indian/Alaskan Native children were overrepresented in foster care in two jurisdictions of the state, Washoe County and the Rural Region, but were underrepresented in Clark County. Asian/Pacific Islander children were underrepresented in all jurisdictions and White and Hispanic children were slightly underrepresented in all jurisdictions. The subcommittee heard testimony from Casey Family Programs and received published information about efforts in other states and nationally to address issues of racial disproportionality.

During its work session, the subcommittee considered the recommendations from the technical workgroup and reached consensus on proposing a resolution regarding the development of a practice model, as recommended by the workgroup. Subcommittee members also expressed interest in addressing disproportionality and identifying targets to reduce the number of youth in care, but some concern was raised over specifically identifying racial disproportionality as a focus for the child welfare agencies. There was also concern raised over the potential fiscal impacts of implementing a system by which to track efforts to reduce the number of youth in care. Ultimately, the subcommittee recommended a resolution to address the areas of interest while avoiding language that would narrowly define the scope of the agencies' actions or would create a specific fiscal requirement through the implementation of the resolution.

Recommendation No. 1 - Propose a resolution articulating the importance of the child welfare agencies (Division of Child and Family Services, Clark County Department of Family Services, and Washoe County Department of Social Services) developing a practice model that focuses on a child-centered safety approach. Instruct the child welfare agencies to:

¹ Data provided by DCFS from its UNITY (SACWIS) system on April 4, 2008; includes racial and ethnic breakdown of all children experiencing foster care in Nevada in calendar year 2007. Data regarding general population breakdown derived from state demographer's projection for 2007, found at http://www.nsbdc.org/what/data_statistics/demographer/pubs/docs/2006_ASRHO_Summary.pdf. Totals include the sums of the 5-Year Cohort groups: 0 to 4; 5 to 9; 10 to 14; and 15 to 19.

- **Assess disproportionality in the Nevada child welfare system and develop a strategy to address the issue, which includes ongoing data tracking.**
- **Identify targets for reducing the number of youth in care and instruct the child welfare agencies to track reduction efforts and services.**
- **Implement structured risk and safety assessments.**
- **Emphasize the need for Child Protective Services (CPS) to investigate the validity of allegations of abuse or maltreatment before removing children from their homes. (BDR R-476)**

B. RECOMMENDATION TO DEVELOP AND IMPLEMENT A CHILD WELFARE INVESTMENT STRATEGY THAT ALLOWS COUNTY JURISDICTIONS THE FLEXIBILITY TO EFFECTIVELY DELIVER SERVICES TO CHILDREN AND FAMILIES.

The subcommittee received testimony from Casey Family Programs and representatives of the technical workgroup regarding the need for the state to provide increased flexibility to the county child welfare agencies to expend state funding for child welfare services. The technical workgroup's recommendation centered on the concept that flexible use of existing child welfare funds would allow the county child welfare agencies to provide supportive and upfront services and avoid potential out-of-home placements. The workgroup also recommended that the state and county child welfare agencies review methods that have been proposed to the Legislature previously to provide for funding flexibility, including the "swap" of certain expenses, block grants of state funding to the counties, and the equitable division of costs of both front-end and back-end services between the state and counties. Finally, the workgroup recommended that the state and county child welfare agencies examine methods to diversify the funding of child welfare services through increased partnerships with private and corporate entities, and also recommended that the agencies attempt to create additional competitive opportunities for community and faith-based organizations to provide child welfare services.

The subcommittee requested information from representatives of the Clark County Department of Family Services (DFS) regarding department-wide audits of its operations. Subcommittee members encouraged DFS to identify what aspects of its operations had improved in the past two years and what challenges still existed so that the state's and the county's roles could be better defined to support needed changes. The subcommittee also expressed its support for community-based and faith-based organizations participating as service providers in the child welfare service array. The subcommittee addressed these various aspects of child welfare funding in the following recommendation:

Recommendation No. 2 - Issue a letter from the interim study committee instructing the state and county agencies to submit a plan for a different [flexible] funding model for the Legislature's consideration in the 2009 Session. Instruct the state and county child welfare agencies to reexamine block grant funding to county child welfare agencies as outlined in the information submitted to the Legislature during the 2007 Session. Seek funding diversification to fill financial gaps (e.g., private/corporate). Create transparent and fair (competitive) opportunities for community and faith-based organizations to stimulate best practices and efficiencies. Instruct the state and county child welfare agencies to produce benchmarks or performance indicators for measuring accountability in meeting child welfare outcomes, as outlined in the state/county interlocal agreements for child welfare funding. Instruct the agencies to include recommendations from an audit currently being conducted by the counties, articulating the current allocation of funds and how services are provided, and a plan that would initiate or "trigger" flexible funding allowances, for review during the 2009 Legislative Session.

A copy of the subcommittee's letter to the agencies is included in Appendix C.

C. RECOMMENDATION TO EVALUATE AND STRENGTHEN COLLABORATION BETWEEN COMMUNITY AGENCIES, PARTNERS AND THE CHILD WELFARE SYSTEM AND TO EXAMINE AND RECOMMEND CHANGES TO LANGUAGE IN NRS 432B.

The technical workgroup presented testimony to the subcommittee on two subjects that were ultimately combined into one action in the subcommittee's recommendation. First, the technical workgroup indicated that Chapter 432B of NRS, relating to the protection of children from abuse and neglect, was largely created in the 1980s, and while there have since been a number of additions and amendments over the years, there has not been a systematic review of the statute or its associated regulations to ensure that it is aligned with current child welfare practice. The workgroup testified that an interagency committee should be established to complete a review of NRS 432B and its associated regulations and prioritize the child welfare agencies' efforts to complete any needed revisions. The workgroup also recommended that the interagency committee be composed of all parties that have the authority to place a child in out-of-home care, as well as partner agencies that administer the Temporary Assistance for Needy Families (TANF) and juvenile justice programs. Additionally, the workgroup supported the efforts of DCFS to engage the National Child Welfare Resource Center on Legal and Judicial Issues in reviewing Chapter 432B and the Nevada Administrative Code (NAC) from a legal perspective.

