



NEVADA LEGISLATURE LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

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

DRAFT SUMMARY MINUTES August 28, 2020

The fourth meeting of the Legislative Committee on Child Welfare and Juvenile Justice for the 2019–2020 Interim was held on Friday, August 28, 2020, at 9 a.m. Pursuant to Sections 2 through 9, inclusive, of Chapter 2, *Statutes of Nevada 2020*, 32nd Special Session, pages 9 through 11, 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 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

COMMITTEE MEMBERS ABSENT:

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

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 reviewed 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 ON JUNE 19, 2020

MOTION: Assemblywoman Monroe-Moreno moved to approve the minutes of the June 19, 2020, meeting. The motion was seconded by Senator Hammond and passed.

AGENDA ITEM IV—PRESENTATION ON JUVENILE JUSTICE ISSUES IN NEVADA IN RELATION TO THE COMMITTEE'S CURRENT STUDY OF JUVENILE DETENTION IN NEVADA ([ASSEMBLY BILL 449](#) [2019])

Brigid Duffy, Director, Juvenile Division, Office of the District Attorney, Clark County, and Jo Lee Wickes, Chief Deputy District Attorney, Juvenile Division, Office of the District Attorney, Washoe County, gave a presentation on the state's juvenile justice issues in relation to the Committee's current study of juvenile detention in Nevada ([AB 449](#)). They discussed:

- Ways to reduce the number of youth entering the juvenile justice system, such as establishing juvenile assessment centers like [The Harbor](#) across the state;
- Concerns over the lack of school engagement as a result of the Coronavirus Disease of 2019 (COVID-19) and its potential impact on the school-to-prison pipeline;
- The reduction in beds at certain juvenile detention centers due to budget cuts;
- The importance of children leaving the system better off than when they entered it;
- The need for community-based programs and other alternatives to detention;
- Juvenile detention reform efforts in Washoe County;
- Issues in the juvenile justice system that need to be addressed before ending the direct filing of youth to the adult correctional system, specifically: (1) the need for mental health facilities and competency resources; (2) capacity issues in juvenile detention centers; and (3) expanding the jurisdiction of juvenile courts to youth over 18 years of age; and
- Statistics on direct file and certification cases in Clark and Washoe Counties in 2019.

Discussion ensued among Ms. Duffy, Ms. Wickes, and Committee members on the following:

- The Harbor's high success rate and the length of time a child is tracked after receiving services;
- The frequency of competency issues in direct file and certification cases;

- The benefits of expanding jurisdiction of juvenile courts and concerns over the cost; and
- The small number of youth who are certified for committing murder or attempted murder.

In response to questions from members, Ms. Duffy indicated she would submit to the Committee: (1) a gender and racial breakdown of Clark County's direct file cases, including information on competency in these cases; and (2) the number of youth who are certified or direct filed for a first offense versus those with previous offenses.

AGENDA ITEM V—PRESENTATION ON THE HOUSING OF JUVENILE OFFENDERS IN ADULT FACILITIES IN NEVADA IN RELATION TO THE COMMITTEE'S CURRENT STUDY OF JUVENILE DETENTION IN NEVADA ([ASSEMBLY BILL 449](#) [2019])

Jerry Howell, Warden, Florence McClure Women's Correctional Center (FMWCC), Nevada's Department of Corrections (NDOC), submitted a presentation on youthful offenders and NDOC to the Committee (Agenda Item V A-1). He explained that there have been no juvenile offenders housed in FMWCC since 2014, and female juveniles who are charged as adults are housed in Arizona.

Responding to questions and concerns from members regarding the female juvenile offenders, specifically the type and location of facility they are housed in, the services and programs available to them, and the level of communication they have with family, Mr. Howell noted he would submit follow-up information. He also indicated he would submit information on: (1) the cost of keeping the juveniles in Nevada versus the amount the state is paying Arizona to house them; (2) where the juveniles were sent in 2014 when FMWCC stopped housing them; and (3) the rationale for this move.

Subsequent to the meeting, Mr. Howell submitted a follow-up report on the female juvenile offenders for the record (Agenda Item V A-2).

Tim Garrett, Warden, Lovelock Correctional Center (LCC), NDOC, gave an overview of LCC's response to the Committee's study of juvenile detention in the state as required by [AB 449](#) (Agenda Item V B-1).

Mr. Garrett noted he would submit information to the Committee on:

- Program completion and graduation rates;
- Which facilities youth at LCC are transferred to when they reach 18 years of age and whether they are eligible for parole;
- The terms juveniles face once they age out of the youth program at LCC;
- The age and racial breakdown and the crimes committed by the youth currently housed in LCC;
- The number of youth at LCC who were direct filed versus certified; and
- The number of youth who had been in the juvenile justice system before being sent to the adult system versus those who had not.

