MINUTES OF THE
LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE
(Senate Bill 3, 2009 Session)
April 14, 2010

The third meeting of the Legislative Committee on Child Welfare and Juvenile Justice (Senate Bill 3, 2009 Session) was held at 9:00 a.m. on April 14, 2010, at the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada. The meeting was videoconferenced to the Legislative Building, 401 South Carson Street, Room 3137, Carson City, Nevada.

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblywoman Sheila Leslie, Chair
Senator Valerie Wiener, Vice Chair
Senator Barbara Cegavske
Senator Allison Copening
Assemblyman John Hambrick
Assemblywoman April Mastroluca

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT IN LAS VEGAS:

Rex Goodman, Program Analyst, Fiscal Analysis Division
Donna Thomas, Secretary, Fiscal Analysis Division

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT IN CARSON CITY:

Nicholas C. Anthony, Senior Principal Deputy Legislative Counsel
Sara L. Partida, Principal Deputy Legislative Counsel

EXHIBITS:

Exhibit A: Meeting Packet and Agenda
Exhibit B: Attendance Record
Exhibit C: The Community We Will – The Campaign for What's Possible for Children, Families and Southern Nevada
Exhibit D: Gender Responsive Programs for At-Risk and Delinquent Young Women, Rite of Passage, Inc.
Exhibit E: State of Nevada – Review of Governmental and Private Facilities for Children – 2010 – Legislative Auditor, Carson City, Nevada

I. ROLL CALL.

Chairwoman Leslie called the meeting of the Legislative Committee on Child Welfare and Juvenile Justice to order at 9:08 a.m. The secretary called roll; all members were present.

II. OPENING REMARKS.

Chairwoman Leslie welcomed the committee members present in Las Vegas and the presenters attending in Carson City. She noted the meeting was the third meeting of the Legislative Committee on Child Welfare and Juvenile Justice and the agenda was long with a good mix of interesting topics. Chairwoman Leslie welcomed the audience and encouraged their participation in the meeting. She indicated she would take public comment after each agenda item. In addition, there were out-of-town speakers from the Campaign for Youth Justice and Rite of Passage so she would take some agenda items out of order to accommodate the travel plans of the representatives. Chairwoman Leslie anticipated taking a short lunch break and hoped to adjourn the meeting by 2:30 p.m.

Chairwoman Leslie asked the presenters to state their name, title and affiliation when speaking. In addition, anyone testifying must turn their microphones on to speak and off to listen to avoid an echo and feedback in the sound system.

III. PRESENTATION ON THE FOSTERING IN FAITH PROGRAM, ADMINISTERED BY THE UNITED METHODIST SOCIAL MINISTRIES OF LAS VEGAS.

Senator Cegavske stated that Dr. David Devereaux, Pastor, Desert Spring United Methodist Church, who started the Fostering in Faith (FiF) program, was scheduled to testify at the meeting but was summoned to jury duty and unable to attend. She indicated that Maggie Freese, an employee of the Department of Health and Human Services (DHHS), Division of Child and Family Services (DCFS), took time off from her state job to testify on behalf of the FiF program.

Maggie Freese, MPH, PH.D, Licensed Psychologist II, DCFS, DHHS, began her presentation by stating that the FiF program was started approximately four years ago by Methodist's from various congregations to develop a program that would allow the Methodist Church to participate in the child welfare system. Ms. Freese said that United Methodist Social Ministries (UMSM) worked with Clark County and the Department of Family Services (DFS) to provide supportive programs, which included the FiF program. She stated that the FiF program sponsored a luggage drive so foster children could have their own luggage when they moved from different placements rather than carrying their belongings in trash bags. The UMSM location became the first foster care satellite visitation site of the DFS in Las Vegas, which operated weekdays for family visits for children in the child welfare system and provided the appropriate oversight for those visits. Ms. Freese stated that as part of that particular program there was a small grant

for reimbursement for family visits. In addition, United Methodist Church involvement in recruitment of foster parents was a requirement of the grant. Ms. Freese added that another key element of the grant was creating targeted programs to expand the capacity to recruit foster parents within the faith community.

Beth Ann Nelson, Training Unit, DFS, Clark County, stated FiF, along with UMSM, has developed a comprehensive training program for foster parents, DFS staff, birth parents, kinship caregivers and community partners with the goal of providing a more comprehensive care program for children in foster care and to develop a team approach to meeting the needs of children. She explained that DFS sets-up the training developed by the Early Childhood Services, DCFS, and UMSM located churches to use for the training to foster a large forum so many individuals could be trained. Ms. Nelson stated that the program was successful; currently two curriculums were fully operating and other entities from the community would be recruited in the future for additional training. Ms. Nelson stated that approximately 439 individuals have been trained and there were approximately 800 registrants for the program. Training was provided at churches throughout Las Vegas based on the concept of community-based services and was user-friendly for all people. Ms. Nelson stated that DFS wanted to enhance the number of birth parents that attend training by providing training in different neighborhoods around the Las Vegas area.

Continuing, Ms. Freese noted that in addition to the training program and the visitation center there were other pieces of the program that were ongoing. She explained that UMSM used Potosi Pines Camp in Las Vegas as a respite camp to benefit foster parents, and foster children could attend summer camp offering a break for the foster parents. In addition, a small grant from the national United Methodist Church organization helped to start a camp leadership training program to ensure there were enough foster care youth and non-foster care youth in high school at the camps, because foster youth needed to be part of the bigger community and not just identified as foster children. Currently, the camp leadership program was in its first year and children participated all year with the goal of becoming a camp counselor for the program the following year. Ms. Freese said that foster youth involvement in a church community could lead to more successful outcomes as youth reach adulthood and independence.

Concluding, Ms. Freese added that DCFS was concerned about the quality of mental health services available for foster youth as they reunify with their families. One concern was it appeared that only a small proportion of the capitated fees received by the Medicaid HMO resulted in services for youth. She has met with Mike Willden, Director, DHHS, and Senator Cegavske has asked the Legislative Counsel Bureau (LCB) about age-specific contact data for the Medicaid HMO, which was public information, and to date, no data has been received. Ms. Freese stated that she planned on retiring on July 2, 2010, and if she has not obtained that data prior to retirement, it was her intent was to pay for it through the Freedom of Information Act.

Chairwoman Leslie asked Ms. Freese to explain the specific data she was requesting.

Ms. Freese explained that children in the child welfare system were on Fee For Service Medicaid and could receive services. If the children were reunified with their family, unless certain things happen with tight timing and a large error rate, children would end up on a Medicaid HMO and lose their service provider causing a discontinuity of treatment that was not helpful at the time of reunification and when services were needed the most. In addition, it was difficult to get those services from the Medicaid HMOs, which was a constant problem. Currently, there was the capacity and data to show how much was being spent in capitated fees, and to see the hours of service provided and cost per hour.

Chairwoman Leslie asked if the data Ms. Freese wanted was for the capitated rate for the HMOs; how much was actually being spent on mental health treatment for children in the child welfare system. Ms. Freese said the child welfare system received capitated fees for a certain sector of people and the child welfare system needed to provide the services for that sector of people. Mr. Freese wanted the data broken out by age because often when children and families were reunified and go to the HMOs for services they were denied services for a variety of reasons. Ms. Freese indicated it was a problem because the children that end up on Medicaid HMO as their insurance source were among the highest risk of children in the system. She stressed that the way to keep the children out of the juvenile justice system was to provide services for youth at the time of reunification to keep them with their families and functioning.

Chairwoman Leslie said the issue was a concern to the committee. She asked if anyone had any questions for Ms. Freese or Ms. Nelson.

Senator Wiener thanked the presenters for their work helping foster children and for offering the additional spiritual component, which many children experienced for the first time in their lives. She asked about the capacity for the program in relationship to the need in the community.

Ms. Nelson replied that the comprehensive training program for foster parents has been in existence for a year. She said that DFS continued to draw large numbers for most of the training classes and attendees were asked about their additional training needs. She stated that the classes focused on many unique needs specific to foster children, which could also be applied to the general population of children in the community. Ms. Nelson noted that the current training focused on early childhood mental health; previous training focused on fetal alcohol syndrome. In addition, DFS hoped to expand its repertoire by looking at the precise needs in the communities and creating training specific to those needs. She hoped to continue the training and expand training in proportion to the needs in the community.

Senator Wiener asked if there was anticipation of expanding the program to the interfaith community allowing other religious organizations to participate.

Ms. Freese replied that at this point the FiF organization involved relatively few people passionate about helping children in the child welfare system. She believed that developing more of an interfaith approach would be one way of expanding the programs. She stated that there was not a comprehensive plan and the current strategy was to tackle one issue at a time and make progress, and if an interfaith approach could be done without hesitation with quick and concrete results, then they would look at expanding to the interfaith community.

David Robeck, Executive Director, UMSM, stated that he has only been the Executive Director of the UMSM since November 1, 2009, although he was familiar with many of the local issues. He explained that he has been a resident of Las Vegas since 1954 and was part of the faith community, as a preacher's child, as well as being involved in other ministries. Mr. Robeck said that he was pleased with the relationship between UMSM and DFS, as well as the how the United Methodist Church made access to programs available to everyone. He indicated the programs were convenient because there were 16 Methodist churches that support the social organization; however, the organization was open to all faiths. He said the UMSM dealt with other churches such as the Assembly of God, which he was very familiar with, and UMSM started as a collaborative effort with the Lutheran Church in 1987.

Chairwoman Leslie stated that she was familiar with the Methodist's liberal policy of including other denominations as well. Chairwoman Leslie asked how many foster parents the FiF program was able to recruit, which was an issue the committee was concerned with especially in Clark County.