The second subject that was addressed by the technical workgroup was the need to strengthen and unify child welfare stakeholders. The workgroup's proposed method for meeting this need was the formation of a stakeholder advisory committee. The workgroup emphasized to the subcommittee the importance of engaging all stakeholders on the committee, including those in the judicial/corrections systems,

TANF, the education system, and the mental health and substance abuse treatment systems, to generate information, energy, and support from the community. The inclusion of all stakeholder groups would increase the likelihood of successful implementation of best practices and would help develop a sense of community responsibility for the welfare of children. The workgroup also presented, as a method to ensure accountability of the committee, the requirement of an annual report to be provided to the Director of the Legislative Counsel Bureau, who in turn would distribute the report to the chairs of the Assembly Health and Human Services and the Senate Human Resources and Education Committees.

The workgroup's representative informed the subcommittee that many community, faith-based, and non-profit organizations meet and serve on boards supporting child welfare, but that input from all of those sources is not always heard by the Legislature, especially on matters concerning the state budget for child welfare services. The DCFS indicated that its staff participates on 19 different groups or committees that involve external stakeholders.

In response to the workgroup's testimony, the subcommittee members agreed that there was little collaboration between many of the different entities involved in child welfare and that the lack of collaboration was detrimental to the children served. The subcommittee members also expressed their intent that in recommending a stakeholder advisory committee, they wished to convey a message that all groups are invited and encouraged to participate.

During the subcommittee's work session, members chose to combine the two proposed actions of the workgroup and create a single interagency committee, with the same goals as described for the stakeholder advisory committee, and define its first task as reviewing Chapter 432B of NRS with its associated regulations. The recommendation is summarized as follows:

Recommendation No. 3 - Propose legislation enabling an interagency committee to evaluate and strengthen collaboration among community agencies, partners and the child welfare system, instructing them to review NRS 432B and associated regulations and ensure that they are aligned with current child welfare practice. An annual report of the interagency committee is to be directed to the Director of the Legislative Counsel Bureau, who will provide it to the appropriate legislative committees, to begin effective with the 2011 Session of the Legislature. (BDR 38-475)

D. RECOMMENDATION TO DEVELOP AND PROVIDE AN ARRAY OF RELEVANT FAMILY SUPPORT SERVICES TO SAFELY MAINTAIN CHILDREN IN THEIR OWN HOMES AND PREVENT REMOVAL.

The subcommittee received testimony from its technical workgroup regarding the need to assess and develop an array of relevant, community-based, family-centered support services available to create safe environments that allow children to remain in their

homes or, when they must be removed, to allow them to achieve permanency in a timely manner. The workgroup testified that as gaps in services for at-risk children and families are identified (services that otherwise might reduce the need for removal), the state, counties, and service providers should be encouraged to work in partnership to address those needs and expand the existing community-based services model. Workgroup members testified that in the last two years, of all the children in Clark County that were the subjects of substantiated reports of abuse or neglect, approximately two-thirds experienced a home removal, which is nearly three times the national rate. If immediate access to in-home services were available, such as homemaker services, many of the children could have been maintained in their homes.

The workgroup members also testified that a centralized list of available services needs to be created or expanded so that it is available to entities at any time and accurately represents what services are available, and from which providers, in a particular community. The workgroup did not recommend that each child welfare agency create its own list, but that a centralized list is made available for all agencies and service providers. Analysis was also recommended to compare which areas of the community children are removed from and what services are currently available in that area. Finally, the workgroup testified that collaboration between government agencies and private or non-profit service providers is essential, because service providers will not increase capacity if the government agencies are not going to purchase it, and the government agencies cannot purchase services that are not available from the providers.

Subcommittee members agreed with the recommendation to create or expand a centralized list of available services and cited the need to make access to the list available 24 hours a day, 7 days a week, by phone or by the internet to meet the needs of the public, the service providers, and the agencies. Subcommittee members also acknowledged that some expansion of the service array would ultimately require increased funding, infrastructure, and coordination from the state, but that existing resources need to be analyzed and better utilized. Analysis of the areas from which children are removed from their homes and comparison with where services are currently provided was also supported by the subcommittee.

Recommendation No. 4 - Issue a letter to the child welfare agencies instructing that actions be taken to strengthen collaboration with service providers to ensure that services are in place to keep children safely in their homes. Include in the letter the committee's intent that the agencies improve utilization of and access to existing resources for identifying available services (e.g., 2-1-1), create and/or support a process for identifying gaps in the service array and determine a course of action for filling them. Encourage the child welfare agencies to identify from where youth are entering care and whether or not that matches where services are provided.

A copy of the subcommittee's letter to the agencies is included in Appendix C.

E. RECOMMENDATION TO INITIATE, MAINTAIN AND INCREASE COMMUNITY-BASED TREATMENT SERVICES FOR MENTAL HEALTH AND DRUG/ALCOHOL ABUSE.

The subcommittee received testimony from representatives of the technical workgroup regarding the need for immediate access to mental health and drug/alcohol treatment services for families involved with the child welfare system. Workgroup members testified that in order to meet Adoption and Safe Families Act (ASFA) timelines for moving children to permanency, family members needing drug/alcohol treatment must access services immediately when a child is removed; they will not be successful if they are required to wait three to six months for services. Representatives from the Division of Welfare and Supportive Services (DWSS) testified that they currently do not prioritize treatment services for individuals, but rather refer all individuals for services based upon the order in which they are identified by the division. The DWSS representatives indicated that they were not aware of waiting lists for services among their service providers. The DWSS representatives testified that from a fiscal perspective, however, if treatment services were limited due to available funding, prioritization of services for persons involved with the child welfare system would be an understandable course of action.

Subcommittee members concurred with the technical workgroup's testimony regarding drug/alcohol treatment and commented that a severe shortage of available treatment services was recently discussed by another legislative committee. Subcommittee members also expressed their interest in including after-care services in the types of services to be prioritized for families that complete drug/alcohol or mental health treatment. The subcommittee's recommendation is summarized as follows:

Recommendation No. 5 - Propose legislation that creates a mechanism for prioritizing access to services for families involved in the child welfare system. Initiate, maintain and increase community-based treatment services for mental health and drug/alcohol abuse and similar after-care and outreach programs. (BDR 38-477)

F. RECOMMENDATION TO PROMOTE COLLABORATION AMONG THE STATE'S CHILD WELFARE AND TANF AGENCIES.

The subcommittee received testimony from representatives of the technical workgroup regarding the benefits of additional collaboration among the state and county child welfare agencies and the state TANF agency. Similar to the recommendation in Item E above, the technical workgroup proposed that the Department of Health and Human Services, parent organization of DCFS and DWSS, explore opportunities to use TANF funding to provide mental health and drug/alcohol abuse treatment services for eligible families involved with the child welfare system.