Mr. Garrett submitted data on LCC's Correctional Youth Program for the record (Agenda Item V B-2).

AGENDA ITEM VI—DISCUSSION OF JUVENILE JUSTICE ADMINISTRATION IN NEVADA IN RELATION TO THE COMMITTEE'S CURRENT STUDY OF JUVENILE DETENTION IN NEVADA ([ASSEMBLY BILL 449](#) [2019])

Frank Cervantes, Director, Department of Juvenile Services, Washoe County, discussed data collected by Nevada's Juvenile Justice Administration on juvenile detention centers in the state pursuant to [AB 449](#) (Agenda Item VI).

Discussion ensued regarding:

- The process of housing a juvenile charged as an adult in a juvenile facility;
- Housing youth over 18 years of age who are still under the jurisdiction of the juvenile court with youth under 18 years of age in juvenile facilities;
- The various avenues by which juvenile detention data is collected;
- Staffing ratios at juvenile facilities; and
- Issues to consider when transitioning youth charged as adults to youth facilities.

Chair Ohrenschall requested that Mr. Cervantes provide the Committee with information on: (1) the cost of transitioning children out of adult facilities and into juvenile facilities; (2) Nevada's staffing ratios compared to other states; and (3) how Washoe County's Jan Evans Juvenile Justice Center, which is a single-cell center, compares to other juvenile facilities in the state.

AGENDA ITEM VII—UPDATE ON JUVENILE JUSTICE PROGRAMMING AND CHILD WELFARE SERVICES IN NEVADA

Ross E. Armstrong, Administrator, Division of Child and Family Services (DCFS), Department of Health and Human Services (DHHS), gave members an update on the COVID-19 emergency, the state's fiscal emergency, and additional topics that impact juvenile justice programming and child welfare services in Nevada (Agenda Item VII A-1).

Discussion ensued among Mr. Armstrong; Susie Miller, Deputy Administrator, Residential Services, Children's Mental Health Services, DCFS, DHHS; Katheryn Roose, Deputy Administrator, Quality and Oversight, DCFS, DHHS; and members on the following:

- The medical response to children who tested positive for COVID-19 at a DCFS facility;
- The use of videoconferencing technology to help children stay in touch with their families while housed in state facilities;
- The collapse in child abuse and neglect reporting due to the pandemic and the agency's efforts to increase reporting;
- The goals of DCFS's public awareness campaign;
- Attempts to keep populations low in DCFS facilities for children removed from their homes due to abuse or neglect;

- Ways to make the Juvenile Justice Oversight Commission more diverse;
- The number of youth currently being housed out of state and in which type of facilities;
- The process whereby a youth who is aging out of both the child welfare and juvenile justice systems is connected to funding allocated by [AB 350](#) (2011); and
- The reduction in capacity at DCFS facilities due to the staffing ratios mandated by [S. 1435](#) (Prison Rape Elimination Act of 2003), 108th Congress, and [S. 860](#) (Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017), 115th Congress.

Senator Cancela offered her and the Committee's assistance in increasing child abuse and neglect reporting in the state, and she emphasized the importance of leadership acknowledging the way systemic racism has shaped policies. She thanked Mr. Armstrong for his work in this area.

Responding to questions from the Committee, Mr. Armstrong indicated he would submit information on:

- The child abuse and neglect reporting training given to FedEx and other delivery service employees in Washoe County;
- The agency's implementation of the applicable "[8CantWait](#)" police reform policies;
- The rates of oleoresin capsicum spray use in juvenile correctional centers; and
- The racial and ethnic breakdown of youth housed at Summit View Youth Center, Nevada Youth Training Center, and Caliente Youth Center.

In response to questions from Chair Ohrenschall, Leon Ravin, M.D., Psychiatric Medical Director, Behavioral and Clinical Services Branch, Division of Public and Behavioral Health, DHHS, noted he would try to find and submit data to the Committee on: (1) the medication management compliancy of children who are prescribed medication for a psychiatric diagnosis while in the state's custody; and (2) the number of children who might need the services of the state's mental health centers into their adulthood.