Mr. Robeck said the foster care parent recruitment was something that was close to his heart because he adopted all four of his sons as a single man, which was very unusual. In addition, he adopted his sons from Russia, so he had to go through the local county and state standards, as well as dealing with the United States federal government and the Russian federal government. He worked in Russia for four years when there were only orphanages and no foster care for children. Mr. Robeck said that FiF was interested in pursuing foster parents, as well as adoptive parents, which went hand-in-hand. He noted that recently a representative from Clark County DFS attended a FiF meeting to ensure the organization was on the right track and doing exactly what DFS wanted them to do, because obviously DFS were the managers of children in foster care. Mr. Robeck noted that the UMSM had a visitation room for reuniting foster children with their biological siblings and parents to help develop the relationship. Periodically, UMSM staff made formal presentations to different churches and community groups on the FiF program. Another key element was the recruitment of foster care parents and the continued work with DFS in determining the best way to register and track prospective foster and adoptive parents from the presentations and to identify and provide contact information for prospective foster parents.

Chairwoman Leslie thanked Mr. Robeck for the great work with the FiF programs. She believed FiF's work of keeping children safe in foster homes was appreciated and their partnership with the communities in the state was valued.

IV. PRESENTATION ON THE COMMUNITY WE WILL CAMPAIGN.

Senator Copening stated that she was introduced to the Community We Will Campaign approximately nine months ago, and suggested a presentation from the Community We Will Campaign at the last meeting. She attended a presentation that Cyndy Ortiz Gustafson, Principal, Strategic Progress, LLC., provided to a nonprofit organization that she was involved in called Child Focus, which focused on the children in the state foster care system. In addition, she attended a community-wide meeting for the Community We Will Campaign, which addressed the mission and vision of the organization of ensuring all of Nevada's children and families were safe and well. Senator Copening was excited that the state had this type of initiative and she was impressed at how charged the community leaders and child advocates were to improve the foster care system. Child Focus looked at what caused a child to enter the foster care system, and once in the system, what happened to the children and how to improve their lives.

Cyndy Ortiz Gustafson, Principal, Strategic Progress, LLC., and native Nevadan, stated that the Community We Will Campaign was a community-based initiative with a goal to safely reduce the number of children entering foster care in Southern Nevada by 50 percent by the year 2020. Ms. Gustafson said the project was aligned with the Casey Family Programs 2010 strategy, which was the largest foundation in the country – a $4.0 billion endowment investing in foster care. The Casey Family Programs Foundation (Foundation) was working with the Community We Will initative and sponsored the business case located on page 9, of the meeting packet (Exhibit A). Ms. Gustafson stated that Thomas Morton, Director, DFS was looking into the community for advocates engaged in building the safety net and the system of care before families come to the attention of the child welfare system. She said that Mr. Morton spent approximately two years with leaders, pastors, and policy makers to involve a group of people who could make a case to the community that a return on investment was on the front-end in prevention, and building systems and services in the community so families never enter foster care. Ms. Gustafson stated that there was lot of momentum and people were excited about the idea, but child welfare advocates could not agree on what was required from the community and what they were actually asking policy makers to do for them. Therefore, the child welfare advocates approached the Foundation and proposed a local, organic model that worked in Southern Nevada, which was the "Help, Hope, Homeless" plan in Clark County – a plan designed to end homelessness in ten years. Although the plan has not ended homelessness, it safely reduced the number of homeless people on the street by 20 percent in the two years since it was published. Ms. Gustafson stated if she took that plan to the Foundation based on what was known in the county around homelessness, and the best practices from the Foundation, which was in over 30 states across the country, along with other national foster care organizations and "married" that data and best practices with what Nevada had on the ground today, she believed they could make a impact. Once they began to make an impact, Ms. Gustafson believed they could make the case that prevention was what was required to save the state money overall. She noted that the Foundation accepted that proposal and started

the Community We Will initiative nine months ago. Ms. Gustafson said the Foundation has published the business case to show people what really happened to families in the child welfare system, not necessarily people like the committee that were already advocates for children, but present the plan to the community outside of the small circle of people that understood child welfare.

Ms. Gustafson stated that the business case was mainly written for business people, the plan was heavy on data and showed without a doubt that there was a huge return on investment for preserving families. In addition, they also showed that the people that enter foster care were not always the people that the public thought they were. She stated the reality was that almost 70 percent of foster children return home within a year and if there were no critical support services for families, the children or their siblings would re-enter the system. In addition, 51 percent of children who were victims of abuse and neglect in Nevada would be removed from their homes and placed in foster care; the national average was 21 percent. Therefore, Nevada was doing things differently in the communities and state, which cost the state an incredible amount of money and pain to the families and added a cost to every system in which the child interfaces. Ms. Gustafson said that one of the points they wanted to make to people outside the child welfare system was that if they were not interested in child welfare, maybe they were interested in teen pregnancy, or in the fact that Nevada had two and half times the average rate of foster care children. She stated that the business case plan had data showing that 48 percent of the people in Southern Nevada that were homeless were foster youth at one time.

Continuing, Ms. Gustafson stated that the business case would go to policy makers, philanthropists, and child welfare advocates, who were working with the Nevada community foundation and other local philanthropists and ask them to specifically align their funding with the priorities laid out in the plan. She indicted that one of the things that child welfare advocates thought in terms of mobilizing people around the issue was that a lot of community-held activities fall short of the specifics. The second component of the process was community engagement and working with providers, stakeholders, and families to inform them of the needs in the community. She indicated that not everything had a dollar amount attached to it and child welfare advocates were looking at other things, such as what they could ask from funders that might drive differences in programs. For example, child welfare advocates could talk to the people providing the funding and ask them to work with families so that reunification could be successful. The second component was the community action plan, which was detailed to the activity level of what they thought was required to have a unified strategy in Nevada around this population. The third component, which was funded by the Foundation and other local foundations, was putting together a strategic financing plan. Ms. Gustafson stated that she was working with Senator Copening and the Legislative Counsel Bureau, and she planned to use the Congressional Resource Service, in Washington D.C., and it was fine if they convinced the public that prevention pays, it was great if they actually knew what was required, but in Nevada, particularly now, how were they going to do that and what it would take in the current economic climate. Ms. Gustafson said they would model what other systems have done in terms of federal, state, county,

and private philanthropic dollars. In addition, she would work with Senator Copening and the Legislative Counsel Bureau to model what Nevada has at this time and then broker partnerships in the community that would make the state more competitive for large federal grants that the state passed up before, and also for private philanthropic dollars that would be looking at Nevada like the Foundation, in terms of some of the budget and economic issues the state was facing.

Concluding, Ms. Gustafson said those were the three components of her work to date and she was really looking for connections to people that could move the dial on the issue. She noted that was part of why Casey Family Programs was interested in this plan and funded it. The plan was presented to Casey Family Programs Strategic Consulting Division, who asked that the model for Nevada be presented nationally, which was huge. Ms. Gustafson wanted to discuss with the committee what was going to be required to make the plan happen and who needed to be involved. The plan was supposed to be from the community and of the community, and they were not looking specifically to the Legislature to solve all the problems. She believed that the community was the locus of solutions around these community-held issues. Ms. Gustafson said that other centers and policy makers directed her to the people she needed to talk to and as a result the child welfare advocates started to see some flow of dollars move in private philanthropy. She asked the committee members to meet with child welfare advocates to help identify the people they needed to speak to in the community of stakeholders, organizations and businesses. Ms. Gustafson said the child welfare advocates were working with the Council for a Better Nevada, which consists of 20 of the largest businesses in the state, and they were going to be using the business case plan to identify their giving. In addition, they were working with the Nevada Community Foundation and would like to connect with other groups. Ms. Gustafson said they are not raising money for their own project and were trying to illuminate resources that Nevada already had and move the dial on the issue.

Chairwoman Leslie thanked Ms. Gustafson for her enlightening presentation and informative document she provided to the committee. She asked how long Casey Family Programs was providing the funding for the Community We Will business case plan. Ms. Gustafson replied that Casey Family Programs provided funding in 2009 through 2010. She believed the Casey Family Programs did not plan on being in Nevada forever; however, they were in discussions about continuing funding due to the fact that Casey Family Programs would like to see Nevada as a national model. Ms. Gustafson said the state's pitch to Casey Family Programs was if they like to see it as a national model would they continue to fund the implementation of the program. In addition, there was some local funding so they could possibly stay in Nevada.

Chairwoman Leslie asked Ms. Gustafson if she had any links to the We Can organization, in Northern Nevada, which has been in existence for awhile working on child abuse prevention.

Ms. Gustafson replied that she did not have any association with the We Can organization and the only statewide network she worked with was Prevent Child Abuse

Nevada. She indicated that the Community We Will program started as a Southern Nevada model, and they have discussed with Casey Family Programs how to offer what was learned to stakeholders in Northern Nevada.

Chairwoman Leslie asked Ms. Gustafson if she could present the information to the stakeholders in Northern Nevada because they had a strong child abuse prevention coalition.

Chairwoman Leslie questioned the sources for the child welfare spending per capita, page 27, Exhibit C, where national child welfare spending per capita was $74.06, and the Nevada average was $34.02. She said that looking at the chart it seemed that Nevada was the third from the bottom of all states for child welfare spending per capita. She questioned the source of the child welfare spending per capita displayed on the page.

Ms. Gustafson believed the funding was from all sources, so obviously the number on the chart tied directly to Nevada's child removal rate. She stated that many services available in other states were not available in Nevada.

Senator Cegavske thought it would be good if Ms. Gustafson attended one of the UMSM meetings to see how the different groups could collaborate. She believed some of the things Ms. Gustafson was looking for could be linked to UMSM. Senator Cegavske stated that the UMSM FiF group meets once a month and the meetings were open to everyone.

Senator Copening asked Ms. Gustafson to reiterate for the committee the next steps for the Community We Will initiative – the timeline and what needed to happen to advance in all the different areas.

Ms. Gustafson explained that the Community We Will community action plan would be created by the end of 2010, which was really the most difficult part of the initiative. Although it took a long time to agree on the language in the handout, it was easy to compile because there was data around why they needed to do this. However, in order to be legitimate, the next part needed to come from the community, so a community action plan would be written through focus groups, town hall meetings and interviews. In addition, the strategic financing plan had to be in place because it was hard to identify how to do the work without the financing, which would also happen by the end of 2010.

Chairwoman Leslie asked Ms. Gustafson if she had any specific suggestions to offer for a strategic financing plan. She asked if there were national strategies to model, although she was aware that every state funded things differently.