Representatives from Casey Family Programs also provided testimony and copies of published academic studies supporting collaboration between child welfare and TANF

programs (administered by DWSS). The organization suggested a strategy of leveraging existing resources in areas where the two programs overlap for families dealing with issues of poverty, substance abuse, mental health, and domestic violence. With greater collaboration between the TANF and child welfare programs, families involved with either program could benefit from a broader array of services and an improved screening and assessment process.

Casey Family Programs outlined a number of methods that have been implemented in other states to improve collaboration between the two programs and provided specific suggestions to initiate and promote change in Nevada, including:

- Implementation of structural changes at the state level, including the merging of the child welfare and TANF agencies.
- Transfer of the TANF program from the state to Clark and Washoe Counties for administration.
- Establishment of a child welfare/TANF pilot project in Clark and Washoe Counties.
- Issuance of a statement of legislative intent encouraging greater collaboration and mandating the examination of barriers to collaboration and the recommendation of policies to address the barriers.

Additionally, Casey Family Programs identified state funding that is currently appropriated as a maintenance of effort (MOE) requirement for the federal Substance Abuse Prevention and Treatment Act (SAPTA) Block Grant in the Division of Mental Health and Developmental Services (MHDS) that could be specifically designated for services for families involved with child welfare. Representatives cited an example in Arizona of the Governor issuing an executive order to prioritize substance abuse treatment services for that population.

Representatives from the state TANF agency, DWSS, provided testimony indicating that in the mid-1980s, the TANF and child welfare agencies were combined at the state level but were later separated. Due to the differences in the populations served and the types of services provided by each of the two agencies, DWSS representatives indicated they did not believe their agency would be supportive of a recommendation to combine the two agencies again. The DWSS representatives also pointed out that the TANF program contains significant requirements in terms of reporting responsibilities and levels of performance in the child support enforcement and work participation areas. All parties would need to be aware of these requirements and the possibility of incurring federal penalties if requirements were not met if a transfer of the program from the state agency to the counties were to be considered. The DWSS representatives testified they would favorably receive recommendations to establish TANF collaboration pilot projects with the counties or mandated external interventions to improve the program.

Subcommittee members expressed support for proposed actions and likened the collaboration of multiple agencies to assess the needs of children to a triage of available resources. Subcommittee members also supported the concept of making services provided by state and county agencies, and the funding for those services, more flexible and integrated, with services provided through a “continuum of care” rather than an agency-driven delivery model. The subcommittee also clarified that the prioritization of treatment services for certain populations does not imply reducing funding for those services or shifting funding from one agency to another, but rather specifies which persons receive the services first. The subcommittee’s recommendation is summarized as follows:

Recommendation No. 6 - Issue a letter to the Nevada Department of Health and Human Services (DHHS) encouraging it to investigate a strategy that utilizes TANF dollars to pay for mental health and substance abuse services for eligible child welfare-involved participants. Also in the letter, request the department to allocate a small amount of TANF funds to substance abuse treatment for such families. Request the department to provide that a portion of the increased maintenance of effort (MOE) funding required to receive federal substance abuse block grant funds be dedicated to fund services for child welfare-involved families. Encourage the establishment of child welfare/TANF collaborative pilot projects in Clark County, Washoe County, or both. Encourage greater child welfare/TANF collaboration and encourage the creation of a task force to examine barriers to collaboration and recommend policies to address such barriers.

A copy of the subcommittee’s letter to the agency is included in Appendix C.

G. RECOMMENDATION TO INCREASE USE OF RELATIVES AS PLACEMENT RESOURCES AND IN DECISION MAKING.

The subcommittee received testimony from representatives of the technical workgroup regarding the use of relatives as placement resources for children who are placed in out-of-home care. Workgroup members testified that Nevada law currently allows agencies and judges to place children with relatives who are related within the 3rd degree of consanguinity (reference NRS 432B.480 and 432B.550). Federal law related to Title IV-E, which governs child welfare maintenance payments, allows states to expand placements to persons within the 5th degree of consanguinity (reference 45 CFR 233.90(c)(1)(v)). Workgroup members testified that by changing Nevada law to include relatives to the 5th degree of consanguinity as placement options, an increased number of children could be placed with relatives instead of remaining in long-term foster care.

Workgroup members also testified that the subcommittee should consider the increased use of subsidized relative guardianships, assuming that an analysis of the program would show a reduction in foster care placement costs and the overall costs to the system.

Subcommittee members supported the concept of expanding relative placements to persons related to the child within the 5th degree of consanguinity. Subcommittee members did not wish to recommend legislation based upon the results of forthcoming analysis, such as in the case of subsidized relative guardianships. The subcommittee recommended the following:

Recommendation No. 7 - Propose legislation to support a policy change to expand the relative definition in NRS 432B.480 and 432B.550 from the 3rd degree of consanguinity to the 5th degree of consanguinity. (BDR 38-478)

H. RECOMMENDATION TO CHANGE THE AGE REQUIREMENT FOR THE KINSHIP CARE PROGRAM.

The subcommittee received testimony from representatives of the Division of Welfare and Supportive Services regarding the age requirement of the kinship care program, which is administered by the division and funded with federal TANF funds. Representatives testified that the kinship care program was instituted by legislation passed by the 2001 Legislature (Assembly Bill 15, Chapter 326, *Statutes of Nevada 2001*) and has always included a minimum age requirement of 62 years old for participating relatives. Changes to the State TANF Plan regarding the funding of the program that occurred in subsequent years were outlined for the subcommittee, including a reduction in benefits in 2002, an income limit imposed in 2003, and a reversal of the benefit reduction in 2004. Policy changes in the program were also explained, including the elimination of background checks for participants of the program in 2003 and a waiver program for the age requirement in 2007.

