



**NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON CHILD WELFARE
AND JUVENILE JUSTICE**
(*Nevada Revised Statutes [NRS] [218E.705](#)*)

**SUMMARY MINUTES
February 14, 2020**

The second meeting of the Legislative Committee on Child Welfare and Juvenile Justice for the 2019–2020 Interim was held on Friday, February 14, 2020, at 9 a.m. in Room 4401, Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138, Legislative Building, 401 South Carson Street, Carson City, Nevada.

The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Committee's [meeting page](#). The audio or video recording may also be found at <https://www.leg.state.nv.us/Granicus/>. Copies of the audio or video record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) (publications@lcb.state.nv.us or 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator James Ohrenschall, Chair
Assemblywoman Daniele Monroe-Moreno, Vice Chair
Senator Scott T. Hammond
Assemblywoman Selena Torres

COMMITTEE MEMBER PRESENT IN CARSON CITY:

Assemblywoman Alexis Hansen

COMMITTEE MEMBER ABSENT:

Senator Yvanna D. Cancela (excused)

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Patrick Guinan, Senior Principal Policy Analyst, Research Division
Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division
Karly O'Krent, Senior Deputy Legislative Counsel, Legal Division
John Kucera, Program Analyst, Fiscal Analysis Division
Julianne King, Research Policy Assistant, Research Division
Crystal Rowe, Research Policy Assistant, Research Division

Items taken out of sequence during the meeting have been placed in agenda order.

AGENDA ITEM I—OPENING REMARKS

Chair Ohrenschall called the meeting to order.

AGENDA ITEM II—PUBLIC COMMENT

Jane Jensen Saint, State Executive Director, Nevada CASA Association, submitted written comments regarding the creation of a subcommittee of child welfare system stakeholders and the subcommittee's efforts to put forth a bill draft request to update [Chapter 432B](#) of NRS during the 2021 Legislative Session ([Agenda Item II A](#)).

Chair Ohrenschall thanked Ms. Saint and discussed the possibility of having Nevada CASA Association and the work it does as a future agenda item.

Fatai Langi, Director, 3 Angels Care, LLC, shared written comments regarding the impact issues with the foster care system have on resource families ([Agenda Item II B](#)).

AGENDA ITEM III—APPROVAL OF MINUTES OF THE MEETING HELD ON DECEMBER 12, 2019

(This agenda item was taken out of order.)

MOTION: Assemblywoman Monroe-Moreno moved to approve the minutes of the December 12, 2019, meeting. The motion was seconded by Assemblywoman Torres and passed. Senator Cancela was absent for the vote.

AGENDA ITEM IV—DISCUSSION OF PROPOSALS SUBMITTED AND SELECTION OF CONSULTANT TO CONDUCT A STUDY OF CHILD WELFARE FUNDING IN NEVADA ([ASSEMBLY BILL 111](#) [2019])

Patrick Guinan, previously identified, and John Kucera, previously identified, provided members with an overview of proposals submitted by consultants to assist the Committee in conducting a study of child welfare funding in Nevada ([Agenda Item IV](#)) and next steps.

Prior to a motion, Chair Ohrenschall explained the motion does not indicate an acceptance of any terms submitted in the responses in the proposals, which are different than the terms included in the request for proposal. Staff is directed to negotiate the terms of the contract for the study with the first consultant identified. If staff is not able to negotiate terms that are acceptable to the director of the LCB, staff is then directed to negotiate with the second choice consultant that was identified, and then with the third choice consultant if a contract cannot be successfully negotiated with the first or second choice consultant.

MOTION: Assemblywoman Monroe-Moreno moved to select the University of Maryland, Baltimore, The Institute for Innovation and Implementation as the first choice to conduct the study; The Council of State Governments as the second choice to conduct the study; and Public Consulting Group as the third choice to conduct the study. The motion was seconded by Senator Hammond and passed. Senator Cancela was absent for the vote.

