



**NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON CHILD WELFARE
AND JUVENILE JUSTICE**

(Nevada Revised Statutes [NRS] 218E.705)

SUMMARY MINUTES AND ACTION REPORT

The first meeting of the Nevada Legislature's Legislative Committee on Child Welfare and Juvenile Justice was held on Wednesday, January 18, 2012, at 9 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 2135 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/76th2011/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's (LCB's) Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Valerie Wiener, Chair
Assemblyman Jason M. Frierson, Vice Chair
Senator Greg Brower
Senator Ruben J. Kihuen
Assemblyman John Hambrick

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Assemblywoman Teresa Benitez-Thompson

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Kelly S. Gregory, Senior Research Analyst, Research Division
Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division
Stephanie Travis, Deputy Legislative Counsel, Legal Division
Rex Goodman, Principal Deputy Fiscal Analyst, Fiscal Division
Tracey L. Wineglass, Senior Research Secretary, Research Division

OPENING REMARKS

- Senator Valerie Wiener, Chair, welcomed Committee members, presenters, and the public to the first meeting of the Legislative Committee on Child Welfare and Juvenile Justice. She shared a brief summary of the establishment and history of the Committee. Chair Wiener welcomed public testimony and explained that written comments provided would appear in the “Summary of Minutes and Action Report.” She introduced Committee members and staff.

PUBLIC COMMENT

- Chair Wiener reviewed changes to the public comment process.
- Devon Brooks, private citizen, Clark County Democratic Black Caucus, Las Vegas, expressed his concern regarding the ability of State personnel to carry out the determination of abuse and neglect relating to separation of families. He asked that certain terminology be defined and that State personnel be trained to make the determination to separate families. (Please see [Exhibit B.](#))
- Yvette Williams, Caucus Chair, Clark County Democratic Black Caucus, Las Vegas, encouraged support of the suggestions introduced by Mr. Brooks regarding the definition of abuse or neglect of a child in NRS 432B.020.

PRESENTATION ON LEGISLATION AND LETTERS REQUESTED BY THE LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE DURING THE 2009-2010 INTERIM

- Kelly S. Gregory, Senior Research Analyst, LCB, provided an overview of the creation and duties of the Committee as codified in NRS 218E.705 and NRS 218E.715. She reviewed the process for submitting bill draft requests (BDRs) and the Committee’s activities during the 2009-2010 Interim. (Please see [Exhibit C.](#))

PRESENTATION ON THE LEGISLATIVE AUDITOR’S REVIEWS OF CHILD WELFARE AND JUVENILE JUSTICE SERVICES

Review of Governmental and Private Facilities for Children

- Paul V. Townsend, CPA, Legislative Auditor, Audit Division, LCB, introduced his staff and shared findings from the “Review of Governmental and Private Facilities for Children,” Audit Report LA12-08 ([Exhibit D](#)). He explained that the review process is required by statute to determine if the facilities are adequately protecting the health, safety, and welfare of children and if the facility respects the civil and other rights of children in their care.

- Jane Bailey, Audit Supervisor, Audit Division, LCB, cited NRS 218G.570 through 218G.585, which authorizes the Legislative Auditor to conduct reviews, audits, and unannounced site visits of residential children's facilities. She shared the outcome of facility reviews and the findings relating to scope, purpose, and methodology. Ms. Bailey explained that the review includes information regarding the number and types of facilities and complaints and grievances filed throughout the year.
- Sandra McGuirk, Deputy Legislative Auditor, Audit Division, LCB, presented the audit report and pointed out facility observations during unannounced visits and areas that need improvement. She shared that areas in need of improvement are: (1) policies and procedures need to be developed or updated; (2) medication administration processes and procedures need to be strengthened; (3) background check and complaint processes need improvement. Ms. McGuirk called attention to prior recommendations.

Discussion ensued between Assemblyman Hambrick and Ms. McGuirk regarding unannounced facility visits. Ms. McGuirk clarified the difference between an unannounced visit and a scheduled review.

- David R. Doyle, Director of Operations, Eagle Quest of Nevada, Inc., reported that the recommendations included in the audit have been implemented. He stated that standards of excellence are in place to assist private facilities in responding to corrective situations within 24 hours and added that a recent review by the Division of Child and Family Services (DCFS), Department of Health and Human Services (DHHS), concluded that progress had been made.

There was discussion between Chair Wiener and Mr. Doyle regarding the number of facilities that Eagle Quest of Nevada, Inc. manages. Mr. Doyle explained that the number of homes have been reduced from 38 to 28 to ensure higher quality of service to the children in their care and to improve the standards of operation.

