



# **NEVADA LEGISLATURE**

## **LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE**

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

### **SUMMARY MINUTES**

**June 19, 2020**

The third meeting of the Legislative Committee on Child Welfare and Juvenile Justice for the 2019–2020 Interim was held on Friday, June 19, 2020, at 9 a.m. Pursuant to Section 1 of Governor Steve Sisolak's [Emergency Directive 006](#), there was no physical location for this meeting.

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/Video/>. 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](mailto:publications@lcb.state.nv.us) or 775/684-6835).

### **COMMITTEE MEMBERS PRESENT:**

Senator James Ohrenschall, Chair  
Assemblywoman Daniele Monroe-Moreno, Vice Chair  
Senator Yvanna D. Cancela  
Senator Scott T. Hammond  
Assemblywoman Alexis Hansen  
Assemblywoman Selena Torres

### **LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Patrick Guinan, Senior Principal Policy Analyst, Research Division  
Julianne King, Research Policy Assistant, Research Division  
Eileen O'Grady, Chief Deputy Legislative Counsel, Legal Division  
Karly O'Krent, Senior Deputy Legislative Counsel, Legal Division

### **OTHER LEGISLATOR PRESENT:**

Assemblywoman Shea Backus, Assembly District 37

*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 and went over virtual meeting and testimony protocol.

## **AGENDA ITEM II—PUBLIC COMMENT**

Chair Ohrenschall called for public comment; however, no testimony was presented.

## **AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING HELD ON FEBRUARY 14, 2020**

**MOTION:** Assemblywoman Monroe-Moreno moved to approve the minutes of the February 14, 2020, meeting. The motion was seconded by Assemblywoman Torres and passed. Senator Cancela was absent for the vote.

## **AGENDA ITEM IV—OVERVIEW OF THE CURRENT WORK AND FUTURE PLANS OF THE JUVENILE JUSTICE OVERSIGHT COMMISSION ESTABLISHED BY [NRS 62B.600](#)**

The Honorable Egan Walker, District Judge, Second Judicial District Court, Department 7, Washoe County, provided the Committee with an overview of the mission, work, and future plans of the Juvenile Justice Commission (JJOC). He discussed:

- The complexity of Nevada’s bifurcated juvenile justice system;
- The JJOC’s vision and goals listed in its five-year [strategic plan](#);
- The benefits of adopting the same risk and needs assessment model across the state’s juvenile justice agencies, courts, and facilities;
- The availability of free, evidence-based programs on the Nevada Center for Juvenile Justice Innovation (NCJJI) [website](#), which can benefit smaller jurisdictions with fewer resources;
- The collaborative relationship between the JJOC and the Division of Child and Family Services (DCFS), Department of Health and Human Services;
- The restructuring of the JJOC; specifically, the creation of subcommittees on quality assurance and racial disparity issues; and
- Plans to have each county report to the JJOC on their progress in reaching goals laid out by the [strategic plan](#)’s five-year road map.

Judge Walker clarified that while the National Council of Juvenile and Family Court Judges is the technical provider for the NCJJI, his testimony was only on behalf of the JJOC.

Joey Orduna Hastings, Chief Executive Officer, National Council of Juvenile and Family Court Judges, discussed the JJOC’s coordination with the DCFS’s Children’s Commission in order to ensure data, discussions, strategies, and trainings are the same in both Nevada’s juvenile justice and child welfare systems. She noted that the JJOC has continued to meet and work towards its goals throughout the COVID-19 pandemic.

Discussion ensued among Ms. Orduna Hastings, Judge Walker, and Committee members on the following:

- Issues with having a governor-appointed membership and why the Advisory Committee to the JJOC is currently without members;
- The interaction between the juvenile justice and education systems;
- The makeup of JJOC membership and issues concerning a lack of diversity and recruitment, especially of tribal representatives;
- Overrepresentation of children of color in Nevada’s juvenile justice system and the need to address the issue of institutional racism;
- The lack of data on children who do not escalate to the adult criminal justice system after receiving services in the juvenile justice system;
- The continuation of detention alternative initiatives after the COVID-19 pandemic abates.

Chair Ohrenschall requested that a member of the JJOC’s racial disparity subcommittee provide testimony at a future Committee meeting.

Assemblywoman Hansen offered to reach out to potential tribal representatives in her district and requested a copy of the JJOC application and any additional information she would need to do so.

Chair Ohrenschall and members requested the following information: (1) a list of all members of the JJOC and its subcommittees; and (2) the number of children tested for COVID-19 in Nevada’s juvenile justice facilities.