AGENDA ITEM V—DISCUSSION OF JUVENILE COURTS IN CLARK COUNTY

Chair Ohrenschall introduced the Honorable William O. Voy, District Judge, Eighth Judicial District Court, Department A, Family Division, Clark County, and disclosed that he frequently practices in front of Judge Voy but has no commitment to him in a private capacity for the purposes of [Senate Standing Rule 23](#).

Judge Voy expressed his concerns over certain issues with Nevada's juvenile justice system, particularly:

- The need for the regionalization of the state's juvenile detention facilities;
- Challenges with recruiting and retaining qualified staff in Nevada's youth detention facilities, which is hampered by: (1) inadequate pay; (2) difficulty finding staff with sufficient mental health training; and (3) the rural location of facilities;
- The effects of [AB 472](#) (2017) and the "all or nothing" approach judges must adopt when deciding if a child stays in the juvenile justice system or is transferred to the adult system;
- The low Medicaid reimbursement rates for group homes and foster care providers; and
- Deficiencies in the intensive supervision program of the Youth Parole Bureau, Division of Child and Family Services (DCFS), Department of Health and Human Services (DHHS), and the need to update its practices.

Discussion ensued on the following:

- Various funding mechanisms in the juvenile justice system;
- Possible solutions and tools for assisting judges in deciding whether a youth stays in the juvenile justice system or is transferred to the adult system and, specifically, the creation of an interim study to identify such solutions and tools;
- The overrepresentation of children of color sent to adult facilities;
- The use of the Youth Level of Service/Case Management Inventory Policy when determining the type of programming and level of supervision needed for a child in the juvenile justice system;
- The process whereby a certification petition is brought forth and the types of crimes that make a child eligible for such a petition; and
- The process for determining whether to send a child to an out-of-state facility to receive specialized treatment and the clarification that this decision is determined from a clinical standpoint.

Chair Ohrenschall noted the Committee will be considering the implementation of a regional approach to housing juvenile offenders under [AB 449](#) (2019) and encouraged Judge Voy to submit his input on the matter.

AGENDA ITEM VI—DISCUSSION OF THE AMERICAN CIVIL LIBERTIES UNION REPORT ON JUVENILE DETENTION IN NEVADA AND UPDATE ON PLANS TO ASSIST THE COMMITTEE IN ITS STUDY OF JUVENILE DETENTION ([ASSEMBLY BILL 449](#) [2019])

Holly Welborn, Policy Director, American Civil Liberties Union (ACLU) of Nevada, provided an overview of the ACLU's report on juvenile detention in Nevada ([Agenda Item VI A-1](#)). Ms. Welborn emphasized: (1) the ACLU's position that youth offenders should never be housed in adult correctional facilities, regardless of the crime committed, and that doing so raises the recidivism rate; and (2) all involved stakeholders agree that the Lovelock Correctional Center is not an adequate facility for the youth offenders being housed there. She indicated that the ACLU and Nevada's Department of Corrections will collaborate to assist the Committee in its study of juvenile detention as set forth by [AB 449](#) (2019) ([Agenda Item VI A-2](#)).

Ms. Welborn discussed the following:

- The effects [S. 1435](#) (108th Congress), the Prison Rape Elimination Act of 2003, has on the quality of life of youth housed at the Lovelock Correctional Center;
- The importance of a regionalized approach to housing juvenile offenders sentenced as adults; and
- The ACLU's position that Summit View Youth Center is currently not an appropriate placement option for the youth housed at Lovelock Correctional Center due to recent reports of issues concerning the use of force and pepper spray at the facility.

Ms. Welborn stated the main conclusions of the ACLU's report were: (1) juvenile, rather than adult, facilities are the appropriate placement for all youth offenders; and (2) it is preferable to house children in local county facilities. She acknowledged this would increase costs for such facilities, as their programs are designed for youth retained for a short period of time, and suggested the Committee examine possible changes to these programs as part of its study.

Ms. Welborn referenced a document concerning pretrial housing statutes for youth charged as adults in other states ([Agenda Item VI A-3](#)). She pointed out that programs in Oregon and Washington have reduced recidivism rates by integrating youth charged as adults with youth in the juvenile system.