Ms. Gustafson replied that currently she did not have any specific suggestions for a strategic financing plan. She explained that every time she attended a child welfare meeting it seemed like very few people understood what was going on overall, and it was really hard to move the dial in the community when so few people understand what

was fundable and financeable. Therefore, she decided to present at the meeting and broaden the knowledge of the community about different local funding sources and what other communities were doing. She noted that Ken Levine, Director, Department of Housing and Urban Development (HUD) told her that at some point the state had to look outside Nevada. Ms. Gustafson said the state was in the process of looking at other states, and she had a model that was done around workforce issues in San Diego, California, with a large matrix of funding from state, county, and private philanthropic sources and she would apply that schema to child welfare in Nevada. In addition, there were some national suggestions around how the state could do better, which was part of the work plan.

Chairwoman Leslie suggested Ms. Gustafson look at the Question 1 campaign in Washoe County, for the property tax override funds that were specific to child welfare, which was interesting and well-supported by the voters because the money went specifically to these issues.

Chairwoman Leslie thanked Ms. Gustafson for her thorough presentation.

V. DISCUSSION REGARDING CHILD PROSTITUTION AND THE PROSECUTION OF PERSONS ACCUSED OF PANDERING AND SOLICITING CHILDREN.

Chairwoman Leslie stated that there was a presentation on child prostitution and pandering at a previous committee meeting and Assemblyman Hambrick requested that the issue be included again on the agenda for this meeting. She stated the staff would update the committee on what was addressed at the previous meeting and the recommendations that would be included in the committee's final report for the 2011 Legislative Session. Chairwoman Leslie was aware child prostitution was a problem and the committee needed to know what, if any, additional tools the community needed to address the problem.

Rex Goodman, Program Analyst, Fiscal Analysis Division, stated that at the February 9, 2010, Legislative Committee on Child Welfare and Juvenile Justice meeting the committee heard testimony from Lieutenant Karen Hughes, Las Vegas Metropolitan Police Department (LVMPD), regarding child trafficking and child prostitution. Lieutenant Hughes suggested that the statutes regarding pandering of children in the state of Nevada needed to be strengthened because current laws were not strong enough. Often panderers get convictions for other crimes such as kidnapping and sexual assaults, which had stronger language in statute than the language for pandering of a minor. Lieutenant Hughes believed that enforcement work was needed to explore the ideas regarding increasing the penalties for pandering of children.

Mr. Goodman stated that the committee invited various groups including District Attorneys from Clark County and Washoe County, public defenders and the American Civil Liberties Union (ACLU). He explained that the recent history behind the issue went back to the 2009 Legislative Session with Assembly Bill (A.B.) 238, which

was passed by the Legislature. He noted that the bill was originally sponsored by Assemblyman Horne and Assemblyman Hambrick was the co-sponsor, as well as other members of the Assembly Committee on Justice. Mr. Goodman stated that the original bill, A.B. 238, added language to the pandering offenses in Nevada Revised Statutes (NRS) 201, Sections 300 to 340, making the penalty for pandering of a minor when the minor was a victim, an offense requiring registration as a sex offender. Assembly Bill 238 in its original form was met with opposition from Clark County and Washoe County Public Defenders and the ACLU because the pandering laws were relatively vague and broad and there was concern that too many people would be brought in as sex offenders, which could potentially dilute the effectiveness of the sex offender registry.

Continuing, Mr. Goodman stated that the Legislature amended the bill and changed the penalties that were addressed and instead of pandering, they addressed the penalty for soliciting a child for prostitution and that bill in its amended form changed the penalty from a misdemeanor to a Category E felony. At the same time, A.B. 380 (2009 Legislature), which Assemblyman Hambrick sponsored, allowed the assets of a person convicted of pandering or prostitution of a child to be subject to forfeiture and allowed a temporary restraining order to be used to freeze the assets of person convicted of pandering. The bill allowed the court to impose a criminal fine on a person convicted of pandering or prostitution of a child of up to $100,000 if the child was between 14 and 18 years of age, and up to $500,000 if the child was under 14 years of age.

Mr. Goodman noted that the discussion at this meeting could go back to the suggestion from the LVMPD and the committee members, and if the committee wanted to review the issues brought up last session regarding the pandering laws in order to address the concerns of the public defenders and ACLU regarding enhancing the penalties for pandering. Assembly Bill 238 (2009 Legislature) proposed that one of the penalties for pandering could be increased or enhanced to the level of making that offense requiring registration on the sex offender registry with lifetime supervision. Mr. Goodman said the first question was if the committee had a desire to look at the issues brought up by the public defenders and the ACLU that the pandering laws were too broad. In addition, Mr. Goodman stated that he had additional information from the minutes of the 2009 Legislative hearings on the subject that he could share with the committee.

Senator Cegavske commented that there was a recent case in Las Vegas where a sibling solicited a younger sibling for prostitution and she wondered what age a child had to be in order to be tried as an adult in a prostitution case.

Mr. Goodman replied that he would have to do some more research to address that issue or invite law enforcement representatives to comment on Senator Cegavske's concerns.

Assemblyman Hambrick stated that everyone agreed that human trafficking had to be stopped. He hoped to try by separating the sellers that A.B. 380 addressed, from the

buyers, which were different. In addition, a separate issue that needed to be addressed was the age of the sellers, although he was more concerned about the buyers, particularity the buyers of juveniles. He indicated that A.B. 380 divided the buyers above the age of 14 to 18, and below 14 years of age, and there were juveniles as young as 11 years of age that were victims and he would like to focus on those juveniles if possible.

Chairwoman Leslie commented that the committee could focus on both issues within the broad topic.

Senator Cegavske added that there was also the issue of girls being gang raped, which dealt with the issue of age of the youth. She wondered at what age the act becomes a heinous act.

Sam Bateman, Nevada District Attorneys Association, stated that he was made aware of the issues from Mr. Goodman, and although he was not prepared to provide specifics on behalf of what the District Attorney's Office was proposing, he could answer questions and assist with bill drafts requests if that was the direction of the committee. Mr. Bateman stated that Mary Brown, Juvenile Division; Theresa Lowry, Child Welfare Division; and Jim Sweeten, Prosecutor, Special Victims Unit, District Attorney's Office, were in attendance at the meeting and could offer a wealth of knowledge on the topic.

Mr. Bateman stated that the penalty for "johns" soliciting adult or juvenile prostitutes was increased from a misdemeanor to a Class E felony during the 2009 Session (A.B. 380). He noted that in most cases a Class E felony required mandatory probation and was the lowest level felony in the state of Nevada. He indicated that the committee could decide if that was a sufficient penalty for anyone attempting to or soliciting a child for prostitution. In addition, it was his understanding that the crime was not registerable as a sex offense at this point and lifetime supervision was not required. Mr. Bateman noted that Assemblyman Horne sponsored A.B. 380, and it started out as a lifetime supervision bill for panderers and pimps prostituting children. Mr. Bateman was unsure why the bill ended up going from a lifetime supervision bill to a higher penalty bill for a "john" bill, which he thought was an issue for the committee to address going forward.

Mr. Bateman stated that panderers or "pimps" of juveniles were subject to sex registration laws, but not subject to lifetime supervision, which was something the committee might also want to address. In addition, the penalty could be increased from a Class E felony to a higher penalty, which could possibly have a fiscal impact.

Chairwoman Leslie asked if the District Attorneys Association had any particular recommendations or was there a tool they needed as prosecutors to attack the problem.

Mr. Bateman replied that he has spoken with Mr. Goodman and Assemblyman Hambrick about some of the items the committee proposed and he thought lifetime supervision was good to implement for a person pandering children. He

noted that were many different levels of human trafficking – someone that was bringing children in from another state, or someone that was pandering local children.

Chairwoman Leslie asked if the District Attorneys Association has taken a position on any of the issues. Mr. Bateman replied that the District Attorneys Association has not taken a position on the issues and did not have any specific proposals. However, the District Attorneys Association could offer their opinion on specific proposals of the committee and they were strongly in favor of strengthening the laws that involve either pandering or the purchase of children.

Mr. Bateman stated that the case Senator Cegavske mentioned where a child was pandering his younger sibling would probably fall under the pandering of the child statute in Nevada and then there would be the issue of certification. He indicated it was a two-fold issue – they could absolutely charge the sister with the charge of a panderer, but then the next question was whether they could prosecute the sibling as an adult. Mr. Bateman said the District Attorneys Association would be happy to answer any questions of the committee. He strongly favored strengthening the laws that involve either pandering or the purchase of children in the state of Nevada.

Orrin Johnson, representing Washoe County Public Defender's Office, introduced Chris Fry, who he expected would assume the lobbyist position for the Washoe County Public Defender's Office for the 2011 Legislative Session. Mr. Johnson stated that the Public Defender's Office was not opposed to dealing with people pandering or engaging in human trafficking of children, but their concern was that language in statute was very broad, so a person having a casual conversation with a 17-and-a-half year-old in a bar with a fake identification should not be subject to the same penalty for pandering as someone trafficking 11 year-old children, which was the injustice that he was attempting to prevent. He indicated that the committee had to be careful with the language in statute so those things were taken into consideration and the "net was not cast too wide."

Concluding, Mr. Johnson said that one suggestion of the Washoe County Public Defender's Office was to create some type of specific intent, particularly if it meant increasing penalties including lifetime supervision of a sex offender or increasing the offense from a mandatory probateable felony into a significant amount of time in prison for an offense like this and that they do not try to "shoehorn" everyone into a "one size fits all." He believed they needed to look at the criminal intent, facts, and circumstance of each individual case just as they did with many other statutes. Although he did not have any specific language or a bill to talk about in this case, Mr. Johnson stated those were the concerns of the Washoe County Public Defender's Office, which the office offered testimony on during the 2009 Legislative Session.

Assemblyman Hambrick commented that many people have seen the Shared Hope video that was shown on different network affiliates where a pimp was selling a child to an undercover detective and it was clearly evident that the more a buyer paid, the

younger the child would be. Assemblyman Hambrick asked if intent was the price paid or would they accept the price paid to be intent.