#### **AGENDA ITEM V—DISCUSSION OF JUVENILE JUSTICE SYSTEMS IN OTHER STATES AND NATIONAL TRENDS IN RELATION TO THE COMMITTEE’S CURRENT STUDY OF JUVENILE DETENTION IN NEVADA ([ASSEMBLY BILL 449](#) [2019])**

Sarah Alice Brown, Esq., Group Director, Criminal Justice, National Conference of State Legislatures (NCSL), gave a presentation on national trends in juvenile justice reform ([Agenda Item V](#)). She discussed the following trends: (1) close-to-home programs; (2) expanding juvenile justice system jurisdiction; (3) community and family engagement; and (4) improving conditions of confinement.

In response to questions from the Committee, Ms. Brown noted that subsequent to the meeting, she would provide members with:

- Information on the states and legislation that have increased the age limit for youth in the juvenile justice system, as well as information on ways other states deal with and house their population from 18 to 25 years of age;
- Information on the 25 states that implement juvenile separation in adult facilities; particularly, whether states have separate facilities for juveniles charged as adults or whether they utilize sight and sound separation;
- Data regarding children from other states who do not escalate to the adult correctional system;

- Details on Maine’s legislation that ended the collection of fines and fees in its juvenile justice system in response to COVID-19;
- Information on model programs and laws recently passed by other states to provide quality education to children in the juvenile justice system;
- Data on the success of the “Missouri Model” and the magazine article written by Ms. Brown on this topic; and
- Information on juvenile justice reform resulting from COVID-19.

## **AGENDA ITEM VI—PRESENTATION ON ISSUES RELATED TO THE DEFENSE OF JUVENILES**

Jennifer Fraser, Chief Deputy Public Defender, Juvenile Division, Office of the Public Defender, Clark County, discussed issues related to the defense of juveniles, such as: (1) issues with housing youth far away from their homes and communities; (2) issues with housing children in adult facilities; and (3) racial disparities in the juvenile justice system, particularly related to certifications issued. To address these issues, Ms. Fraser recommended: (1) the regionalization of youth facilities; (2) ending the practice of housing children in adult facilities; and (3) legislative reform of Nevada’s direct file and certification statutes (NRS [62B.330](#) and [62B.390](#)).

Discussion ensued on the following:

- Placement options for children who want to be housed far away from their families or communities, should the rural facilities close;
- The prevalence of undiagnosed mental health or substance abuse problems discovered upon a child’s entry into the juvenile justice system and issues with the criminalization of those behaviors;
- The efficacy of the direct file and certification processes and the high recidivism rate of youth who enter the adult system;
- The process whereby a youth awaits trial in an adult detention facility if direct file requirements are met;
- Concerns over the amount of time a youth charged as an adult awaits trial; and
- Coordination between child welfare and juvenile justice agencies to provide services to youth with substance abuse and mental health issues.

In response to a question from Senator Hammond, Ms. Fraser indicated she would submit data on the ages and races of children subject to direct filing in Nevada to the Committee.

Gianna Verness, Chief, Juvenile Department, Office of the Public Defender, Washoe County, discussed issues relating to juvenile defense, particularly in northern Nevada. She highlighted the following:

- Concerns over the absence of the requirement in NRS that a child must have legal representation each time he or she goes to court;
- The need for the regionalization of youth facilities to allow for more family engagement;

- Issues with inadequate housing and lack of services for juveniles charged as adults in Washoe County;
- The JJOC's data subcommittee's plan to create a standardized system of collecting data and information on all youth who enter Nevada's juvenile justice system;
- The move away from requiring fines and fees in juvenile justice cases;
- The lack of statutory tools available to judges in determining whether a youth stays in the juvenile justice system or is transferred to the adult system; and
- Issues with tracking children who are subject to direct filing in Washoe County due to the incompatibility of the County's juvenile and adult system databases.

Responding to questions from the Committee, Ms. Verness discussed: (1) the lack of resources and support for most families to maintain in-person contact with children housed in facilities in rural Nevada; and (2) the difference between restitution and fines and fees imposed on a child in the juvenile justice system.

Kristina Wildeveld, Esq., Owner, Law Offices of Kristina Wildeveld & Associates, Las Vegas, Nevada, expressed her concerns with the juvenile justice system in Nevada. She discussed:

- Her concerns over the certification process and the high number of cases under consideration for certification in Clark County;
- Her concerns over placing youth in the adult system, specifically referring to a case of a child who was certified into the adult system and went to prison for eight years for stealing cell phones;
- Issues with the quality of education for children in the adult system; and
- The importance of investing in the juvenile justice system.

## **AGENDA ITEM VII—PRESENTATION OF DRAFT FINAL REPORT ON CHILD WELFARE FUNDING IN NEVADA ([AB 111](#) [2019])**

Heather Shaffer, Deputy Director, Center of Innovation, The Council of State Governments (CSG); Matt Shafer, M.P.A., Project Manager, CSG; and Carl Sims, Senior Policy Analyst, CSG, presented the draft final report on child welfare funding in Nevada as directed by [AB 111](#) (2019) ([Agenda item VII A-1](#)). Their report focused on recommendations related to the following:

- Title IV-E funding;
- The [Family First Prevention and Services Act](#) (115<sup>th</sup> Congress);
- Medicaid; and
- Extended foster care.