Subsequent to the meeting, Mr. Armstrong submitted the following:

- A follow-up memorandum (Agenda Item VII A-2);
- A referral summary from Child Protective Services, DCFS, DHHS (Agenda Item VII A-3);
- A report on the use of force in juvenile detention centers from 2019 to 2020 (Agenda Item VII A-4);
- A use of force review policy (Agenda Item VII A-5);
- Capstone summary feedback regarding the reduction of disparities faced by youth of color on parole (Agenda Item VII A-6);
- Information regarding youth on medications in juvenile justice facilities (Agenda Item VII A-7);
- [Building Bridges Initiative](#) Informational Document: Permanency Practices Collaboration Strategies for Child Welfare and Residential Programs (Agenda Item VII A-8);

- Supplemental research provided by Dr. Ravin (Agenda Item VII A-9);
- Assembly Bill 99 (2017) (Agenda Item VII A-10);
- DCFS regulations (Agenda Item VII A-11); and
- A 2018 facility training report (Agenda Item VII A-12).

AGENDA ITEM VIII—PRESENTATION ON WENDY’S WONDERFUL KIDS FOSTER ADOPTION PROGRAM

Rita Soronen, President and Chief Executive Officer, Dave Thomas Foundation for Adoption, and Jessica Roe, Nevada Director of Programs, The Adoption Exchange, gave a presentation on Wendy’s Wonderful Kids Foster Adoption Program and its implementation in Nevada (Agenda Item VIII).

Discussion ensued regarding: (1) efforts to keep siblings together when searching for adoptive families; and (2) the various ways prospective adoptive parents are found.

AGENDA ITEM IX—UPDATE ON IMPLEMENTATION OF CERTAIN REQUIREMENTS RELATING TO GENDER IDENTITY AND EXPRESSION ([ASSEMBLY BILL 99](#) [2017]) AND THE JUVENILE JUSTICE BILL OF RIGHTS ([ASSEMBLY BILL 180](#) [2017])

(This agenda item was taken out of order.)

André C. Wade, State Director, Silver State Equality, and Holly Reese, Director, Community Engagement and Advocacy, The LGBTQ Center of Southern Nevada, gave a presentation on the implementation of certain requirements related to gender identity and expression ([AB 99](#)) and the Juvenile Justice Bill of Rights ([AB 180](#)) (Agenda Item IX). Ms. Reese shared examples of the hostility and opposition she experienced while leading cultural competency trainings at various juvenile detention centers in the state and expressed her concern over the grievance filing process for youth at Summit View Youth Center.

Vice Chair Monroe-Moreno encouraged Mr. Wade to inform the Committee on ways to address the current lack of data on LGBTQ youth in the state’s juvenile detention centers.

Responding to a question from Chair Ohrenschall, Mr. Wade discussed the issue of LGBTQ youth being treated differently in the system and the need for regulations to address this issue.

AGENDA ITEM X—FOSTER YOUTH AND KINSHIP

A. *PRESENTATION ON HOW SELECT STATES ARE IMPLEMENTING THE [FAMILY FIRST PREVENTION AND SERVICES ACT](#) (114TH CONGRESS [P.L. 115-123]) AND ON SELECTED FOSTER KINSHIP SUPPORT MODELS IN OTHER STATES*

Nina Williams-Mbengue, Senior Fellow, Child Welfare Project, National Conference of State Legislatures, gave a presentation on: (1) how select states are implementing the [Family First Prevention and Services Act](#) (114th Congress); (2) COVID-19’s impact on child welfare; and (3) kinship care trends in other states (Agenda Item X A).

Discussion ensued on other states’ efforts to address the collapse in child abuse and neglect reporting.

B. DISCUSSION REGARDING FOSTER YOUTH AND KINSHIP IN NEVADA

Dr. Tiffany Tyler-Garner, Executive Director, Children's Advocacy Alliance (CAA), introduced herself and noted her appointment as the CAA's Executive Director as of July 1, 2020.

Jared Busker, Associate Director, CAA, and DaShun Jackson, Safety Policy Manager, CAA, provided the Committee with an overview of: (1) bills passed in the 80th Legislative Session related to child welfare and juvenile justice; (2) how COVID-19 has affected the child welfare system and foster youth; and (3) recommendations for the use of funding allocated by the [Coronavirus Aid, Relief and Economic Security \(CARES\) Act](#) (H.R. 748, 116th Congress) to support foster youth (Agenda Item X B).

Mr. Busker expressed the CAA's future support of the recommendations from the [AB 111](#) (2019) and [AB 150](#) (2019) studies during the next legislative session. He noted that the CAA agrees with the issues that André C. Wade, previously identified, pointed out with the implementation of [AB 99](#) (2017) and [AB 180](#) (2017).