Division representatives testified that the age requirement was an arbitrary standard established when the program was first proposed to the Legislature. The age requirement is eligible to be waived in cases where undue hardship can be demonstrated, including cases involving difficult placements such as sibling groups and children with special needs. Representatives also testified that relative placements are sometimes initiated through the TANF non-needy caregiver program, which provides a lesser benefit payment, and then transferred to the kinship care program when legal guardianships are obtained or hardship waivers are processed.

Representatives of the technical workgroup also provided testimony on the use of the kinship care program and testified that similar types of subsidized relative guardianship programs in other states were considered successful.

Subcommittee members expressed concern that the age limit of the kinship care program may result in the exclusion of relatives that would otherwise be qualified guardians for children. The use of the waiver to the age requirement was also of concern due to the additional delay in placements that the process could cause. Subcommittee members sought to remove the age requirement entirely from the program through the following recommendation:

Recommendation No. 8 - Propose legislation to support a policy change to remove the age requirement for the kinship care program. (BDR 38-479)

I. RECOMMENDATION TO REVIEW THE APPROVAL PROCESS FOR APPLICATIONS OF NEW FOSTER CARE PROVIDERS.

During the work session, subcommittee members questioned the process that the child welfare agencies utilize to review applications of potential new foster care providers. Senator Cegavske shared information she received from a faith-based stakeholder organization with which she is familiar that indicated that the application review process takes an extremely long time, up to two years in some cases, from the time of application to when a foster child is actually placed with the applicant. Subcommittee members requested an examination of this process in hopes that the child welfare agencies could streamline or reduce the time involved to complete the process. The subcommittee's recommendation is summarized as follows:

Recommendation No. 9 - Issue a letter to the child welfare agencies to encourage them to initiate a review of the approval process for applications of new foster care providers. The agencies should provide detail about the time that is required to process a foster care provider application and develop strategies to streamline or expedite the process while maintaining the integrity of the approval process.

A copy of the subcommittee's letter to the agencies is included in Appendix C.

J. RECOMMENDATION TO ANALYZE THE MAXIMIZATION OF FEDERAL FUNDING SOURCES, POSSIBLY WITH THE ASSISTANCE OF A CONSULTANT WITH APPROPRIATE EXPERTISE IN THIS AREA.

Representatives of Casey Family Programs, in response to a request from the subcommittee, provided analyses of Nevada's system of funding child welfare expenses. In a report prepared for the subcommittee, the organization explored methods that other states and jurisdictions have used to maximize funding from the federal government to support child welfare services and provided specific examples of methods to redistribute or prioritize funding already in place in Nevada to create more effective results, some of which are incorporated in the subcommittee's other recommendations. Casey Family Programs also recommended that the state consider hiring an outside consultant with expertise in the field of child welfare funding to perform further analyses of the state's current system, as well as opportunities to maximize federal funding sources.

In light of the current budget situation facing the state, with revenue shortfalls experienced in FY 2008 and projected for FY 2009, the subcommittee recommended to request that a portion of the financial support provided to the state by Casey Family Programs, which is provided in the form of \$500,000 of financial assistance to the Division of Child and Family Services, be used to fund the recommended contractor

services. The Casey Family Programs' financial assistance is currently used to support a number of activities, including regulation development, differential response training, implementation of a structured decision making tool, and analysis of communications systems. The subcommittee's recommendation is summarized as follows:

Recommendation No. 10 - Send a letter to Casey Family Programs asking for flexibility in the use of financial assistance funding awarded to the state by that organization to allow the state to hire a contractor to assist in identifying methods to maximize federal funding for child welfare services.

A copy of the subcommittee's letter to the organization is included in Appendix C.

K. RECOMMENDATION TO UTILIZE ALTERNATIVE/DIFFERENTIAL RESPONSE.

Representatives from Casey Family Programs provided the subcommittee with information from other states and jurisdictions on methods that were shown to have positive effects in reducing the number of children placed in out-of-home care. One of the methods utilized in other states and jurisdictions and initiated as a pilot program in Nevada is alternative or differential response. Alternative or differential response involves child protective services responding differently to reports of child abuse and neglect, depending upon the severity of the report and other considerations.

Differential response services have existed in Nevada since 1997 when the Legislature passed Assembly Bill 356 (Chapter 607, *Statutes of Nevada 1997*). After a period of collaboration among the various stakeholders involved with the program, policies and regulations were developed and differential response services began to be provided in Clark and Washoe Counties and three locations in the Rural Region in 1998. Between 2001 and 2005, services expanded to six locations in the Rural Region, but funding resources were limited. During this same period, Clark and Washoe Counties experienced significant program evolution with the implementation of child welfare system integration. In 2006, in response to the state's federal Child and Family Services Review, the Department of Health and Human Services (DHHS) began a steering committee to expand the differential response program using its Family Resource Centers throughout the state. The 2007 Legislature approved the use of General Fund and Title XX funding to expand differential response services to a total of 13 locations by the end of FY 2009, and included one-shot funding for vehicles, equipment, and facility modifications for the program. Ultimately, 18 locations are planned to provide differential response service statewide. As part of the DHHS steering committee's actions, an independent contractor was hired to perform an evaluation of the differential response program through the implementation process. As of February 2008, DCFS reported that differential response services were being provided at seven locations in the state: four in Clark County, two in Washoe County, and one in Elko County.

Immediately following the subcommittee's third meeting on March 20, 2008, members toured various locations of organizations in Clark County providing and/or supporting

foster care services, including an office of the Clark County Department of Family Services that was one of the first locations in Clark County implementing the state's differential response program. Following the subcommittee's tour of the Clark County site, some members had additional questions regarding the differential response program. In the subcommittee's work session, members recommended that a report of the current status of the program be provided to committee members as soon as it was available. The subcommittee's recommendation is summarized as follows:

Recommendation No. 11 - Issue a letter to instruct DCFS to provide a status report to the Director of the Legislative Counsel Bureau for distribution to committee members of the evaluation of the state/county differential response pilot program when available, but no later than October 2008.