Discussion continued between Chair Wiener and Mr. Doyle regarding changes in the medication administration process. Mr. Doyle noted that, after consulting with the medical staff, a new multi-signature process was implemented to improve the process.

Responding to a request from Vice Chair Frierson for clarification regarding the newly established specialized committee, Mr. Doyle stated that the specialized committee was formed to develop standards of excellence for all Eagle Quest of Nevada, Inc., facilities.

In response to Chair Wiener's inquiry about the follow-up on the review of governmental and private facilities for children, Mr. Townsend stated that currently the review cycle is three years, but clarified that a risk assessment is completed to determine if more frequent visits are necessary.

Discussion ensued between Assemblywoman Benitez-Thompson and Mr. Townsend regarding the results in the administration and management of medication and the reporting

of corrective actions. Mr. Townsend explained that the Audit Division corresponds with the agencies on new legislation and training programs, and he offered to request that the agencies provide the Committee with a copy of the new policies and procedures implemented by each agency.

Department of Health and Human Services (DHHS), Division of Child and Family Services (DCFS)

- Paul V. Townsend, CPA, Legislative Auditor, Audit Division, LCB, introduced his staff and shared the findings related to the “Department of Health and Human Services Division of Child and Family Services,” Audit Report LA12-05 ([Exhibit E](#)). He reported the purpose of the audit was to determine if DCFS satisfied the following operating procedures: (1) applied performance measures that are reliable and useful in assessing program outcomes; and (2) monitored service contracts.
- Dennis Klenczar, CPA, Deputy Legislative Auditor, Audit Division, LCB, reviewed the mission of the DCFS and highlighted the budget and staffing expenditures in the four primary service areas: (1) child protective and welfare services; (2) juvenile justice services; (3) children’s mental/behavioral health services; and (4) administrative and other services. He stated it is necessary for users of performance measures to have reliable underlying supporting records and methodology to measure results. Mr. Klenczar noted that a survey of seven states was conducted regarding how the results of outcome measures have influenced management decisions and described the different types of measures needed to evaluate performance. He pointed out recommendations related to performance measures and recommendations related to contract services.

Discussion ensued between Chair Wiener and Mr. Klenczar concerning the accountability of the output and outcome measures regarding the performance-based indicators. Mr. Klenczar shared that DCFS has developed more outcome measures.

Discussion ensued between Chair Wiener and Amber Howell, Acting Administrator, DCFS, DHHS, regarding accountability. Ms. Howell explained that a corrective action plan was submitted to the Audit Division on January 17, 2012. She explained that draft policy and budget performance measures have been developed both to document how performance measures are identified and to create more outcome-based measures. Ms. Howell added that contract procedures have been revised to track proof of insurance and verify service types. (Please see [Exhibit F](#) and [Exhibit F-1](#).)

- Chair Wiener questioned if there would be a conflict in reporting output and outcome due to the federal funding that is included in some of the programs. Ms. Howell stated that the DCFS could address the State budget and federal grants by separating the criteria for performance measures.

Responding to Assemblyman Hambrick's concerns regarding the performance measures used to report to federal and State government, Ms. Howell explained that there are outcome related federal performance indicators that DCFS can utilize which are more in line with the State performance measures.

Department of Health and Human Services, Oversight of Child Care Facilities

- Paul V. Townsend, previously identified, shared findings related to the "Department of Health and Human Services Oversight of Child Care Facilities," Audit Report LA12-06 ([Exhibit G](#)). He noted that during the scope of the audits the Bureau of Services for Child Care was within the DCFS; however, it was transferred to the DHHS on July 1, 2011, and the DHHS would implement the recommendations.
- Dennis Klenczar, previously identified, explained that the purpose of the audit was to determine if the Bureau ensures that child care facilities meet health and safety requirements. He provided background on child care facilities, including budget and staffing, caseload information, and recent changes in caseload. He shared the following findings: (1) inspections were not always timely; (2) better monitoring of employees at child care facilities is needed; (3) child abuse and neglect checks are not always performed; and (4) monitoring employees for tuberculosis needed improvement. Mr. Klenczar reviewed recommendations which align with State laws and regulations, to improve timeliness of inspections and assurance of timely corrections, as well as improved monitoring of employees at child care facilities.