C. PRESENTATION REGARDING FOSTER YOUTH AND THE KINSHIP GUARDIAN ASSISTANCE PROGRAM

Bailey Bortolin, Esq., Director, Statewide Advocacy, Outreach and Policy, Nevada Coalition of Legal Service Providers, and Kelly Venci Gonzalez, Team Chief, Education Advocacy Program, Children's Attorneys Project, Legal Aid Center of Southern Nevada (LACSN), gave a presentation on foster youth and the kinship guardian subsidy program (Agenda Item X C). Ms. Bortolin and Ms. Venci Gonzalez recommended that [NRS 432B.623](#) be amended to remove language requiring that adoption must be ruled out as an option in order for a child to qualify for the Kinship Guardianship Assistance Program. Ms. Bortolin noted that expanding access to this subsidy will increase the likelihood that a permanent placement of a child is successful.

Ms. Venci Gonzalez clarified that the recommendation from LACSN was not to divert the subsidy program into a state program, but rather to adjust the state regulation to make federal funds more accessible.

AGENDA ITEM XI—PUBLIC COMMENT

Holly Welborn, Policy Director, ACLU of Nevada, expressed her concern with housing female juvenile offenders tried as adults out of state, which she noted could lead to various legal and gender discrimination issues. Ms. Welborn referenced the findings of the ACLU's report, [Youth Confinement in Nevada: Facility Assessment and Recommendations For Housing Youth Sentenced As Adults](#), and she encouraged swift action be taken to bring the girls back to Nevada.

AGENDA ITEM XII—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:43 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 V A-1	Jerry Howell, Warden, Florence McClure Women's Correctional Center, Nevada's Department of Corrections (NDOC)	PowerPoint presentation
Agenda Item V A-2	Jerry Howell, Warden, Florence McClure Women's Correctional Center, NDOC	Follow-up report
Agenda Item V B-1	Tim Garrett, Warden, Lovelock Correctional Center, NDOC	Memorandum
Agenda Item V B-2	Tim Garrett, Warden, Lovelock Correctional Center, NDOC	Data on Correctional Youth Program
Agenda Item VI	Frank Cervantes, Director, Department of Juvenile Services, Washoe County	Data on Assembly Bil 449 (2019)
Agenda Item VII A-1	Ross E. Armstrong, Administrator, Division of Child and Family Services (DCFS), Department of Health and Human Services (DHHS)	PowerPoint presentation
Agenda Item VII A-2	Ross E. Armstrong, Administrator, DCFS, DHHS	Follow-up memorandum
Agenda Item VII A-3	Ross E. Armstrong, Administrator, DCFS, DHHS	Referral summary
Agenda Item VII A-4	Ross E. Armstrong, Administrator, DCFS, DHHS	Report on use of force
Agenda Item VII A-5	Ross E. Armstrong, Administrator, DCFS, DHHS	Review of use of force
Agenda Item VII A-6	Ross E. Armstrong, Administrator, DCFS, DHHS	Summary feedback
Agenda Item VII A-7	Ross E. Armstrong, Administrator, DCFS, DHHS	Information on youth on medication in juvenile justice centers
Agenda Item VII A-8	Ross E. Armstrong, Administrator, DCFS, DHHS	Informational document

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item VII A-9	Ross E. Armstrong, Administrator, DCFS, DHHS	Supplemental research
Agenda Item VII A-10	Ross E. Armstrong, Administrator, DCFS, DHHS	AB 99 (2017)
Agenda Item VII A-11	Ross E. Armstrong, Administrator, DCFS, DHHS	Regulations
Agenda Item VII A-12	Ross E. Armstrong, Administrator, DCFS, DHHS	Training report
Agenda Item VIII	Rita Soronen, President and Chief Executive Officer, Dave Thomas Foundation for Adoption, and Jessica Roe, Nevada Director of Programs, The Adoption Exchange	PowerPoint presentation
Agenda Item IX	André C. Wade, State Director, Silver State Equality	PowerPoint presentation
Agenda Item X A	Nina Williams-Mbengue, Senior Fellow, Child Welfare Project, National Conference of State Legislatures	PowerPoint presentation
Agenda Item X B	Jared Busker, Associate Director, Children's Advocacy Alliance (CAA), and DaShun Jackson, Safety Policy Manager, CAA	PowerPoint presentation
Agenda Item X C	Bailey Bortolin, Esq., Director, Statewide Advocacy, Outreach and Policy, Nevada Coalition of Legal Service Providers, and Kelly Venci Gonzalez, Team Chief, Education Advocacy Program, Children's Attorneys Project, Legal Aid Center of Southern Nevada	PowerPoint presentation

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