A copy of the subcommittee's letter to the agency is included in Appendix C

III. OTHER ISSUES CONSIDERED BY THE SUBCOMMITTEE

Over the course of its meetings, the subcommittee reviewed proposed changes to current regulations developed by a working group coordinated by DCFS. Section 2 of Senate Bill 356 (Chapter 290, *Statutes of Nevada 2007*) requires that the division set forth uniform standards to determine if immediate action is necessary to protect a child when determining whether to place a child in protective custody. The DCFS working group drafted revisions and additions to Nevada Administrative Code (NAC) 432B to address this requirement. Subcommittee members reviewed the items and provided comments during the development process and after review by the Legislative Counsel Bureau Legal Division.

The subcommittee received information on a program sponsored by the National Governors Association (NGA) Center for Best Practices regarding participation on its Policy Academy on Safely Reducing the Number of Children in Foster Care. The goals of the program appeared to be very similar to the purpose of the Legislature's interim study, and the program included an on-site workshop to assess the state's current system, policy academy meetings with renowned researchers and national and state experts to develop an action plan, and ongoing technical assistance to help with implementation of the plan. The subcommittee sent a letter to Governor Jim Gibbons to request that he submit an application for Nevada to participate in the program. The subcommittee did not receive a response to its request or a confirmation that an application was submitted.

Through the assistance of DCFS and Casey Family Programs, the subcommittee received a report that compares the geographic location, by zip code, of child welfare removals to out-of-home placements for each of the three child welfare jurisdictions in the state. The DCFS provided data from its UNITY data system that defined all removals and placements in calendar year 2007 by zip code, and Casey Family Programs provided technical expertise to depict the data graphically in maps of each jurisdiction. The subcommittee was informed of disparities between the zip code areas

from which children were removed from their homes and in which they were placed in out-of-home care. The distance between removals and placements was identified as an obvious difficulty for parents to visit their removed children or to access services that contribute to the successful reunification of families. The report was referenced in the subcommittee's work session discussion. Recommendation No. 4, above, encourages the child welfare agencies to use the report to further analyze the areas from which children are being removed from their home and determine where additional services are needed to assist families.

IV. CONCLUDING REMARKS

The subcommittee wishes to thank the many representatives from government agencies, non-profit organizations, and stakeholder groups, as well as private citizens, who contributed to this study through their correspondence or testimony at the public hearings and their participation in the technical workgroup meetings. The subcommittee members recognize the cooperation and assistance provided by the staffs of the Division of Child and Family Services, Department of Health and Human Services; the Clark County Department of Family Services; and the Washoe County Department of Social Services. The subcommittee also wishes to acknowledge the generous support of Casey Family Programs for the technical expertise and administrative support provided to the committee and facilitation of the technical workgroup meetings.

APPENDIX A

STATUTES CREATING THE LEGISLATIVE COMMISSION'S
SUBCOMMITTEE TO STUDY THE PLACEMENT OF CHILDREN
IN FOSTER CARE
SENATE BILL 356, SECTION 4
CHAPTER 290, *2007 STATUTES OF NEVADA*

Senate Bill 356, Section 4
(Chapter 290, *2007 Statutes of Nevada*)

Sec. 4. 1. The Legislative Commission shall appoint a subcommittee, consisting of three members of the Senate and three members of the Assembly, to conduct a study during the 2007-2009 interim concerning the placement of children in foster care.

2. The subcommittee appointed pursuant to subsection 1 shall, without limitation:

(a) Study the procedures and standards used in this State for placing children in foster care;

(b) Review the procedures and standards used in other states for placing children in foster care;

(c) Review and evaluate the standard for determining when to place a child in protective custody pursuant to NRS 432B.390;

(d) Address methods to reduce the number of foster care placements in this State, including, without limitation, the placement of children in group foster homes, family foster homes, child welfare facilities and other facilities which house children who have been placed in foster care; and (e) Study other issues relating to the placement of children in foster care.

3. Any recommendations for legislation proposed by the subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee.

4. The Legislative Commission shall submit a copy of the final written report of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

APPENDIX B

SUMMARY OF RECOMMENDATIONS

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE PLACEMENT OF CHILDREN IN FOSTER CARE

Senate Bill 356, Section 4
(Chapter 290, *2007 Statutes of Nevada*)

The following is a summary of the recommendations approved by the Legislative Commission's Subcommittee to Study the Placement of Children in Foster Care at its July 25, 2008, meeting. The subcommittee will submit these recommendations to the Director of the Legislative Counsel Bureau, the Legislative Commission, and ultimately to the 2009 Session of the Nevada Legislature, as appropriate.

Recommendation No. 1 - Propose a resolution articulating the importance of the child welfare agencies (Division of Child and Family Services, Clark County Department of Family Services, and Washoe County Department of Social Services) developing a practice model that focuses on a child-centered safety approach. Instruct the child welfare agencies to:

- Assess disproportionality in the Nevada child welfare system and develop a strategy to address the issue and that includes ongoing data tracking.
- Identify targets for reducing the number of youth in care and instruct the child welfare agencies to track reduction efforts and services.
- Implement structured risk and safety assessments.
- Emphasize the need for Child Protective Services (CPS) to investigate the validity of allegations of abuse or maltreatment before removing children from their homes. **(BDR R-476)**

Recommendation No. 2 - Issue a letter from the interim study committee instructing the state and county agencies to submit a plan for a different [flexible] funding model for the Legislature's consideration in the 2009 Session. Instruct the state and county child welfare agencies to reexamine block grant funding to county child welfare agencies as outlined in the information submitted to the Legislature during the 2007 Session. Seek funding diversification to fill financial gaps (e.g., private/corporate). Create transparent and fair (competitive) opportunities for community and faith-based organizations to stimulate best practices and efficiencies. Instruct the state and county child welfare agencies to produce benchmarks or performance indicators for measuring accountability in meeting child welfare outcomes, as outlined in the state/county interlocal agreements for child welfare funding. Instruct the agencies to include recommendations from an audit currently being conducted by the counties, articulating the current allocation of funds and how services

are provided, and a plan that would initiate or “trigger” flexible funding allowances, for review during the 2009 Legislative Session.