Ms. Welborn submitted the Campaign for Youth Justice's national policy statements and resolutions in support of removing youth from the adult criminal justice system ([Agenda Item VI A-4](#)) and a report on strategies for removing youth from adult jails ([Agenda Item VI A-5](#)) for the record.

Patrick Guinan, previously identified, informed members that he, Assemblywoman Monroe-Moreno, and Renee Baker, Warden, Lovelock Correctional Center, are working together to arrange a tour of Lovelock Correctional Center and Caliente Youth Center for members. Mr. Guinan also noted he is working with stakeholders to gather data for the study and will have more information at the Committee's next meeting.

Chair Ohrenschall thanked Warden Baker for the work she does with the youth housed at Lovelock Correctional Center and invited her to present under an agenda item at a future meeting.

AGENDA ITEM VII—OVERVIEW OF CLARK COUNTY JUVENILE JUSTICE SYSTEM AND UPDATE ON CURRENT CLARK COUNTY JUVENILE JUSTICE SYSTEM PROJECTS AND PRIORITIES

Chair Ohrenschall introduced John (Jack) Martin, Director, Clark County Juvenile Justice Services (CCJJS), and Brigid Duffy, Director, Juvenile Division, Office of the Clark County District Attorney. He disclosed that he has worked with both Mr. Martin and Ms. Duffy but has no commitment to them in a private capacity for the purposes of [Senate Standing Rule 23](#).

Mr. Martin and Ms. Duffy gave a presentation on Clark County's juvenile justice system and its current projects and priorities ([Agenda Item VII](#)).

Discussion ensued on the following:

- Factors contributing to a decrease in referrals since 2015;
- CCJJS's intensive supervision program;
- Reform efforts within CCJJS's probation program;
- The genesis of The Harbor Juvenile Assessment Center (The Harbor) and its efforts to divert children from the criminal justice system;
- The multitiered system of support, which is a framework used by schools to determine the level of intervention a child needs;
- Concerns about the criminalization of common juvenile behaviors;
- The creation of an online data system that will allow CCJJS to cross-reference data with DCFS and the Clark County School District to examine juvenile justice and educational outcomes;
- Services, including transportation and food sustainability, provided by The Harbor;
- The Harbor's collaboration with Mission High School, which is designed for students recovering from addiction;
- The goal of "community navigators" and the qualifications required to be one; and
- The roles of CCJJS and the Office of the Clark County District Attorney in gang prevention and intervention.

Ms. Duffy noted that The Harbor will be opening two new centers over the next six months.

Ms. Duffy and Mr. Martin indicated they would provide Committee members with: (1) data regarding the number of children and families voluntarily receiving The Harbor's services compared to children receiving services due to law enforcement or school district referrals;

(2) information on youth who had further contact with the juvenile justice system subsequent to receiving services from The Harbor; and (3) the number of referrals to The Harbor that elicit the involvement of Child Protective Services, DCFS, DHHS.

AGENDA ITEM VIII—PRESENTATION OF CHILDREN’S ADVOCACY ALLIANCE POLICY PRIORITIES RELATED TO CHILD WELFARE AND JUVENILE JUSTICE

Denise Tanata, J.D., Executive Director, Children’s Advocacy Alliance (CAA), announced her resignation from her position effective March 20, 2020, and her acceptance of a new position as Vice President of Community Impact at United Way of Southern Nevada. Members thanked her for her years of service with the CAA and wished her well in her future endeavors.

Jared Busker, Associate Director, CAA, gave an overview of: (1) legislation passed in the 2019 Legislative Session that impacts children’s safety; and (2) the CAA’s priorities related to child welfare and juvenile justice in the 2021 Legislative Session ([Agenda Item VIII](#)). He noted the CAA does not have any specific policy recommendations at the moment; however, it is working with stakeholders to craft them.

Ms. Tanata emphasized that many foster parents pay an overage because the child care subsidy they receive does not cover the actual cost of care. She pointed out that the CAA is collaborating with stakeholders to facilitate statewide discussions to form a plan for independent living services and ways to draw down federal funding for these services per [AB 150](#) (2019). Ms. Tanata invited members to attend [Nevada’s Fostering Success Summit](#), which will be held June 3 through 4, 2020.