Mr. Johnson replied that under the circumstances described by Assemblyman Hambrick a jury could definitely infer intent with the price paid, especially if there was a specific conversation regarding a younger child. Mr. Johnson stated that the question was because the language was so broad, even encouraging somebody to be a prostitute was a situation that was reprehensible and no one has any problem prosecuting that aggressively. The situation was a different scenario from someone in a bar with an underage person with false identification and telling them they should work for the Moonlite Bunny Ranch. The language of that statute was broad enough to prosecute that person in the same way as the person described by Assemblyman Hambrick.

Terri Miller, former Program Director, Human Trafficking Task Force of Southern Nevada, and former Member Services and Training Coordinator, Nevada Coalition Against Sexual Violence, stated that she was an aunt of a trafficking victim, who was taken from Las Vegas to Japan, so she had a personal and vested interest in the subject matter. She noted that she has worked for many years on anti-exploitation of minors in the state of Nevada and lobbied for legislation that prohibits educators from exploiting students in school, which resulted in laws enacted in 1997. Ms. Miller said she has testified on almost every bill related to human trafficking in Nevada to prohibit human trafficking and the holding of "slaves" in Nevada. The bills were heard in 2005 and laws were enacted in 2005. In addition, Ms. Miller stated that there were federal laws that pertain to child sex trafficking victims. She stressed that ignorance is no defense in the case of a person soliciting or enticing a 17–and-half-year-old girl with false identification, and if someone was trying to entice a young person into sex trafficking in any form, under federal law, the person was in violation and could receive up to a life sentence for human trafficking of a minor. Laws were enacted in the state of Nevada that prohibit human trafficking with penalties ranging from 10 years to 20 years in prison and a fine of approximately $50,000. Ms. Miller stated that trafficking and prostitution of minors were the same. She believed that the pandering and trafficking laws should be "married" to the laws for trafficking of children so that offenders can be held severely accountable. Essentially, the panderers were selling child rape and the people buying those children were buying child rape. Ms. Miller indicated there were victims as young as 10 years old in the state's detention centers that have been sold and bought to be raped and the child was the one who was arrested and put into jail, which was a travesty. She stressed that Nevada should be ashamed for holding children accountable for the horrendous crimes committed against them by adults.

Chairwoman Leslie asked Ms. Miller if she was suggesting "marrying" the pandering and the trafficking statutes.

Sam Bateman wanted to clarify his earlier comments that human trafficking was a Category E felony for someone that was essentially soliciting, which was the "john." He believed Ms. Miller was talking about what was being done for the panderers or the pimps. Mr. Bateman believed the state had a trafficking statute that was separate from

the pandering statutes, which he has not studied sufficiently. He believed that Ms. Miller was suggesting increasing the pandering penalties to mirror what was in NRS 204.63 and subsequent statutes.

Concluding, Ms. Miller believed anyone selling a child under the age of 18, as the federal law states, should receive up to a life sentence for the offense. She stated that there were pimps on the street in Las Vegas selling children for a minimum of five times per night, every night of the week and there were children as young as 10 years old being forced into committing a vile sex act with an adult man.

Senator Cegavske stated that the federal law supersedes the state law and she wondered if both laws could be used against a criminal.

Mr. Bateman replied that essentially there were two jurisdictions – the federal U.S. Attorney General's Office and the state, and both could prosecute criminals. The state tried to maintain a good relationship with the U.S. Attorney General's Office and could decide who was in the best position to move forward, which usually had a lot to do with the jurisdiction that investigated the crime. If the federal government agency investigated the crimes then typically the U.S. Attorney General's Office would prosecute the case. Often, if the LVMPD investigated the crime, the state would end up prosecuting the crime. He noted that the two jurisdictions cooperate and there was legislation in 2009 regarding a situation where the federal and state governments were prosecuting a person at the same time for the same charges. Technically, there were two different jurisdictions and they had to be careful because if the federal government prosecutes the case first then the state government was precluded even though the crime constituted a violation of state law.

Senator Cegavske asked for clarification from Mr. Bateman and if the federal government was involved in the criminal case they had jurisdiction and the state could not go after the criminal for the crime committed in the state.

Mr. Bateman replied that the federal government and the state could prosecute a criminal at the same time. Obviously, there were internal policies in each jurisdiction; however, if they were to prosecute at the same time and the federal government resolved the case first, the state was barred from going forward under the statutes in Nevada, which was for every type of criminal case.

Senator Cegavske asked Mr. Bateman if Nevada was the only state with that provision in statute and could it be removed from statute.

Mr. Bateman replied that it varied in states and the bar could be removed to do away with the statute, which would allow the state to prosecute regardless of what the federal government did. In addition, there was also a situation where if the state secured a resolution first then the federal government was not barred by statute from following the state and doing the same thing. They could be barred by the Justice Department policy, but as far a statutory bar, that did exist in Nevada only so much as the federal

government going first on a prosecution. Certainly there was no bar from the state and the federal government proceeding on similar charges, because one was a violation of federal law and one was violation of state law.

Assemblyman Hambrick stated that in 2009, the federal authorities arrested approximately 71 individuals involved in human trafficking in Nevada and unfortunately all those charges were at the federal level. He met with the federal attorney on the issue and he regretted not allowing the state to prosecute those cases. However, the federal level does not address the victims because there was no language in statute to allow potential victims to be cared for and treated. Assemblyman Hambrick said the federal attorney indicated that he would try to coordinate more with the District Attorney if there were arrests of this size in the future.

Mr. Bateman stated that the District Attorney's Office worked hard to help the victims, specifically in the cases where the victims ended up in custody of juvenile court. Often the victims were runaways and if the state were to lose that victim they could not prosecute the people committing the crimes. He stated that there were programs for victims and the Victim Witness Center in the District Attorney's Office worked closely with victims. Mr. Bateman said the District Attorney's Office focused their efforts on victims where that may not exist in the federal government system.

Senator Cegavske asked if family members of a victim were precluded from moving forward with a civil lawsuit if the state or federal government prosecuted criminals.

Mr. Bateman believed legislation was passed during the 2009 Legislative Session giving statutory remedy of a cause of action to victims of sexual abuse. He believed there was legislation passed on the issue and although not certain, he did not believe family members were precluded from proceeding with a civil lawsuit.

Chairwoman Leslie asked Orrin Johnson from the Washoe County Public Defender's Office his opinion on marrying the pandering and trafficking laws.

Mr. Johnson replied that he was not as familiar with the trafficking statutes; however, he believed that marrying the pandering and trafficking laws was a step in the right direction because the horrific stories mentioned at the meeting should be prosecuted as fairly as possible and the trafficking statutes were the best way to do that. Mr. Johnson said he would like to see unification between the statutes, which would also remove inconsistencies in the law.

Chairwoman Leslie asked Mr. Johnson to look at the issue with the Public Defenders to see if it was viable and good to marry the trafficking and pandering statutes.

Chuck Callaway, Sergeant, LVMPD, stated that the department agreed with enforcing stricter penalties in regards to pandering and child prostitution and supported efforts in that area. He noted that blending the pandering statutes with the trafficking statutes was something he would like to discuss with the Vice Unit of the LVMPD. Mr. Callaway

was aware that Lieutenant Karen Hughes provided an in-depth presentation to the committee at a previous meeting regarding the Department's history and experiences in enforcing prostitution and child pandering laws in Las Vegas, and he wanted to get the opinion of the Vice Unit since they were in the trenches dealing with the issues.

Chairwoman Leslie asked Mr. Callaway to consult with law enforcement to see if there was advantage to be gained by marrying the statutes. She noted that everyone was after the same goal, but it was how to achieve that goal while still protecting the rights of people.

Susan Roske, Chief Deputy Public Defender, Juvenile Division, Clark County Public Defender's Office, stated that her office represents a vast majority of girls arrested for prostitution related offenses and were victims of human trafficking. Under federal law, any person involved with pandering was committing human trafficking. She explained that if a child is under 18 years of age, whether or not they were transported in any way, they were victims of human trafficking. Ms. Roske stated that the victims of human trafficking under state's laws were treated as criminals in the community, arrested, chained, and booked in detention facilities. Ms. Roske was opposed to the treatment of human trafficking victims in Nevada.

Chairwoman Leslie asked Ms. Roske her views of what needed to be changed in law to address the human trafficking issues or did she believe it was a policy issue with the prosecution.

Ms. Roske believed the committee needed to address the treatment of victims of child prostitution and more money was needed for better treatment facilities and resources for these children. She noted that the victims tend to runaway and most were victims of horrible abuse and neglect and many were in the foster care system. The victims needed to be safe and protected and holding them in detention facilities was re-victimizing them.

Chairwoman Leslie asked Ms. Roske to consult with her colleagues about the idea of blending the pandering and trafficking statutes and to identify where the overlaps were and the best way to approach the issues.

Senator Cegavske asked if Ms. Roske was suggesting a safe haven for victimized children to determine their physical and mental needs. She asked if legislation had to be changed so things could be done differently. Senator Cegavske added that Judge William Voy was trying to put together a group home for victims, but there were still steps the victims had to go to before they could go to the home. She wondered how services for the children could happen with the current economic situation of the state and nation.

Teresa Lowry, Assistant District Attorney, Clark County District Attorney's Office, stated that the Clark County Juvenile Justice System Partners have been working together for a number of years on this issue. She stated that Judge William Voy, Ms. Roske, and

the juvenile justice system wanted to advise the committee that it was their intention, as the Juvenile Justice Partners, to come before the Legislature during the 2011 Legislative Session with specific legislation directed at the victims of pandering and trafficking with ways to treat the victims in a safe and secure environment, because treatment and safety for those victims helps ensure successful prosecution of the offenders. Ms. Lowry stated that the Juvenile Justice Partners intended to draft specific legislation that was comprehensive, broad reaching, and had support of all parties involved to combat the problem of child prostitution.

Chairwoman Leslie commented that the committee only had one policy meeting left, which would probably be held in June. The final meeting of the committee would be the work session meeting in July.