Discussion ensued between Assemblywoman Benitez-Thompson and Mr. Klenczar concerning timely background checks of employees at child care facilities. He reported that the Bureau uses a background check system called Unified Nevada Information Technology for Youth and explained the background check process.

There was a discussion between Vice Chair Frierson and Mr. Townsend regarding the consequences for late health and fire safety inspections. Mr. Townsend stated that he was not aware of the penalty if an inspection is not performed. He shared that a recommendation was made and the DHHS acknowledged that corrective action would be taken.

- Marla McDade Williams, B.A., M.P.A., Deputy Administrator, Health Division, DHHS, introduced Wendy Simons, Chief, Bureau of Healthcare Quality and Compliance, DHHS.
- Ms. Simons provided an update on the six recommendations from the audit report. She explained that five of the six recommendations have been implemented and Recommendation No. 3 has been partially met by providing timely health inspections and implementing a procedure for inspections by the State Fire Marshal.

Responding to Assemblywoman Benitez-Thompson, regarding employee background checks, Ms. Simons commented that problems occur when facilities do not notify the Bureau. She commented that this issue was included in the key findings of the Audit. Ms. Simons opined that this problem could be resolved by revising statutes to ensure the burden of first reporting would fall on the facilities.

- Ms. Williams agreed to Ms. Simon’s suggestion regarding changes in statute to hold facilities accountable for notification when a new employee is hired. She addressed the concerns of Vice Chair Frierson regarding the consequences for fire inspections not being completed in a timely manner. Ms. Williams explained that DHHS can issue a notice of violation for non-compliance of State child care licensing laws, but they are still investigating the ability of the State Fire Marshal to issue citations to facilities.

In response to Chair Wiener’s query regarding Las Vegas and Clark County relinquishing their child care responsibilities to the State and the impact on the DHHS. Ms. Williams responded that staff and budgets were transferred and it was a smooth transition.

Responding to Vice Chair Frierson’s inquiry regarding the Interim Task Force on Out-of-School Time Programs, Ms. Williams explained that the Task Force is led by Melissa Faul, Child Care Program Manager, and it is charged with establishing regulations and moving through the regulatory process.

PRESENTATION ON ISSUES RELATED TO FUNDING OF CHILD WELFARE

Fiscal Analysis Division Overview of Changes from 2011 Legislative Session

- Rex Goodman, Principal Deputy Fiscal Analyst, Fiscal Analysis Division, LCB, introduced Karen Hoppe, Program Analyst, Fiscal Analysis Division, LCB, and explained she would manage the DCFS budget accounts. He provided a memorandum regarding legislation and budget changes affecting child welfare and juvenile justice funding, non-statutory budget changes affecting funding within the DCFS; and the provisions of each. (Please see [Exhibit H.](#))

He referenced legislation from the 2011 Session:

- Senate Bill 447 (Chapter 396, *Statutes of Nevada*)—“Makes various changes concerning the administration of child welfare services.”
- Senate Bill 476 (Chapter 401, *Statutes of Nevada*)—“Makes various changes concerning the juvenile justice system.”
- Senate Bill 480 (Chapter 403, *Statutes of Nevada*)—“Revises provisions relating to child protective services in certain less populated counties.”

Chair Wiener commented that the overview provided would create a foundation for the Committee to consider funding and its effects on services.

State Implementation of Block Grants and Performance Measures

- Amber Howell, previously identified, shared an update on incentive payments and block grant application criteria and procedures. She commented that the program would be fully implemented in Fiscal Year 2015 and explained that the incentive payment would be determined by the performance data achieved in the prior fiscal year. (Please see [Exhibit I.](#))

In response to Chair Wiener's inquiry regarding the integration of new funding resources, Ms. Howell stated that counties seem to be receptive.

Local Government Implementation of Revised Funding

- Kevin Schiller, Director, Washoe County Department of Social Services, outlined the effects of the revised funding on the Department. He highlighted the block grant and funding for post adoption assistance, improved timeliness in adoptions, and Title IV-E performance indicators. Mr. Schiller referenced targeted case management and the effects on policy, procedures, and the ability to meet the maintenance of effort requirements. He emphasized the need to: (1) align the medication administration process and procedures in facilities; (2) create a new model for treatment level foster care; and (3) reorganize agencies and departments.

In response to Chair Wiener's comment regarding the time line for Title IV-E income reductions, Mr. Schiller indicated he would keep the Committee updated on targeted case management discussions.