Discussion ensued on:

- Concerns about the 3,000 children under 13 years of age in the foster care system who are eligible for but not receiving services;
- The barriers, including lack of pay and support, that prevent people from becoming foster parents; and
- Issues with the overregulation of foster parents.

In response to a question from Chair Ohrenschall regarding legal issues preventing extended family members from fostering children, Ms. Tanata clarified that although there are federal and state guidelines around this issue, she suggested he discuss this with Ali Caliendo, Ph.D., Founder and Executive Director, Foster Kinship.

Assemblywoman Hansen suggested the Committee invite representatives from DCFS to speak at a future meeting to discuss the state’s foster care system, citing her concerns over the 3,000 children who are not receiving services.

Chair Ohrenschall stated he would like to invite Dr. Caliendo to speak at a future meeting and that he is open to inviting other presenters recommended by the Committee.

AGENDA ITEM IX—PUBLIC COMMENT

Nathaniel Phillips, Senior Associate Consultant, Blackbox Consulting Group, LLC, expressed: (1) his opinion that certain institutions of state government should not have all the power in

deciding the welfare of children, particularly when children of color have been targeted by these entities; (2) some of the best practices regarding child welfare can be found in the United Nations Convention on Rights of the Child; and (3) his concerns over the injustices experienced by children of color in the juvenile justice system.

Denise Tanata, previously identified, clarified that there are 3,000 children under 13 years of age in the foster care system who are eligible for but are not receiving child care subsidy support, and that this number does not relate to placement.

Ross E. Armstrong, Administrator, DCFS, DHHS, noted that every child welfare agency was required to create a foster care recruitment plan, which could be presented at a future Committee meeting. Mr. Armstrong explained that DCFS considers licensing a child's extended family members who may have a criminal history that would otherwise prevent them from being licensed as that child's foster parent on a case-by-case basis. He directed the Committee to the [DCFS website](#) for current data on foster care youth.

Fatai Langi, previously identified, discussed the challenges many foster parents face and emphasized the importance of foster parents having access to training and support programs as well as having a voice in the treatment plans for their foster children.

Jennifer Bevacqua, Director of Program Development, Eagle Quest, discussed specialized foster care in the state and expressed her concerns over the gradual decrease in Medicaid dollars that support these services. She emphasized the need to establish a stable funding model for specialized foster care.

Chair Ohrenschall thanked Ms. Bevacqua for her testimony and invited her to discuss this topic at a future meeting.

AGENDA ITEM X—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:37 p.m.

Respectfully submitted,

Julianne King
Research Policy Assistant

Patrick Guinan
Senior Principal Policy Analyst

APPROVED BY:

Senator James Ohrenschall, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item II A	Jane Jensen Saint, State Executive Director, Nevada CASA Association	Public Comment
Agenda Item II B	Fatai Langi, Director, 3 Angels Care, LLC	Public Comment
Agenda Item IV	John Kucera, Program Analyst, Fiscal Analysis Division	AB 111 Request for Proposals Handout
Agenda Item VI A-1	Holly Welborn, Policy Director, American Civil Liberties Union (ACLU) of Nevada	Youth Confinement in Nevada Report
Agenda Item VI A-2	Holly Welborn, Policy Director, ACLU of Nevada	Assembly Bill 449 (2019)
Agenda Item VI A-3	Holly Welborn, Policy Director, ACLU of Nevada	Pretrial Housing Statutes February 2020
Agenda Item VI A-4	Holly Welborn, Policy Director, ACLU of Nevada	Campaign for Youth Justice Policy Statement
Agenda Item VI A-5	Holly Welborn, Policy Director, ACLU of Nevada	<i>Getting to Zero</i> Report
Agenda Item VII	John (Jack) Martin, Director, Clark County Juvenile Justice Services, and Brigid Duffy, Director, Juvenile Division, Office of the Clark County District Attorney	PowerPoint Presentation
Agenda Item VIII	Jared Busker, Associate Director, Children's Advocacy Alliance	PowerPoint Presentation

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