VI. PRESENTATION CONCERNING REQUIRING PUBLIC NOTICE FOR HEARINGS ON SIBLING VISITATION, PURSUANT TO *NEVADA REVISED STATUTES* 127.2827, RELATED TO ASSEMBLY BILL 364.

Chairwoman Leslie said the committee would hear Agenda Item VI later in the meeting since the presenter, Juvenile Court Master Buffy Dreiling, was not currently present at the meeting.

VII. PRESENTATION CONCERNING THE RELEASE OF DATA OR INFORMATION COLLECTED PURSUANT TO *NEVADA REVISED STATUTES* 432B.290 FOR USE IN PROCEDURES TO ESTABLISH MINOR GUARDIANSHIPS PURSUANT TO NEVADA REVISED STATUTES 159.

Jeff Martin, Chief Deputy District Attorney, Washoe County District Attorney's Office, stated that he was in charge of the Child Welfare Unit, which handled juvenile dependency proceedings. Mr. Martin began his presentation by saying he was present at the meeting on the guardianship issue and he has spoken to Judge Debra Schumacher, District Court Judge, Washoe County Family Court, in regard to the issue. Judge Schumacher was unable to attend the meeting due to prior commitments and asked him to speak at the meeting regarding minor guardianships. Mr. Martin stated that a guardianship bill was passed during the 2009 Legislative Session which necessitated greater social services involvement in the granting of guardianships. Specifically, people that filed petitions for temporary guardianships were required to provide documentation to the court in regard to various issues, such as why the guardianship was needed. Mr. Martin noted that one of the statutory requirements in terms of a general or temporary guardianship was that the petitioner was required to provide documentation whether the proposed ward faced substantial and immediate risk of harm; whether the proposed ward presented a danger to himself or others; or whether the proposed ward had been subject to abuse or neglect. Mr. Martin noted the way the statute was worded that documentation could be provided by a government agency which conducts investigations. When looking at a guardianship of a minor child, the government agency that conducts investigations was the local child welfare agency, and in Washoe County that was the Washoe County Department of Social Services.

Continuing, Mr. Martin stated that there were ongoing discussions between social services and Judge Schumacher about becoming involved in the guardianships and making certain recommendations to the court. Mr. Martin understood the court's position that they liked social services involvement because it was not a juvenile dependency case, but some sort of oversight was needed to know what the parents and guardians were doing. Mr. Martin stated that the dilemma at that point was the confidentiality provisions that apply to information kept by the Department of Social Services and the local child welfare agencies, specifically data or information concerning reports of abuse or neglect were statutorily confidential under NRS 432B.280, which prohibited the release of data or information concerning reports and investigations of abuse or neglect and actually makes the disclosure of such information a misdemeanor. Under NRS 432B.290, Section 6, was the confidentially provisions of NRS 432B and sets out some exceptions of at what point social services can reveal information. Mr. Martin noted that his review of the statute was that there was no exception that necessarily applied to a situation when someone was applying for a guardianship and were not the guardian yet, but needed the information in order to file their guardianship petition. Mr. Martin could not find an applicable exception to their confidentiality, so technically if the department was to release the information absent a court order, it would be in violation of confidentiality statutes. Mr. Martin explained that Judge Debra Schumacher and her law clerk drafted a proposed change to NRS 432B.290, allowing social services to reveal information to the court for persons petitioning for guardianship or proposing a successor guardianship if there was a guardian already in place. He noted that the statutory change would fix something that perhaps was an oversight in the 2009 Legislative Session.

Chairwoman Leslie asked Mr. Martin if he had anything in writing that showed the draft changes suggested by Judge Schumacher.

Mr. Martin replied that he did not have anything to give the committee; however, the proposed legislation stated that social services may, for purposes of a guardianship under Chapter 159, provide information to a proposed general, special, or emergency guardian, or person who intends to file for an appointment of a general, special, or emergency guardian of a minor child, pursuant to Chapter 159. In addition, the proposed legislation allowed social services to provide information directly to the court allowing the court to make a determination whether that guardianship should enter under Chapter 159. The information could be revealed to the parents and child if the child was at least age 14, because under the guardianship statutes, children over the age of 14 were required to consent to a guardianship. Mr. Martin stated that he reviewed the proposed legislation with Judge Debra Schumacher and her law clerk and believed it provided a sufficient fix for the current legislation.

Chairwoman Leslie called for a brief recess at 10:39 a.m. The meeting was reconvened at 10:51 a.m.

VIII. PRESENTATION CONCERNING JUVENILE CERTIFICATION: LATEST RESEARCH, STATE TRENDS, AND BEST PRACTICES.

Liz Ryan, President and CEO, Campaign for Youth Justice, stated that the Campaign for Youth Justice was a national organization working to reduce the number of youth prosecuted in adult court and to promote more effective approaches in the juvenile justice system. She noted that youth in adult court were a population that "falls through the cracks." Youth were not considered part of the juvenile justice system and there was little advocacy on behalf of this population, which was actually the reason for the Campaign for Youth Justice organization.

Ms. Ryan noted that she would briefly share the latest research findings on youth in the adult criminal justice system and legislative and policy trends from across the states. In addition, she would provide preliminary ideas about policy options for the committee to consider as they explore ways to address the critical needs of children in Nevada.

Ms. Ryan stated that according to the latest research, 200,000 youth were prosecuted in adult court every year; approximately 10,000 youth were held in adult facilities; approximately 7,000 youth in adult jails; and 3,000 youth in adult prisons. The consequences of an adult conviction for youth were serious, harmful, and had long lasting effects on youth, and many youth received the same punishments as adults. Unfortunately in the majority of states across the country, youth could be placed in adult jails pre- and post-trial, sentenced to serve time in adult prisons, or be placed on adult probation with little or no rehabilitative services. Youth were also subject to the same sentencing guidelines as adults and may receive mandatory minimum sentences or life without parole. When youth leave jail or prison, are on probation, or have completed their adult sentences, they carry the identical stigma as adults of an adult conviction and for many youth it was very difficult to get a college education or further employment opportunities as they were denied admissions based on their felony conviction.

Ms. Ryan stated that from the data currently available contrary to popular perception, the overwhelming majority of juveniles who enter adult criminal court, even those who are ultimately convicted, were not there for serious violent crimes. National data showed that as many as half of the young people transferred to adult court were sent back to the juvenile justice system or not convicted. In addition, there was overwhelming research released over the past three years that showed that prosecuting youth in adult court actually increased the likelihood that the youth would reoffend.

Ms. Ryan noted that page 19 of Exhibit A, showed reports released by the federal Centers for Disease Control and Prevention (CDC), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and Brookings Institution. The reports looked at transfer policies and examined every available transfer study conducted around the country, either by a government agency or a research institution, and have comparable sets of young people in the juvenile system and the adult system and control for offenses and backgrounds. After accessing all the research, the CDC report recommended against laws and policies that facilitate the transfer of youth to the adult

criminal justice system. Ms. Ryan stated the CDC concluded that young people who were prosecuted in adult court were 34 percent more likely to reoffend than youth retained in the juvenile justice system for similar crimes. The OJJDP, which was the federal home for juvenile justice at the Department of Justice, did a similar study that was released in 2008 with similar findings. After reviewing the research, the OJJDP concluded that to best achieve reductions in recidivism, the overall number of juvenile offenders transferred to the criminal justice system should be minimized. Ms. Ryan stated that in light of the research, particularly the recidivism data, a number of states have begun to reexamine and change some of their policies related to the transfer of youth to adult court. With broad bipartisan support, a number of states have focused on reducing the prosecution of youth in adult criminal court and reducing or ending the placement of youth in adult jails and prisons. States have established legislative committees or new commissions or used existing commissions to reexamine the state's policies. She noted that some of the policy reforms that states have undertaken or are considering undertaking were:

- Looking at the age of which youth can be eligible to be considered in adult criminal court, which Nevada did in the 2009 Legislative Session.
- Changing the types of crimes for which youth can be eligible to be considered in adult criminal court.
- Ending the automatic prosecution of all youth at certain ages in adult criminal court, such as at age 16 or 17.
- Narrowing the circumstances under which youth can be placed in adult jails pre-trial.
- Removing youth from adult jails and prisons pre-trial and post-conviction.
- Providing adult criminal court judges additional discretion on whether to send youth back to the juvenile court rather than continuing prosecution in adult court.
- Changing the law to disallow youth to be subsequently tried in adult criminal court if they have been tried in adult court once.
- Disallowing adult mandatory minimums from applying to juveniles.

Ms. Ryan indicated that the Campaign for Youth Justice has documented a number of the reforms in states, which were available at www.campaignforyouthjustice.org. Also, a report would be released in late 2010 that would provide detail about the specific policy choices and options that a number of states have undertaken. Ms. Ryan expressed that the Campaign for Youth Justice was happy to put the committee in touch with the authors of the OJJDP and the CDC reports so they could talk to the researchers directly. Additionally, Ms. Ryan stated that the Campaign for Youth Justice, along with a number of other organizations, have commissioned polling to understand where the public stands on these types of issues and what they found was that the public strongly favors investment and rehabilitation of youth. The public strongly opposed placing youth in adult jails and prison, and while there were mixed reviews on whether or not youth should be transferred to adult court, the polling suggests that the public wanted fairness for youth and wanted youth to be seen by judges rather than the automatically prosecuted in adult court.

Concluding her testimony, Ms. Ryan stated that the Campaign for Youth Justice was pleased to be a resource to the committee as they consider these issues and potential policy reforms in the state. One of the preliminary things the Campaign for Youth Justice has done was to see if there was available data in Nevada. Since there appears to be limited data, the committee may want to consider commissioning a research study collecting data of youth in adult court like the data that was available for youth in the juvenile system from the juvenile justice experts in Nevada. However, youth that were automatically placed in adult court was a population that was not often collected in the data sets.

Chairwoman Leslie thanked Ms. Ryan for her insightful presentation. She was aware that Judge Frances Doherty also asked for the topic to be put on the meeting agenda and would provide testimony on the issue later in the meeting. Chairwoman Leslie said the studies provided by Ms. Ryan showed overwhelming evidence of what happened to youth in the adult criminal justice system.