- Lisa Ruiz-Lee, Interim Director, Clark County Department of Family Services (DFS), agreed with Mr. Schiller regarding the local government implementation of the block grant. She shared that the most significant block grant component for Clark County was the separation of the adoption and subsidy sections. Ms. Ruiz-Lee stated that the increase in adoptions added 16 percent to adoption subsidy expenses over previous years. She explained that an outside entity was hired to validate that the agency is collecting the maximum federal revenue available based on the performance improvement plan and the ability to connect the components to the funding. Ms. Ruiz-Lee stated that in the future, plans would focus efforts around therapeutic foster care.
- Assemblywoman Benitez-Thompson complimented the DFS for increased adoption rates.

DISCUSSION OF SENATE CONCURRENT RESOLUTION NO. 5 (FILE NO. 43, STATUTES OF NEVADA) OF THE 2011 SESSION OF THE NEVADA LEGISLATURE

- Denise Tanata Ashby, J.D., Senior Resident Scholar, The Lincy Institute, University of Nevada, Las Vegas (UNLV), representing the Children's Advocacy Alliance presented

an overview from a community forum regarding revisions to Chapter 432B of NRS concerning protection of children from child abuse. She stated that future community forums would include suggestions from resources at Voices for America's Children, a non-profit organization; review of language from other states and jurisdictions; and an observation of national models. (Please see [Exhibit J.](#))

Chair Wiener expressed her appreciation to Ms. Ashby for initiating the working group and providing the Committee with recommendations concerning preservation of families and the protection of children. She requested that Ms. Ashby continue to update the Committee.

In response to Chair Wiener's request concerning continued community forum updates, Ms. Ashby advised that the next meeting would be videoconferenced to reach a larger audience of community representatives.

UPDATE ON OUTCOMES OF THE SOUTHERN NEVADA CHILD WELFARE SUMMIT

- Lisa Ruiz-Lee, previously identified, explained that the Southern Nevada Child Welfare Summit was developed to refocus and renew the partnerships of the community stakeholders and to discuss issues that affect children.
- Denise Tanata Ashby, previously identified, provided a document entitled "Building Connections in Child Welfare Community Forum Summary," and noted that 90 participants attended the Summit. She outlined topics of discussion that involved mentorship for youth, child care, preservation of families, and prevention services. Ms. Ashby stated that final comments from participants were positive and included requests for partnerships and collaborative efforts. (Please see [Exhibit K.](#))

Discussion ensued between Ms. Ruiz-Lee and Chair Wiener regarding future plans of the Summit. Ms. Ruiz-Lee explained that future efforts would include disseminating the information received into a "road map" for the Department in terms of community needs. Chair Wiener commented that the Summit presented a positive output to elevate the level of participation and requested that Ms. Ruiz-Lee present at the final meeting of the Committee.

- Ms. Ashby announced that, effective February 1, 2012, she will be the Director of the Children's Advocacy Alliance of Las Vegas, and she will continue to participate in forums to improve community involvement.

DISCUSSION OF INITIATIVES AND PROGRAMS RELATED TO CHILD SUPPORT

- Teresa Lowry, Assistant District Attorney, Family Support, Juvenile and Child Welfare Divisions, Clark County District Attorney's Office, expressed gratitude for being

included in the discussion of child welfare and juvenile justice. She shared an update on the collaboration of the State and counties to enforce child support efforts through technology. Ms. Lowry commented on improvements that have occurred because of the collaboration, including multiple community outreach initiatives and a federal ranking for paternity establishment that earned Nevada 100 percent of federal incentive funds. She presented the findings and recommendations prepared by Policy Studies Inc., ([Exhibit L](#)) and reported on the desired upgrade of the Nevada Operations of Multi-Automated Data Systems (NOMADS). Ms. Lowry requested that the Committee review the report and recommend the improvements to the Legislature.

Discussion ensued between Chair Wiener and Ms. Lowry regarding the implementation of community outreach initiatives and the State's ranking for collection of child support payments. Ms. Lowry discussed the process for determining the needs of the community by targeting certain audiences to offer alternative plans for collection of child support payments. She stated alternative arrangements were offered to laid-off, unemployed, or under-employed non-custodial parents in an effort to maintain continual payments. Ms. Lowry explained that Nevada continues to improve overall in child support collection.

There was discussion among Vice Chair Frierson, Senator Brower, and Jeffrey J. Witthun, Assistant Director, Family Support Division, Clark County, regarding the process for establishing paternity and referral of child support cases to the Family Support Division of the Office of the District Attorney. Mr. Witthun explained that once an application is approved for public assistance, the Division provides a court order to establish child support. He mentioned that the Division is also involved if a parent is not maintaining child support payments established through a divorce decree.