Recommendation No. 3 - Propose legislation enabling an interagency committee to evaluate and strengthen collaboration among community agencies, partners and the child welfare system, instructing them to review NRS 432B and associated regulations and ensure that they are aligned with current child welfare practice. An annual report of the interagency committee is to be directed to the Director of the Legislative Counsel Bureau, who will provide it to the appropriate legislative committees, to begin effective with the 2011 Session of the Legislature. **(BDR 38-475)**

Recommendation No. 4 - Issue a letter to the child welfare agencies instructing that actions be taken to strengthen collaboration with service providers to ensure that services are in place to keep children safely in their homes. Include in the letter the committee’s intent that the agencies improve utilization of and access to existing resources for identifying available services (e.g., 211), create and/or support a process for identifying gaps in the service array and determine a course of action for filling them. Encourage the child welfare agencies to identify from where youth are entering care and whether or not that matches where services are provided.

Recommendation No. 5 - Propose legislation that creates a mechanism for prioritizing access to services for families involved in the child welfare system. Initiate, maintain and increase community-based treatment services for mental health and drug/alcohol abuse and similar after-care and outreach programs. **(BDR 38-477)**

Recommendation No. 6 - Issue a letter to the Nevada Department of Health and Human Services (DHHS) encouraging it to investigate a strategy that utilizes TANF dollars to pay for mental health and substance abuse services for eligible child welfare-involved participants. Also in the letter, request the department to allocate a small amount of TANF funds to substance abuse treatment for such families. Request the department to provide that a portion of the increased maintenance of effort (MOE) funding required to receive federal substance abuse block grant funds be dedicated to fund services for child welfare-involved families. Encourage the establishment of child welfare/TANF collaborative pilot projects in Clark County, Washoe County, or both. Encourage greater child welfare/TANF collaboration and encourage the creation of a task force to examine barriers to collaboration and recommend policies to address such barriers.

Recommendation No. 7 - Propose legislation to support a policy change to expand the relative definition in NRS 432B.480 and 432B.550 from the third degree of consanguinity to the fifth degree of consanguinity. **(BDR 38-478)**

Recommendation No. 8 - Propose legislation to support a policy change to remove the age requirement for the kinship care program. **(BDR 38-479)**

Recommendation No. 9 - Issue a letter to the child welfare agencies to encourage them to initiate a review of the approval process for applications of new foster care providers. The agencies should provide detail about the time that is required to process a foster care provider application and develop strategies to streamline or expedite the process while maintaining the integrity of the approval process.

Recommendation No. 10 - Send a letter to Casey Family Programs asking for flexibility in the use of financial assistance funding awarded to the state by that organization to allow the state to hire a contractor to assist in identifying methods to maximize federal funding for child welfare services.

Recommendation No. 11 - Issue a letter to instruct DCFS to provide a status report to the Director of the Legislative Counsel Bureau for distribution to committee members of the evaluation of the state/county differential response pilot program when available, but no later than October 2008.

APPENDIX C

LETTERS OF RECOMMENDATION

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September 16, 2008

Marva Hammons, MSW
Managing Director of Strategic Consulting

Paul Buehler, MSW
Senior Director of Strategic Consulting

Casey Family Programs
1300 Dexter Avenue North
Floor 3
Seattle, WA 98109-3542

Dear Ms. Hammons and Mr. Buehler:

The Legislative Commission's Subcommittee to Study the Placement of Children in Foster Care, created by Senate Bill 356 (Ch 290, *Statutes of Nevada 2007*), has recently completed its work for the 2007-2008 legislative interim period. As you know, the Subcommittee was created in order to do the following: (1) study the procedures and standards used in this state for placing children in foster care; (2) review the procedures and standards used in other states for placing children in foster care; (3) review and evaluate the standard for determining when to place a child in protective custody pursuant to *Nevada Revised Statutes* 432B.390; (4) address methods to reduce the number of foster care placements in this state; and (5) study other issues relating to the placement of children in foster care.

The Subcommittee is extremely grateful for the support and assistance that Casey Family Programs has provided, and continues to provide, to the state of Nevada. In particular, the Subcommittee would like to thank Casey Family Programs for its technical assistance and the facilitation of the technical workgroup for the Interim Study on the Placement of Children in Foster Care.

Marva Hammons
Paul Buehler
September 16, 2008
Page 2

As mentioned by representatives of Casey Family Programs during the May meeting of the Subcommittee to Study the Placement of Children in Foster Care, the Subcommittee recognizes that "while internal efficiencies and wise overall management strategies are certainly important in making the best use of available resources, the unfortunate fact is that, particularly in developing and sustaining a sufficient array of quality services, there is ultimately no substitute for adequate funding."

According to the report on Nevada's child welfare funding structure prepared by Casey Family Programs, one avenue for improving child welfare funding in Nevada would be for the state to pursue and increase its use of federal child welfare funds. However, due to the complexity of the relevant federal regulations and the number of potential funding sources, this topic was not discussed in detail during the interim. It was suggested that the state might benefit from contracting with a consultant who specializes in federal child welfare funding.

Recognizing the potential advantages that Nevada could gain by maximizing its use of federal funds, the Subcommittee requests that Casey Family Programs allow the state flexibility in the manner in which it uses the partnership grant funding awarded by Casey Family Programs. This added flexibility would allow the state to hire a contractor to assist in identifying methods by which Nevada could maximize its acquisition and use of federal funding for child welfare services.

Sincerely,



Steven Horsford
Nevada State Senator
Chair, Legislative Commission's
Subcommittee to Study the Placement of
Children in Foster Care

cc: Mike Willden, Director, Department of Health and Human Services
Diane Comeaux, Administrator, Division of Child and Family Services, DHHS
Michael Capello, Director, Washoe County Social Services Director
Thomas D. Morton, Director, Clark County Department of Family Services
Andrew Clinger, Director, Department of Administration

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September 16, 2008

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Washoe County Department of Social Services
350 S. Center Street
Reno, NV 89502

Thomas D. Morton, Director
Clark County Department of Family Services
701K North Pecos
Las Vegas, NV 89101

Dear Ms. Comeaux, Mr. Capello, and Mr. Morton:

The Legislative Commission's Subcommittee to Study the Placement of Children in Foster Care, created by Senate Bill 356 (Ch 290, *Statutes of Nevada 2007*), has recently completed its work for the 2007-2008 legislative interim period. As you know, the Subcommittee was created in order to do the following: (1) study the procedures and standards used in this state for placing children in foster care; (2) review the procedures and standards used in other states for placing children in foster care; (3) review and evaluate the standard for determining when to place a child in protective custody pursuant to *Nevada Revised Statutes* 432B.390; (4) address methods to reduce the number of foster care placements in this state; and (5) study other issues relating to the placement of children in foster care.