Ms. Ryan replied that the studies she provided were not available at the time policy-makers in many states changed the laws. Currently, studies have been released by a variety of experts that conduct impartial research and there was a strong consensus in the research community on the impact of those laws. She believed some states have looked at youth convicted as adults – whether they were first time offenders, types of crimes, and if they were repeat offenders – and they were surprised to see a lot of first time offenders, so there were things that could be looked at in a research study. Ms. Ryan believed the net was widening for youth – youth were being prosecuted unnecessarily in adult court and could be better served in the juvenile system.

Chairwoman Leslie stated that studies showed that first time youth offenders were the wrong people to send to adult courts and jail. She said that youth committing crimes were not thinking about being tried as an adult for the crime, so it did not have the deterrent effect, either individually or collectively. She stated that Ms. Ryan showed areas other states were looking at and asked her advice and recommendations on where the committee could begin to address the issue.

Ms. Ryan replied that she looked at Nevada's public data and there was limited data on that population of youth; therefore, it was too early for her make any recommendations. However, she thought the committee could take some process steps, like seeing if the state's statistical analysis center could provide data on youth in adult courts, not necessarily youth who were sent there by judges, but youth that went to adult court as a result of the state's automatic exclusion law. In addition, Ms. Ryan suggested the committee consider either doing a one-day count of youth in adult jails, pre-trial or visiting some facilities, such as a jail or High Desert Prison where youth were held to get a sense of where youth were placed, what services were provided, and how that compared to what the state's juvenile justice system provided. She believed every state had a statistical analysis center that was federally funded and received some U.S. Department of Justice resources for that type of study.

Rex Goodman, Program Analyst, Fiscal Analysis Division, stated that he was aware of the statistical analysis center in Nevada; however, he was unsure of their name. He added that the Fiscal Analysis Division received a publication from that office and he could get in touch with them.

Ms. Ryan replied that the Campaign for Youth Justice would be happy to offer advice on research questions from the research analysis center or provide specific data sets for collection information even if they only looked at a couple counties in the state.

Chairwoman Leslie stated that she previously staffed a committee and testimony was provided by the Department of Corrections on how difficult it was to work with the youth in the prison system.

Assemblyman Hambrick stated that the Nevada Juvenile Justice Commission was negotiating with a private entity to supply police officers in the state with a juvenile Miranda warning, particularity for status offenders, in an effort to solve that issue. In addition, there was ongoing dialogue with Chief Justice Parraguirre regarding underwriting training for prosecutors, defense attorneys and judges dealing with youth issues, because they were aware that a 14-year old mind was different than a 30-year old mind, so the issues were slowly being addressed.

Mr. Bateman added that the District Attorney's Office collected data on juveniles that would be beneficial to any reports being conducted on Nevada, specifically regarding youth in Clark County. He indicated that the District Attorney's Office would be happy to assist any entity that wanted to compile a report on how to deal with juveniles when they come into custody; youth that were certified; type of crimes; and criminal history of those individuals before seeking certification. He believed it would be enlightening to everyone to get the full flavor of everything that was going on in Clark County.

Ms. Lowry stated that she briefly reviewed some of the research provided by the Campaign for Youth Justice and said there was a comment from the Brookings Institution that indicated there were appropriate cases for adult jurisdiction for juveniles, specifically with repeat violent offenders. However, because of the interest in certification by the Legislature, the District Attorney's Office keeps extensive data, such as age upon entry, race, gender, and prior history for youth placed in the adult system, which she would be happy to share with the committee.

Chairwoman Leslie asked if the District Attorney's Office kept statistics on the recidivism rate for youth released from prison.

Ms. Lowry replied the one piece that was challenging were youth that were addressed in the juvenile justice system and then reoffend as adults. She stated that prosecutors were tracking the data that showed the recidivism rate of adults who were previously in the juvenile justice system.

Chairwoman Leslie said she was also interested in the opposite, which the study showed in controlled studies youth certified for adult court actually recidivated at a higher rate than youth kept in the juvenile justice system.

Mr. Lowry replied that there was an opportunity to look at that data specific to Clark County in partnership with the Juvenile Justice Partners and the adult criminal division.

Chairwoman Leslie commented that the national studies have been replicated and it would be interesting to see if Clark County's results mirrored the national studies.

Senator Wiener wondered if there was any way to track data that perhaps the District Attorney's Office could look at – the escalation of behavior in youth delinquents to the criminal patterns in the juvenile setting.

Ms. Lowry stated that the Department of Juvenile Justice tracked data on the average number of referrals to their department and the services provided. Typically, services included probation, more intensive programs, and Spring Mountain Youth Camp. However, with the recent closure of Summit View Youth Correctional Center, the state no longer had a secure facility as an option in the juvenile justice system and when looking at options and adult certification, the more options there were in the juvenile justice system the more opportunity there was to keep youth in a secure facility.

Chairwoman Leslie believed it was a bad idea to close Summit View Youth Correctional Center; however, she was assured youth could be served by other state institutions. She agreed that the Summit View Youth Correctional Center was an important resource for youth in the state.

Scott Shick, Chief, Juvenile Services, Nevada Association of Juvenile Justice Administrators (NAJJA), Douglas County, noted that juvenile justice administrators across the state support the presumptive certification law that put youth with serious violent offences, repetitive violent offences, and sexual offenders in the adult arena. Based on the nature of the offense and if a hard correctional attitude was necessary, being in the adult system gets the youth off the street. He noted that discretionary certification was a different piece and there has been conversation on reviewing the policies and legislation that drives that certification. He noted the NAJJA addressed this issue approximately five years ago when Kirby Burgess and Leonard Pew were still involved in the juvenile justice system, with respect to a proposal for blended sentencing, which they were opposed to at that time. He believed that anytime the juvenile justice system supported the federal position that youth were better off served in the juvenile justice system, and if they contacted youth currently in the adult system that were certified, they would find a great desire for education and the things they have missed and there were probably a lot of regrets in respect to how it has played out for them. Currently, Mr. Shick stated there was a youth in the adult system in Douglas County and they were working with him in conjunction with state parole in

respect to his needs, which was an eye-opener in terms of what the youth had not achieved and what he was facing for the rest of his life.

Chairwoman Leslie thanked Mr. Shick for his testimony. She recalled the previous discussion about blended sentencing. She asked Mr. Shick if he has seen any of the research material that was included in the meeting packet. Mr. Shick replied that NAJJA frequents those documents along with the Office of Juvenile Justice Delinquency Prevention reports. In addition, NAJJA received the documents from the detention reform initiative and also referenced the Adam Walsh laws in respect to sex offender law and mandates.

Chairwoman Leslie noted that one study indicated that youth, including sex offenders, were more likely to get treated in the juvenile system rather than the adult system, which she agreed with knowing the two systems in the state of Nevada. She believed there was more of a chance of rehabilitation and treatment in the juvenile system rather than the adult system.

Mr. Shick agreed that treatment attitude was well preserved and implemented in the juvenile justice arena and youth were individually assessed for needs such as education, family, and criminal history. He believed administrators in Nevada, private, state, and governmental agencies were trying to get what youth needed quickly because of the risk factors.

Chairwoman Leslie stated that studies showed youth get lost in the adult system and do not receive the treatment needed, and furthermore, many youth were victimized in the adult system. She was aware the adult prison in Nevada kept younger children away from the adults. She asked Mr. Shick if that was a concern for him and his colleagues.

Mr. Shick replied when a young person was placed in the adult system they had to rise to the environment and learn how to survive in the adult environment, which included association with and attachment to other criminals in that system. Even with the separation of youth and adults, there was an attitude and youth learn more, suffer depression, regrets, and anger increases as a result of the comparison – what it could have been, what it was now, and the reality of where they were at and what they had to adjust and adapt to.

XI. PRESENTATION ON THE JUVENILE JUSTICE PROGRAMS PROVIDED AT THE BETTY K. MARLER YOUTH SERVICES CENTER, OPERATED BY THE RITE OF PASSAGE.

This agenda item was taken out of order.

Ernie Adler, Corporate Counsel and Governmental Representative, Rite of Passage Schools (ROP), stated that he was asked about special treatment programs for delinquent young women. He noted that ROP provides at-risk female and male youth with residential and non-residential programs, services and opportunities. Mr. Adler

said there was a lot on emphasis on punishment for youth and ROP's emphasis was geared more toward treatment and prevention. He said that 80 to 90 percent of the young women in the Betty K. Marler Youth Services Center (Marler Center), operated by ROP, were victims of sexual assault.

Lawrence Howell, Executive Director, ROP, said he was a 20-year veteran of ROP with experience planning and directing the residential and non-residential operations. In addition, he is the current Vice President of the Nevada Association of Juvenile Justice Administrators, China Spring Youth Camp and Aurora Pines advisory board member. He appreciated the opportunity to have robust dialogue on child welfare and juvenile justice issues in Nevada. Mr. Howell explained that he wanted to present on gender specific services and promising practices that address issues of mental health, substance abuse, trauma, and their relationship to criminal conduct behaviors. Mr. Howell introduced Pat Kirk, Juvenile Justice Program Consultant, ROP, who had 30 years plus experience in operating and managing programs for adjudicated youth in the juvenile justice system. Ms. Kirk has taught seminars and courses through a Fulbright Research/Lecturing Grant on comparative criminal justice systems. In addition, Mr. Howell introduced Laura Shipman, Program Director, Betty K. Marler Youth Services Center in Denver, Colorado. He noted that Ms. Shipman had 13 years of experience designing and operating female-focused programs, including 5 years as the Director of the Marler Center.