- Mr. Witthun noted that paternity is established for any non-marital birth case in the child support program. He discussed programs that offer to establish paternity in Nevada.

Discussion ensued among Vice Chair Frierson, Ms. Lowry, and Mr. Witthun regarding types of child support enforcement, federal funding for the administration of child support collection, and the child support debit card program.

- Ms. Lowry stated that the Division utilizes early intervention, amnesty programs, and modification in an effort to avoid incarceration of a non-custodial parent.
- Mr. Witthun discussed proactive measures for child support enforcement, such as tax interception, wage garnishment, liens, and license suspensions. He stated that the use of court-ordered contempt is the last course of action.
- Rex Goodman, previously identified, stated that information regarding fee schedules for participants in the debit card program is available online at <https://dwss.nv.gov>.

- Ms. Lowry commented there is a request for proposal to address the non-custodial parent payment of child support with a credit card.

In response to Chair Wiener's inquiry regarding the timeline for the State to recover reimbursement from a non-custodial parent, Mr. Witthun explained that the collection process could go beyond the age of a dependent child if an arrearage was incurred. He commented that there is no statute of limitation on child support debt in Nevada.

Discussion ensued between Chair Wiener and Mr. Witthun regarding the amount of time the State engages the non-custodial parent in payment of an arrearage to the State. Mr. Witthun stated there is a statute of limitation of four years for collection of arrears prior to the time the child support order is established.

- Chair Wiener expressed concern regarding the NOMADS and its ability to sustain the needs of the State.

PRESENTATION BY COMMISSION ON STATEWIDE JUVENILE JUSTICE REFORM

- James W. Hardesty, Associate Justice, Nevada Supreme Court, shared a Microsoft Power Point presentation ([Exhibit M](#)) regarding Administrative Docket 455 Petition filed on October 11, 2010, and the order issued by the Nevada Supreme Court on February 15, 2011, creating the Commission on Statewide Juvenile Justice Reform. His presentation outlined the purpose of the Commission, its membership, mission statement, resources, and areas of study. He discussed the Resources and Presentations Subcommittee for Juvenile Justice, formed to compile a list of presenters and presentations from across the country that would be useful for the Commission to consider regarding alternative approaches to juvenile justice. Justice Hardesty emphasized the presentation on "Continuum of Care Outline From Each Jurisdictional District." He shared that the next meeting of the Commission was scheduled for Monday, January 23, 2012, and extended an invitation to the Committee to attend. (Please see [Exhibit N.](#))
- Chair Wiener requested that the Commission update the Committee on its progress and collaboration, and submit recommendations at the final meeting on Wednesday, May 9, 2012.
- Nancy M. Saitta, Chief Justice, Nevada Supreme Court, reviewed the Commission's meeting schedule and invited the Committee to attend and participate.
- Assemblyman Hambrick commented that he is privileged to be associated with the Commission.

PRESENTATION ON ISSUES RELATED TO NEVADA'S JUVENILE JUSTICE SYSTEM

(As directed by Chair Wiener, this agenda item was taken out of order.)

- Carey Stewart, Director, Department of Juvenile Services, Second Judicial District Court of Nevada, Washoe County, presented a Microsoft Power Point presentation. He emphasized the impact of the budget reductions to the county probation departments and judicial districts. Mr. Stewart reviewed the outcome of the budget cuts on community-based programs and pointed out the State's progress over previous years. He emphasized the need to avoid regression in the areas of juvenile justice. (Please see [Exhibit O](#).)

- Pauline Salla, Social Services Chief I, DCFS, DHHS, presented a Microsoft PowerPoint presentation, which detailed the make-up of the Nevada Juvenile Justice Commission and emphasized the youth participation. She outlined the Commission's 2011 priorities:
 1. Alternatives to detention;
 2. Aftercare and re-entry;
 3. Disproportionate minority contact;
 4. Deinstitutionalization of status offenders;
 5. Effective legal representation;
 6. Jail removal;
 7. Mental health programming; and
 8. Sight and sound separation.

Ms. Salla pointed out a list of the major documents produced by the Commission and highlighted its accomplishments. (Please see [Exhibit P](#).)

In response to Chair Wiener's query regarding the impact the level of State funding had on federal funding to Nevada, Pauline Salla commented that federal funding has been decreased. She explained that counties must provide a 10 percent match for the Juvenile Accountability Block Grant and 50 percent match for the Title V Grant.