Throughout the interim study, the Subcommittee consistently heard that one crucial element in safely reducing the use of foster care placements is the development of an array of community-based, accessible, and family-centered support services to help parents and caregivers cope with issues affecting their ability to provide their children with safe and nurturing homes. Without ready access to appropriate services, recommended foster care

prevention strategies cannot succeed, and efforts to move children already placed in foster care to safe, permanent homes are significantly handicapped.

As you know, in Nevada, decades of rapid population growth have placed a significant strain on the ability of Nevada's child welfare system to assure safety, well-being, and permanent connections to caring adults for children who are subjects of child maltreatment. In addition, Nevada's child welfare system faces the challenge of needing to provide services to large geographic areas of low population density.

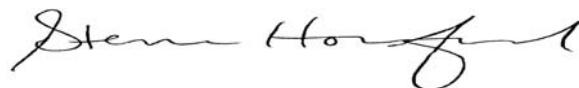
With respect to Nevada's service array, it appears that the state child welfare system faces two significant challenges: (1) a lack of community-based, family-centered services needed to address the types of issues which negatively affect the ability of some parents and caregivers to provide their children with safe and nurturing homes; and (2) an under-utilization of the service array that is currently available.

Appreciating the value of the state child welfare system working in coordination with service providers in the community, the Subcommittee requests that the state and county child welfare agencies undertake the following activities:

- Take actions to strengthen collaboration with service providers to ensure that services are in place to keep children safely in their homes;
- Improve utilization of and access to existing resources for identifying available services (e.g., the Nevada 2-1-1 System);
- Create and/or support a process for identifying gaps in the service array and determine a course of action for filling them; and
- Develop a method to identify where youth are entering care and whether or not that matches where services are being provided.

Ideally, collaboration between the state and county child welfare agencies and various service providers throughout the state will ensure that all jurisdictions have an array of relevant, community-based support services in order to reduce the need for foster care placements.

Sincerely,



Steven Horsford
Nevada State Senator
Chair, Legislative Commission's
Subcommittee to Study the Placement
of Children in Foster Care

cc: Governor Jim Gibbons

Mike Willden, Director, Department of Health and Human Services

Andrew Clinger, Director, Department of Administration

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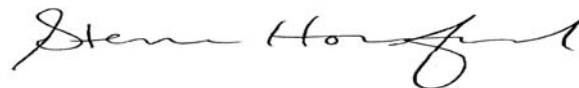
Nevada faces unique challenges when it comes to child welfare funding and funding flexibility because of the state's historically bifurcated system, the state's rapid population growth, and the differences between the needs of the rural and urban areas. As a result, the Subcommittee spent time addressing various aspects related to the funding of Nevada's child welfare system. The Subcommittee consistently heard that the best way to address some of the child welfare funding issues would be to enhance the flexibility within the funding model so that all resources can be used in the most efficient and effective manner. The Subcommittee also recognizes that its efforts to improve the funding structure of the child welfare system are hampered by its insufficient information on the current allocation

and utilization of state and county resources. Therefore, in an effort to improve child welfare funding in the state of Nevada, the Subcommittee requests that the state and county child welfare agencies do the following:

- Submit a plan for a different, and flexible, funding model for the Legislature's consideration in the 2009 Session;
- Reexamine block grant funding to county child welfare agencies as outlined in the information submitted to the Legislature during the 2007 Session;
- Seek funding diversification to fill financial gaps (e.g., private/corporate);
- Create transparent and fair (competitive) opportunities for community and faith-based organizations to stimulate best practices and efficiencies;
- Produce benchmarks or performance indicators for measuring accountability in meeting child welfare outcomes, as outlined in the state/county interlocal agreements for child welfare funding; and
- Provide recommendations from the audit currently being completed by the counties, articulate the current allocation of funds and how the services are provided, and include a plan that would initiate or "trigger" flexible funding allowances for review during the 2009 Legislative Session.

The Subcommittee to Study the Placement of Children in Foster Care strongly believes that through the combined efforts of all of the relevant stakeholders, the child welfare system in Nevada can be improved and foster care placements can be safely reduced. The work of the state and county child welfare agencies is invaluable, and we genuinely appreciate your efforts in addressing the issue of child welfare funding in Nevada.

Sincerely,



Steven Horsford
Nevada State Senator
Chair, Legislative Commission's
Subcommittee to Study the Placement
of Children in Foster Care

cc: Mike Willden, Director, Department of Health and Human Services
Andrew Clinger, Director, Department of Administration

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September 16, 2008

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While much of the work of the Subcommittee was focused on safely reducing the number of foster care placements in Nevada, there still was a concern expressed by Subcommittee

Diane Comeaux, Michael Capello, Thomas D. Morton

September 16, 2008

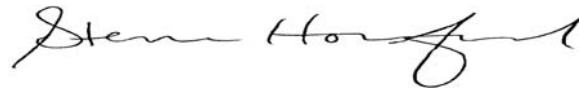
Page 2

members regarding whether there are enough foster care providers for placements in instances where a child has to be removed from his home. The Subcommittee also heard information regarding how difficult and tedious the process is for individuals trying to enter into the system as a foster care provider.

As a result, the Subcommittee to Study the Placement of Children in Foster Care encourages the state and county child welfare agencies to review the approval process for applications of new foster care providers. During this review, the agencies should develop a detailed outline regarding the time that is required to process a foster care provider application and develop strategies to streamline or expedite the process while maintaining the integrity of the approval process.

In working to develop a process by which to expedite foster care applications in Nevada, the agencies may want to consider some of the following variables: whether the individual applying has been a foster parent previously; whether there is a significant connection to the child (e.g., kinship care); the impact of disproportionality in the system on foster care applications; et cetera.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven Horsford".