Mr. Howell stated that ROP was established in 1984, and currently operates in Douglas, Lyon, and Clark Counties. There are 13 residential facilities and 4 non-residential programs across the country, which included the state of Maryland and California. Rite of Passage has 26 years of experience working with youth and over 25,000 youth have gone through ROP programs. Currently, ROP employs 879 full-time staff members and provides programs and services to 1,200 male and female youth in residential programs, with many more in non-residential programs. Mr. Howell referred the committee to the handout Gender Response Programs for At-Risk and Delinquent Young Woman, Rite of Passage (Exhibit D). He noted that page 3 displayed a visual of the Western Region, which included California and Nevada, with six residential programs and three non-residential programs; Southern Region, which was primarily Arizona with two residential programs; Eastern Region, which was Maryland and Indiana, with one residential program and one non-residential program; and the Mountain Region, which was Aurora, Denver, and Durango, Colorado, with four residential programs and one non-residential program, currently serving males and females in secure and non-secure facilities, and in community programs across the country. Mr. Howell noted that his intent was to review what was being accomplished in other states that could be done in Nevada with the existing facilities and programs.

Chairwoman Leslie commented that ROP was not at the meeting because the committee was unhappy with the Nevada programs, but to see if the programs could be made better, specifically for females who were underserved in the past. Chairwoman Leslie asked Mr. Howell if the programs in Douglas, Lyon and Clark Counties were all residential programs. Mr. Howell replied that there was a

non-residential community-based program in Clark County for boys and girls, currently funded based on the individual needs of youth. Programs were offered through Medicaid and the probation department and social services were referring youth, which were provided services in their homes or through an evening learning center. In addition, there were mentors and trackers providing out-patient services in Clark County. Lyon County currently had a residential program, Silver State Academy, with 200 youth; approximately 100 of the youth were from Nevada. The Douglas County program included two group homes licensed through the DCFS, which included a private school currently providing non-residential services to youth. Mr. Howell stated that over half of the youth in the Nevada ROP programs were from Nevada with approximately 20 youth from Clark County. He indicated that Clark County had an evening learning center through Clark County Probation, and the funding stream was eliminated resulting in the closure of an extremely successful female program and boys evening learning center. Therefore, ROP evolved and instead of completely shutting down the program they were able to provide services tied to funding, and if the youth were Medicaid-eligible, they were provided as many services as possible. Previously, it was a court referred program and at times ROP had 12 to 14 females in the program in lieu of detention.

Senator Cegavske asked about the charge for services for out-of-state youth versus in-state youth. Mr. Howell replied there was no difference in charges for in-state or out-of-state youth. He indicated that the charges depended on the services youth were receiving and the individual needs of the youth. If the assessments indicated that youth needed to have a certain level of service that was above and beyond what the rest of the youth were receiving, then the rate could change, but there was a base fee for services charged for each youth in ROP placement. However, there were exceptions and there could be a higher charge if a youth needed to see a psychologist on a weekly basis. He explained that the services for Nevada youth were through Medicaid; Utah, California, and Indiana youth were paid through Title IV-E; Maryland youth were paid through Division of Youth Corrections funding; and the charges depended on the funding of the individual agencies.

Senator Cegavske asked the particular instances that out-of-state youth would come to Nevada for services. Mr. Howell replied that most states that send youth to Nevada do not have services in their state. For example, he stated that Indiana had no academic model, evidence-based programs; therefore, the state utilized ROP. In addition, Minnesota youth were not allowed to go to a non-evidence-based program, so the state cancelled every contract with service providers and they had to reapply to be eligible to serve Minnesota youth. At that time, there were 48 providers in Minnesota and by the end of the year only 3 programs in the entire country met the qualifications; 2 in-state and 1 out-of-state. The out-of-state program deemed appropriate for Minnesota youth was in Lyon County, Nevada. Mr. Howell stated that Nevada was currently anticipating a request for a youth from Minnesota to come for services in Lyon County.

Senator Cegavske commented that she had an issue with the funding for out-of-state youth coming to Nevada. She said that many were aware of the costs to send people

from Nevada to out-of-state programs and it perplexed her to hear that other states did not have to pay more when they sent youth to Nevada for programs and services.

Laura Shipman, Program Director, Betty K. Marler, ROP, stated that ROP's vision was to create a female responsive system, public and private, that was fundamentally gender-specific in philosophy in all aspects of programming and service delivery. She noted that effective female responsive services started with design, implementation, and evaluation. She directed the committee to page 6 of the handout, Gender Responsive Programs (Exhibit D), which was provided by Rebecca Maniglia. Ms. Shipman noted the Ms. Maniglia stated that research and knowledge was needed on female socialization to understand female development and the ways in which girls socialize, in addition to understanding the risk and protective factors that bring girls into the juvenile justice system.

Ms. Shipman stated that she would discuss six gender-specific program components that the Marler Center has instituted, which were supported by research. She explained that the first component was safety, which seemed elementary to some people, but youth needed to be safe in facilities. When there were programs in facilities in which the youth were not safe, emotionally, physically and psychologically, no work could be done, therefore that had to be the first step of the program, which often took time to get in place. The second important component was a relational approach. She stated that girls were relationship-based and would forfeit rules and put themselves and other people in danger to hold on to relationships. Ms. Shipman explained that rules were not important to girls and the high archival structure of a program was not as important to them as their relationships inside and outside the program. Therefore, the Marler Center wanted to build relationships with the young girls in a way that was healthy and non-exploitive and they had to have the right people to do that to help the girls with their existing relationships.

Continuing, Ms. Shipman stated another important issue was that programs needed to be strength-based. Many girls were described as being out-of-control, dramatic, backstabbers, and gossipy, and if these were the stereotypes, labels and diagnosis being used, the girls loved it because it defined them. Ms. Shipman said that research-backed skills needed to be taught around developing healthy relationships and sustaining them and teaching co-social skills would be beneficial to girls. In addition, the Marler Center made sure the girls were getting their academic needs met. The education and vocation were outlined for the girls, but they also needed to empower the girls because they have been disempowered because of the situations they came from and one of the ways they do that was by giving girls a voice in the program in what works for them. Another piece important in a female responsive program was to have trauma-informed services. Ms. Shipman stated that most of the young women coming through the Marler Center have been involved in a significant traumatic event, if not multiple traumatic events, and together with trauma was the complex relationship with mental health and substance abuse issues and addressing the trauma helped modulate the emotions of the girls. Unfortunately, Ms. Shipman stated as they start to get into the trauma, there were a number of images and memories that return and the girls needed

to be able to contain their emotions and feelings, because although they were working on trauma, they still had to be successful in the other areas of their life.

Continuing, Ms. Shipman stated another important component was the importance of addressing the health needs of the girls. Many young women have had inadequate healthcare because of the things they have been subject to, which related to the trauma and often girls had sexually transmitted diseases and other health complications. Ms. Shipman said it was important that young women develop a health and wellness plan, meaning they get traditional medical care. In addition, girls needed to know the importance of exercise, because one of the things experts know about basic exercise was that it helps with low-level mood disorders and mental illness and exercise was something the girls could take with them. Another issue in the juvenile justice system was that they tend to feed for boys, and the calories the girls were getting were extremely high, and if a young women could not fit in her pants it was not helping with her self-esteem. Therefore, the Marler Center wanted to work on nutrition as part of the health concept, in addition to the girl's physical, emotional, mental and spiritual needs. Ms. Shipman stated the program had to be very comprehensive and all aspects were interconnected.

Concluding, Ms. Shipman stated that the last piece of the gender-specific program components was a culturally-competent approach. She noted that many of the young women in the Marler Center come from a variety of cultures and lacked knowledge of their history and do not honor or embrace their heritage. The program needed to assist them with that and help them celebrate their life, which included diverse staff and people in the community that could be strong role models.

Pat Kirk, Juvenile Justice Consultant, ROP, stated that she has worked with Ms. Shipman for the last five years in developing the Betty K. Marler Youth Services Center. Providing some background, she indicated that Betty K. Marler was the former Director of the Colorado Division of Youth Corrections and has advocated tirelessly with the Colorado Legislature on behalf of young women in the juvenile justice system. In the late 1990s, Ms. Marler was able to attain funding to design and build a facility for young women in the juvenile justice system, which was located on the grounds of a secure campus, Mount View Youth Services in Lakewood, Colorado. Ms. Kirk noted that facility was the only state-owned, 41-bed, licensed secure facility, designed and built in 2000 specifically for girls. She indicated that the architectural firm that worked with the state designed the building with girls in mind and has been privately operated since it opening. In 2005, ROP was awarded the second contract from the Colorado Division of Youth Corrections to operate the facility. Recently, ROP competitively bid again and was awarded another five-year contract. During the past five years ROP has provided services to over 400 adolescent female offenders.

Directing the committee to page 14 of Exhibit D, Ms. Kirk stated the page showed the depth of the needs of the young women served in the program. She reiterated that many of the girls were dealing with health issues in terms of disordered eating patterns, self-harming behaviors, and have a mental health diagnosis and a need for substance

abuse treatment. She noted that the substance abuse and mental health diagnosis often went together as co-occurring disorders, and often the girls were abusing substances to self-medicate to deal with their trauma. In addition, there were a high number of girls involved with gangs or were gang associates. Many girls have experienced disruption in their academic lives, and as a result, have been diagnosed as special education students or emotionally and behaviorally disturbed.

Continuing, Ms. Kirk stated that the average length of stay for the young women successfully exiting the Marler Center is 12 months; however, some youth require lengthier stays, particularly aggravated offenders, chronically mentally ill and violent offenders. The Colorado client managers who place girls at the Marler Center were extremely pleased with the services that the program offered and tend to want to leave the girls in the center longer because it was the first time in their lives that girls have not run from a program, they were safe for the first time, and could face their trauma, and work on family issues. Ms. Kirk stated that in the past year, 41 percent of the young women were paroled home or to the home of a relative; 54 percent transitioned to a "step down" program in the community; and 5 percent were discharged to live independently, which speaks to the importance of having a balanced continuum of care in the state and the need for secure community-based beds, as well as the non-residential beds.

Ms. Kirk said the Marler Center offered evidence-based programming core groups for substance abuse and cognitive behavioral therapy, along with a variety of specialized psycho-educational groups. In addition, the center contracted for sex offender-specific services because there was and small number of girls that enter the center as sex offenders. The academic programming was offered through a charter school operated by the Denver Public Schools and three career pathways were offered: horticulture, computer technology, and culinary arts.