- Assemblyman Hambrick disclosed that he is the Chair of the State of Nevada Juvenile Justice Commission. He stated that, although federal funds have decreased, the Commission is receiving 100 percent of available funds due to increased accountability. He shared that the Commission is extending its scope to private and public partnerships to assist at-risk juveniles.

Discussion ensued between Chair Wiener and Ms. Salla regarding the composition of the youth participants and the recruitment process. Ms. Salla reported that there are 20 members appointed to the Commission, and by federal requirement, at least one-fifth of members must be youth members. The youth participants comprise both youth who have and youth who have not been involved in the juvenile justice system.

- Scott J. Shick, Chief Juvenile Probation Officer, Douglas County Juvenile Probation Department, Ninth Judicial District Court of Nevada, commented on the commitment of those working in the probation departments in the rural communities with limited resources.
- Fritz L. Reese, Director, Department of Juvenile Justice Services, Clark County, provided an overview of the Juvenile Detention Alternative Initiative (JDAI) in Clark County, a collaboration of community stakeholders whose purpose is to demonstrate alternative systems to accomplish juvenile detention without jeopardizing community safety. He shared the JDAI objectives to:
 - Reduce the number of children unnecessarily or inappropriately detained;
 - Minimize the number of youth who fail to appear in court or re-offend pending adjudication;
 - Redirect public funds toward successful reform strategies;
 - Ensure appropriate conditions of detention; and
 - Reduce racial disparities and disproportionate minority contact.
- William O. Voy, Family Division, Department A, Eighth Judicial District Court of Nevada, provided additional information about JDAI and the Detention Review and Release Program (DRRP). Judge Voy explained that the DRRP is a program that allows youth to live at home and while being monitored by a global positioning satellite (GPS). He stated that youth are released under a contractual agreement that requires offenders to abide by conditions in a behavioral contract. Judge Voy explained that if an offender were to tamper with the GPS unit, a signal is sent that will notify authorities. He commented that probation officers conduct multiple unannounced visits to ensure compliance and build a relationship with the families. Judge Voy indicated that a memorandum of understanding was created between JDAI and the Las Vegas Metropolitan Police Department (LVMPD) to take preventative measures through alternative work programs to avoid incarceration and build community-based relationships with youth and their families.
- Judge Voy noted that one of the options being offered by the Commission is to close the Elko Juvenile facility and divert the funding sources back to the counties to support community-based programs such as JDAI.
- Mr. Reese commented that the JDAI program could be developed based on the needs of the community.

In response to Chair Wiener's question regarding utilizing the community policing concept to provide accessibility to the LVMPD and the determination process and requirements to participate in the DRRP, Judge Voy stated that the pilot program covers two jurisdictions in Clark County. He explained that the DRRP participants are determined by the courts with additional input from the LVMPD and take into account various factors including

current offense, previous offenses, and family support. He added that the benefit of the DRRP is to keep at-risk youth from going to out-of-state facilities and hold them accountable to the community.

DISCUSSION ON ISSUES RELATED TO CHILD WELFARE AND JUVENILE JUSTICE CROSSOVER

- Frank P. Sullivan, Family Division, Department O, Eighth Judicial District Court of Nevada, provided an overview of the model court system and stated that a collaboration of the family support systems would eliminate unnecessary removal of children from their homes. He pointed out different options for crossover youth in the system. Judge Sullivan discussed models that have a protocol in place that have identified and created response procedures for crossover youth.

Discussion ensued among Committee members regarding services for crossover youth from child welfare to juvenile justice and the percentage of crossover youth with mental health needs.

- Judge Sullivan shared that integrated services at the lower levels would assist in catching many of the cases that are overlooked. Judge Voy, previously identified, explained that integrated services must be structured policies and processes between the DFS and the Department of Juvenile Justice Services.

Responding to the Committee, Judge Sullivan mentioned that he would provide the percentages and cost of caring for youth with mental health needs. Judge Voy shared that 70 percent of youth who are detained need mental health intervention. He indicated that early intervention would benefit these youth. Judge Voy stated that budget cuts limit services to crossover youth.

- Chair Wiener asked Judge Sullivan and Judge Voy to continue to provide updates to the Committee on issues related to child welfare and juvenile justice crossover at future meetings.

In response to Assemblywoman Benitez-Thompson's inquiry regarding creating separate case plans for each incident, Judge Voy opined that case plans for families are a better alternative.