Responding to a question from Chair Ohrenschall, Mr. Shafer clarified that relaxing licensing requirements for kinship care is done at the state level and is not directly a part of CSG's recommendations.

Ms. Shaffer, Mr. Shafer, and Mr. Sims submitted a draft executive summary of CSG's assessment of child welfare funding in Nevada ([Agenda Item VII A-2](#)).

## **AGENDA ITEM VIII—DISCUSSION OF HOME VISITATION PROGRAMS IN RELATION TO THE [AB 430](#) (2019) STUDY BY THE COMMITTEE**

A document on home visitation programs in Nevada was submitted for the record by Danielle Young, Research Policy Intern, Research Division, LCB ([Agenda Item VIII](#)).

### **A. OVERVIEW OF [AB 430](#)**

Assemblywoman Shea Backus, Assembly District 37, provided the Committee with an overview of [AB 430](#) (2019) and discussed the positive impact of home visitation programs. She referred members to ([Agenda Item V A-2](#)) from the Committee's December 12, 2019, meeting.

### **B. OVERVIEW OF HOME VISITATION PROGRAMS IN SELECT STATES**

Alison May, Policy Associate, Children and Families Program, NCSL, gave a presentation on home visitation programs in other states ([Agenda Item VIII B-1](#)).

In response to a question from Chair Ohrenschall, Ms. May discussed the various ways families connect to home visiting programs.

Subsequent to the meeting, Ms. May provided the Committee with follow-up information on recent legislation concerning home visiting programs ([Agenda Item VIII B-2](#)).

### **C. PRESENTATION CONCERNING HOME VISITATION PROGRAMS IN NEVADA AND OTHER STATES**

Cam Scott, Government Affairs Manager, Western Region, Nurse-Family Partnership (NFP), gave a presentation on the NFP program, its benefits, and funding recommendations for integrating NFP programs in Nevada ([Agenda Item VIII C](#)).

Responding to a question from Chair Ohrenschall regarding infant mortality rates in neighboring states, Mr. Scott noted NFP does not have specific data on each of those states but is doing exploratory work to track families on a broader scale.

Assemblywoman Backus thanked the Committee and presenters.

## **AGENDA ITEM IX—PUBLIC COMMENT**

Brigid Duffy, Director, Juvenile Division, Office of the District Attorney, Clark County, expressed her concern with previous comments made regarding a child who went to prison for stealing cell phones. Ms. Duffy indicated she would look into the alleged case, and she assured the Committee of her office's dedication to juvenile justice reform.

Mr. Guinan, previously identified, pointed out that the [Solicitation of Recommendations](#) had been posted on the Committee's [overview page](#) and that the Committee will be welcoming recommendations for about a month. He encouraged those with questions to contact him or Committee staff.

## **AGENDA ITEM X—ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 1:58 p.m.

Respectfully submitted,

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Julianne King

Research Policy Assistant

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Patrick Guinan

Senior Principal Policy Analyst

APPROVED BY:

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Senator James Ohrenschall, Chair

Date: \_\_\_\_\_

## MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
<a href="#">Agenda Item V</a>	Sarah Alice Brown, Esq., Group Director, Criminal Justice, National Conference of State Legislators (NCSL)	PowerPoint presentation
<a href="#">Agenda Item VII A-1</a>	Heather Shaffer, Deputy Director, Center of Innovation, The Council of State Governments (CSG); Matt Shafer, M.P.A., Project Manager, CSG; and Carl Sims, Senior Policy Analyst, CSG	PowerPoint presentation
<a href="#">Agenda Item VII A-2</a>	Heather Shaffer, Deputy Director, Center of Innovation, CSG; Matt Shafer, M.P.A., Project Manager, CSG; and Carl Sims, Senior Policy Analyst, CSG	Draft of executive summary
<a href="#">Agenda Item VIII</a>	Danielle Young, Research Policy Intern, Research Division, Legislative Counsel Bureau	Home Visitation Programs in Nevada document
<a href="#">Agenda Item VIII B-1</a>	Alison May, Staff Coordinator, Children and Families Program, NCSL	PowerPoint presentation
<a href="#">Agenda Item VIII B-2</a>	Alison May, Staff Coordinator, Children and Families Program, NCSL	Follow-up information
<a href="#">Agenda Item VIII C</a>	Cam Scott, Government Affairs Manager, Western Region, Nurse-Family Partnership	PowerPoint presentation

The Summary Minutes are supplied as an informational service. All meeting materials are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. For copies, contact the Library at (775) 684-6827 or <https://www.leg.state.nv.us/Division/Research/Library/About/Contact/feedbackmail.cfm>.