Steven Horsford
Nevada State Senator
Chair, Legislative Commission's
Subcommittee to Study the Placement
of Children in Foster Care

cc: Mike Willden, Director
Department of Health and Human Services

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September 16, 2008

Mike Willden, Director
Department of Health and Human Services
4126 Technology Way, Room 100
Carson City, NV 89706-2009

Diane Comeaux, Administrator
Division of Child and Family Services
Department of Health and Human Services
4126 Technology Way, 3rd Floor
Carson City, NV 89706-2009

Nancy K. Ford, Administrator
Nevada Division of Welfare and Supportive Services
Department of Health and Human Services
1470 College Parkway
Carson City, NV 89706

Dear Mr. Willden, Ms. Comeaux, and Ms. Ford:

The Legislative Commission's Subcommittee to Study the Placement of Children in Foster Care, created by Senate Bill 356 (Ch 290, *Statutes of Nevada 2007*), has recently completed its work for the 2007-2008 legislative interim period. As you know, the Subcommittee was created in order to do the following: (1) study the procedures and standards used in this state for placing children in foster care; (2) review the procedures and standards used in other states for placing children in foster care; (3) review and evaluate the standard for determining when to place a child in protective custody pursuant to *Nevada Revised Statutes* 432B.390; (4) address methods to reduce the number of foster care placements in this state; and (5) study other issues relating to the placement of children in foster care.

During its discussion on child welfare funding, the Subcommittee was introduced to a concept that would provide the state with an opportunity to leverage existing resources to safely reduce the number of Nevada's children in foster care. Enhanced collaboration between the child welfare system and the Temporary Assistance for Needy Families (TANF) program could be extremely effective due to the substantial correlation between poverty and child maltreatment. According to the Third National Incidence Study of Child Abuse and Neglect (NIS-3), children from families with incomes below \$15,000 are 22 times more likely to be maltreated than children from families with incomes greater than \$30,000.¹ The significant overlap between the child welfare system and the TANF program provides a unique opportunity for the state to better utilize its current resources and funding.

The Subcommittee, in an effort to enhance the partnership between these two programs, supports the Nevada Department of Health and Human Services in doing the following:

- Investigate a strategy that utilizes TANF dollars to pay for mental health and substance abuse services for eligible child welfare involved participants;
- Allocate a small amount of TANF funds to substance abuse treatment for families in the child welfare system;
- Establish a child welfare/TANF collaborative pilot project in Clark County, Washoe County, or both; and
- Establish greater child welfare/TANF collaboration and encourage the creation of a task force to examine barriers to collaboration and recommend policies to address such barriers.

The Subcommittee also supports the collaboration of the child welfare program with the Substance Abuse Prevention and Treatment Agency (SAPTA) in the following recommendation:

Provide that a portion of the increased maintenance of effort funding required to receive federal substance abuse block grant funds be dedicated to fund services for child welfare-involved families.

¹ Sedlak, Ph.D., Andrea J., and Diane D. Broadhurst, M.L.A. "Executive Summary of the Third National Incidence Study of Child Abuse and Neglect." Child Welfare Information Gateway. 1996. U.S. Department of Health and Human Services Administration for Children and Families Administration on Children, Youth and Families National Center on Child Abuse and Neglect. 25 Aug. 2008
<<http://www.childwelfare.gov/pubs/statsinfo/nis3.cfm>> .

Ultimately, enhanced collaboration among the state's child welfare services and the other DHHS programs has the potential to decrease entries of children into foster care and to expedite reunification. There will be fewer conflicting demands on families and this will allow for better use of resources, may lead to some creative strategies and therefore better solutions for families, and result in an improved understanding of the effect of the other programs' policies on the child welfare system.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Horsford". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steven Horsford
Nevada State Senator
Chair, Legislative Commission's
Subcommittee to Study the Placement
of Children in Foster Care

cc: Andrew Clinger, Director
Department of Administration

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September 16, 2008

Diane Comeaux, Administrator
Division of Child and Family Services
Department of Health and Human Services
4126 Technology Way, 3rd Floor
Carson City, NV 89706-2009

Dear Ms. Comeaux:

The Legislative Commission's Subcommittee to Study the Placement of Children in Foster Care, created by Senate Bill 356 (Ch 290, *Statutes of Nevada 2007*), has recently completed its work for the 2007-2008 legislative interim period. As you know, the Subcommittee was created in order to do the following: (1) study the procedures and standards used in this state for placing children in foster care; (2) review the procedures and standards used in other states for placing children in foster care; (3) review and evaluate the standard for determining when to place a child in protective custody pursuant to *Nevada Revised Statutes* 432B.390; (4) address methods to reduce the number of foster care placements in this state; and (5) study other issues relating to the placement of children in foster care.

Previously, and again during the work of the Subcommittee, differential response has been recognized as a significant opportunity for the state to safely decrease the number of foster care placements and allow more children to remain safely in their homes. In addition, as part of the \$500,000 partnership grant provided to the state, Casey Family Programs intends to support the development of the differential response system in Nevada.

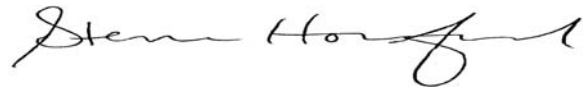
Currently, differential response has been piloted in some areas of the state and it is scheduled for a statewide expansion in FY 2009. The Subcommittee was made aware that Gary Siegel, Ph.D. from the Institute of Applied Research in St. Louis, Missouri, an independent research and consulting organization, is also conducting an evaluation of

Diane Comeaux, Administrator
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the program, which will be used in order to help inform future planning and development of the program.

In order to remain informed regarding the status and advances made in the differential response system, the Subcommittee requests that the Division of Child and Family Services, Department of Health and Human Services, provide a status report to the Director of the Legislative Counsel Bureau for distribution to the members of the Subcommittee to Study the Placement of Children in Foster Care. The status report should provide an evaluation of the state/county differential response pilot programs, and it should be made available no later than October 2008.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Horsford", written in a cursive style.

Steven Horsford
Nevada State Senator
Chair, Legislative Commission's
Subcommittee to Study the Placement of
Children in Foster Care

cc: Mike Willden, Director, Department of Health and Human Services
Michael Capello, Director, Washoe County Department of Social Services
Thomas D. Morton, Director, Clark County Department of Family Services