Responding to Vice Chair Frierson, Judge Voy shared that often cultural differences are misunderstood based on lack of knowledge.

UPDATE ON POLICY CHANGES AND ISSUES RELATED TO DOMESTIC SEX TRAFFICKING OF MINORS, CHILD PROSTITUTION, AND THE PROSECUTION OF PERSONS ACCUSED OF PANDERING AND SOLICITING CHILDREN

- Esther Brown, Founder and Executive Director, The Embracing Project, testified regarding the sexual exploitation of minors. She explained that the crossover youth practice model indicates that the majority of crossover youth are females and African-American. Ms. Brown shared that the youth are treated as offenders but are often victims of circumstance. Continuing, Ms. Brown emphasized the need for funding, shelter, and legislation to protect the youth as victims.
- Teresa Lowry, previously identified, testified regarding the collaborative efforts of the presenters concerning issues relating to domestic sex trafficking of minors, child prostitution, and the prosecution of persons accused of pandering and soliciting. She offered recommendations to modify:
 - The definition of “victim” in NRS 217.070;
 - Persons who may be awarded compensation in NRS 217.160;
 - Protections of the rape shield law in NRS 50.090; and
 - Statutes of limitations for victims of sexual exploitation in NRS 171.083.
- Assemblyman Hambrick commented on the cooperative multi-disciplinary approach to victim’s advocacy concerning child prostitution; prosecution of persons accused of pandering and soliciting children; and sex trafficking of minors.
- Ms. Lowry’s presented information from the Protected Innocence Initiative regarding Nevada State Facts, Nevada Report Card, Analysis Recommendations for Nevada, and information from “State Report Cards on the Legal Framework of Protection for the Nation’s Children.” (Please see [Exhibit Q](#).)
- Susan Roske, Chief Deputy Public Defender, Juvenile Division, Clark County Public Defender’s Office, provided a draft of possible amendments to NRS regarding sexually exploited children and minor sex trafficking victims ([Exhibit R](#)). She suggested an alternative for placement of youth accused of these crimes, similar to safe haven laws, which provide protection from prosecution. Ms. Roske referenced other states’ laws regarding protection for minor children as an alternative to adjudication.

In response to Senator Brower’s query regarding improving the report card grade without a fiscal note, Alexis Kennedy, Ph.D., Internship Director, Assistant Professor of Criminal Justice, UNLV, reviewed state ratings of human trafficking laws and shared that Nevada ranked higher in the 2011 Annual Report primarily because of legislation introduced in the 2009 Session by Assemblyman Hambrick. She commented that recommendations from the report are attainable without a fiscal impact and could improve the State’s rating. (Please see [Exhibit S](#).)

There was discussion among Senator Brower, Assemblyman Hambrick, and Ms. Roske regarding legislation that was introduced in the 2009 Session that did not pass. Assemblyman Hambrick noted that A.B. 112 introduced during the 2009 Session died in committee.

- Chair Wiener encouraged all the presenters to offer legislation for consideration as possible BDRs.
- Assemblyman Hambrick announced that the faith-based community has acknowledged the civil rights issues regarding human trafficking and increased their focus on this topic.

PUBLIC COMMENT

- Yvette Williams, Chair of Clark County Black Caucus, expressed her appreciation to the DCFS for their work with the Clark County Black Caucus and expressed support of the JDAI within the community. She acknowledged the huge disparity in the African-American and Hispanic communities for equity and fairness.
- Chair Wiener requested that the topic of African-American and Hispanic equity and fairness be included in a future agenda.

DISCUSSION OF FUTURE MEETING DATES, AGENDA ITEMS, AND TOPICS

- Chair Wiener commented that future meetings would be held on: February 22, 2012, April 4, 2012, and May 19, 2012. She thanked the public and participants.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:55 p.m.

Respectfully submitted,

Tracey L. Wineglass
Senior Research Secretary

Kelly S. Gregory
Senior Research Analyst

APPROVED BY:

Senator Valerie Wiener, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Kelly S. Gregory, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is the written testimony of Devon Brooks, private citizen, Clark County Democratic Black Caucus, Las Vegas, Nevada.

[Exhibit C](#) is a copy of NRS 218E.700 through NRS 218E.730, which defines the Committee, creation, membership, rules, and duties of the Legislative Committee on Child Welfare and Juvenile Justice, presented by Kelly S. Gregory, Senior Research Analyst, Research Division, LCB.

[Exhibit D](#) is a Legislative Audit, LA 12-08, dated October 2011, titled “Review of Governmental and Private Facilities for Children,” offered by Paul V. Townsend, CPA, Legislative Auditor, Audit Division, LCB.

[Exhibit E](#) is a Legislative Audit, LA 12-05, titled “Department of Health and Human Services Division of Child and Family Services 2011,” submitted by Paul V. Townsend, CPA, Legislative Auditor, Audit Division, LCB.

[Exhibit F](#) is a chart titled “Agency Corrective Action Plan,” offered by Amber Howell, Acting Administrator, Division of Child and Family Services (DCFS), Department of Health and Human Services (DHHS).

[Exhibit F-1](#) is a chart titled “Child Welfare Local Agency Improvement Plan,” submitted by Amber Howell, Acting Administrator, DCFS, DHHS.

[Exhibit G](#) is a Legislative Audit, LA 12-06, titled “Department of Health and Human Services Oversight of Child Care Facilities 2011,” provided by Paul V. Townsend, CPA, Legislative Auditor, Audit Division, LCB.

[Exhibit H](#) is a memorandum dated January 4, 2012, to the Legislative Committee on Child Welfare and Juvenile Justice, from Rex Goodman, Principal Deputy Fiscal Analyst, Fiscal Analysis Division, LCB, regarding “Summary of 2011 Legislation and Budget Changes Affecting Child Welfare and Juvenile Justice Funding.”

[Exhibit I](#) is a chart titled “Incentive Payment Program Initial Application (First Year),” offered by Amber Howell, Acting Administrator, DCFS, DHHS.

[Exhibit J](#) is a document titled “Notes from Community Meeting Regarding Revisions to NRS Chapter 432B–Protection of Children from Abuse and Neglect,” submitted by Denise Tanata Ashby, J.D., Senior Resident Scholar, The Lincy Institute, University of Nevada, Las Vegas (UNLV).

[Exhibit K](#) is a summary dated January 4, 2012, titled “Building Connections in Child Welfare Community Forum Summary,” prepared by The Nevada Institute for Children’s Research and Policy, UNLV, presented by Denise Tanata Ashby, J.D., Senior Resident Scholar, The Lincy Institute, UNLV.

[Exhibit L](#) is a document dated October 6, 2011, titled “Nevada Operations of Multi-Automated Data Systems (NOMADS)–Child Support Enforcement Application Assessment Project,” prepared by Policy Studies Inc., offered by Teresa Lowry, Assistant District Attorney, Family Support Juvenile and Child Welfare Divisions, Clark County District Attorney’s Office.

[Exhibit M](#) is a Microsoft PowerPoint presentation titled “Commission on Statewide Juvenile Justice Reform,” prepared by Nevada Supreme Court Chief Justice Nancy M. Saitta, Co-Chair and Associate Justice James W. Hardesty, Co-Chair Nevada Supreme Court.

[Exhibit N](#) is a Meeting Notice and Agenda for the Commission on Statewide Juvenile Justice Reform, provided by Nevada Supreme Court Associate Justice James W. Hardesty.

[Exhibit O](#) is a Microsoft PowerPoint presentation titled “FY12–FY13 Statewide Budget Impacts, Nevada Association of Juvenile Justice Administrators,” submitted by Carey Stewart, Director, Department of Juvenile Services, Second Judicial District Court of Nevada, Washoe County, Reno.

[Exhibit P](#) is a Microsoft PowerPoint presentation titled “Nevada Juvenile Justice Commission, 2011 Summary of Activities,” offered by Pauline Salla, Social Services Chief I, DCFS, DHHS.

[Exhibit Q](#) is a packet of information provided by Teresa Lowry, Assistant District Attorney, Family Support Juvenile and Child Welfare Divisions, Clark County District Attorney’s Office, which includes:

- A document titled “Protected Innocence Initiative, Nevada State Facts”;
- A document titled “Protected Innocence Initiative, Nevada Report Card”;
- A report titled “Protected Innocence Initiative, Analysis and Recommendations, Nevada”; and
- A report titled “The Protected Innocence Challenge, State Report Card 2011.”

[Exhibit R](#) is a document containing ideas for draft legislation submitted by Susan Roske, Chief Deputy Public Defender, Juvenile Division, Clark County.

[Exhibit S](#) is a document titled “How Does Your State Rate on Human Trafficking Laws?” prepared by Polaris Project, offered by Alexis Kennedy, Ph.D., Internship Director, Assistant Professor of Criminal Justice, UNLV.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.