Moving to program outcome data, Ms. Kirk indicated that the Colorado Division of Youth Corrections was required to submit an annual recidivism study to the Colorado State Legislature, which looked at old and new filings of young women, not just arrests. She noted it was found that young female offenders do not return to the justice system at the rate of their male counterparts; females discharged from the Marler Center had a 22 percent rate of recidivism compared with 42 percent for males. While recidivism was important, Ms. Kirk believed that there were other program outcome data and factors that lead to community success to consider. She noted that 13,216 hours of evidence-based programming was provided to young females at the Marler Center. Key performance indicators for 2009 indicate that among 30 program exits; 80 percent of girls successfully graduated/completed the program; 30 percent received their high school diploma or GED while in the program; and 100 percent of successful exits received vocational training and/or certifications.

Ms. Kirk stated that a 2001 report issued by the American Bar Association and the National Bar Association, Justice by Gender, stated that, "There is a 'glaring dearth' of prevention and treatment programs for girls that are appropriate, developmentally

sound, culturally competent, and gender-specific." Ms. Kirk stated that the juvenile justice system was aware that girls have been historically under-served. She was ashamed to say that during her time working with the Division of Youth Corrections, there were days when they wondered what to do with the girls and workers would take a boys program and remove the urinals and paint it pink to make it a program for girls. Ms. Kirk said the Marler Center took the challenge by the American Bar Association very seriously and began to look at the bed capacity needs for girls in Colorado, and looked at the notion of the continuum of care and if there were enough beds and programs that offer preventative services, community-based programs, and secure programs. In 2001, an assessment was done in Colorado on the needs of the committed delinquent girls along with girls at risk of becoming delinquent. She noted Sociology Professors from the University of Colorado, Boulder, helped them look at what was being offered geographically in the state and conducted focus groups and interviews with the pre-adjudicated girls, committed delinquent girls, and girls at the risk of becoming committed to really see what girls believed they needed. Ms. Kirk said the key findings of the assessment were: girls experience extremely chaotic and traumatic lives; the significant role that drug/alcohol addiction played in their lives; the importance of gender-specific programs for girls and training for the staff who work with girls; the significantly fewer programs available for at-risk girls compared to delinquent girls; the importance of "life skill" programming for girls; and the need for better intervention in the education and family lives of girls. She noted the common themes found in the study were: girls often get committed before they receive help; girls want and need more health education and services; some girls in youth corrections should be and can be getting help elsewhere; and girls receive fewer opportunities and less funding than boys in the system.

Mr. Howell concluded that ROP provided a variety of services and there was a wide variety of views across the country of what to do with juvenile justice. He noted that ROP believed strongly in evidence-based programs and using the assessed needs of the youth and providing appropriate services for those needs. Mr. Howell said that there were many studies that showed if youth are put in a program that exceeds their needs, their recidivism actually increases because of the protective and risk factors. There was a higher chance of recidivating if a protective factor was family and youth were removed from access to the family. If school, education and vocation were strong for a youth and they were removed from that protective factor and placed into an adult facility that does not offer services for those youth, the recidivism rate increased for youth in the future. Mr. Howell explained that in December 2009, ROP started a pilot program in Imperial County, California, which was the most depressed county in America, and in lieu of placements, county assessments were conducted on every person in juvenile detention. The youth that met the assessed needs attended an evening learning center and were assigned a ROP mentor instead of being sent out of the county, which had no services. He stated that after four months into the program, less youth were recidivating, saving the county $150,000 per month in placement costs. Therefore, the most depressed county in the United States assessed youth when arrested, and if appropriate, pulled those youth out of juvenile hall and placed them in a program. If youth did not make it in the program or the evening learning center, then

they moved forward with what was previously done. Mr. Howell indicated that Clark County was going to cancel the evening learning centers because of the budget crisis, which would cost the state more in the long run. He added that in Baltimore, Maryland, a juvenile could steal 15 cars and assault someone and not be placed into juvenile hall because there was no room. Mr. Howell stressed that prevention at the community level was important and youth should go where they could receive services based on an assessment and needs, not based on where there was an open bed or just what was available at the time.

Chairwoman Leslie concurred with Mr. Howell and said it was sad that the juvenile justice system was making decisions based on where there was an open bed instead of meeting the needs of the youth.

Senator Wiener asked Mr. Howell to address the components of safety and relationships and building trust because she believed those were two critical components for female youth. In addition, she was concerned about the runaways and homeless youth in Clark County due to the unemployment situation in the state. However, it often took three or four years to build a level of trust with youth who were abuse survivors because they have adapted to not allowing change in their life.

Ms. Shipman responded that the advantage of the Marler Center was that it was a secure setting, so once the young women were admitted, it was difficult to runaway or escape. Often, Ms. Shipman struggled with some of the girls that were behind a locked door due to the reasons why they were there. However, one advantage was when they started to address the issues there was no place to go, so the girls eventually had to look at their issues, although they could still emotionally runaway, pull the covers up and refuse to come out for the day. Ms. Shipman stated a continuum of care and other resources connected to ROP were offered to youth, like a community advisory board that could help youth pay back some of the tuition so they could get into college, help with applications or provide a dormitory setting for youth that did not have the option to return to a healthy home. Ms. Shipman noted that staff tried to maintain a relationship with the youth and were available 24 hours a day, 7 days a week, so youth could call them at any time. In addition, the Marler Center had two alumni functions annually, which approximately 20 youth attended. Youth could ask for support for tuition and living arrangements, because being consistent and non-exploitive was healthy for youth, which included being there even when they were not making the best decisions. Ms. Shipman added that it had a lot to do with training for staff, remembering the youth had to make their own decisions.

Senator Cegavske asked if there was a waiting list for Nevada girls because of youth coming from out-of-state for services at no extra charge. Mr. Howell replied that at this point ROP did not provide residential services for females. He noted that ROP provided community-based services in Clark County and there was no residential program in Nevada like the Betty K. Marler Youth Services Center.

Senator Cegavske asked if an Individualized Educational Program (IEP) were given to each girl. In addition, she asked if the girls were supervised while sleeping in the residential program, because many girls have experienced violence and could act that out on others.

Ms. Shipman replied that the Marler Center referred to those as intimacy issues and often girls lacked a healthy concept of intimacy as a result of being violated. She indicated that the female gender often moved to a level of intimacy, not physically, but emotionally, which many times happened with full disclosures of things they have gone through, and they meet someone with similar issues and the relationship evolves into a symbiotic relationship, which was monitored. Ms. Shipman stated that one advantage was that the Marler Center had single rooms and females were not housed together. Ms. Shipman believed that young women do not do well being alone, so one advantage of single rooms was that it was teaching girls that it was alright being alone and quiet; however, the girls were monitored at night.

Moving to the issue of the academic programming for girls, Ms. Shipman stated that every girl was assessed when entering the program and special education services were referred to as the IEP. Often, girls were several grades behind when they enter the program, either because they did not attend school regularly or were at home watching siblings. Therefore, having the girls in an all-female environment without the draw of males, girls could jump a half of a grade or more from the reading and math assessments, so she believed the girls had the ability to do well in school.

Chairwoman Leslie thanked the presenters for their interesting and enlightening presentation. She asked if the program was funded by the Colorado Juvenile Justice System.

Ms. Kirk replied that the Betty K. Marler Youth Services Center was funded through the Colorado Division of Youth Corrections and was 100 percent state-funded. She added the facility was state-owned, but operations of the center were privately contracted.

Chairwoman Leslie stated the program was a good example of where privatization makes sense. She hoped to visit the Betty K. Marler Youth Services Center in the future. She added that the state of Nevada recently closed the Summit View Youth Correctional Center leaving the state without the needed services for youth, much less a program like the Marler Center. She asked the representatives from the Marler Center if they had seen the gender-specific study, *Providing a Promising Future for Nevada's Girls: A Statewide Gender-Specific Services Plan*, that was done in March 2003. She said the project was funded by the United States Department of Justice, Bureau of Justice Assistance, to the Nevada Department of Human Resources, Division of Child and Family Services, Juvenile Justice Programs Office. She believed the study was prepared by Sherri Rice & Associates in collaboration with the Nevada Women's Fund, and the Nevada Juvenile Justice Programs Office, which reviewed the state juvenile detention facilities and state institutions. Chairwoman Leslie thought it would be interesting to review the findings in the study and look at the progress since the time of

the study. She recalled the findings of the study showed that there were few gender-specific programs in the state of Nevada.

Ms. Kirk responded that the good thing about studies similar to the one Chairwoman Leslie was referring to was that they help legitimize priority areas for policy and planning and identified gaps in services.

Chairwoman Leslie thought the committee could look at the study she referred to and talk to the county detention facilities to see what has been done since the study around the continuum of services lacking in the state.

Mr. Hambrick asked if it was possible to obtain financial statements from the Betty K. Marler Youth Services Center since it was a public/private partnership. He believed it would be helpful to see the funding and potential savings in the cost of the program and not just look at the concept.

Mr. Howell replied that he could provide financial statements to the committee. He stated the daily rate was $180.00, which would cost around $300.00 per day if administered by a state or county government. Mr. Howell believed the state needed to "get out of the box" and look at different ways of doing things, although he believed some people in Nevada were not ready for that. However, children were changing, their needs have changed, and the state needed to change with that, otherwise the state would end up in a worse situation. Mr. Howell stressed that ROP was a Nevada company, he was a native Nevadan, his children attended Nevada schools, and he cared about the communities. He noted that ROP had a proposal for the use of Summit View Youth Correctional Center in a public/private partnership and was willing to offer consultation on the gender-specific issue in Nevada, because it was no secret that Clark County was the national leader in a lot of teen female issues and in need of gender-specific programming.

Chairwoman Leslie thanked the presenters for their informative testimony and for traveling from Colorado to provide the presentation.

Chairwoman Leslie called for a recess at 12:01 p.m. The meeting was reconvened at 12:39 p.m.

X. DISCUSSION REGARDING CERTIFICATION OF JUVENILE OFFENDERS, DETENTION OF STATUS OFFENDERS, AND THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 RELATED TO INTERDISCIPLINARY SHARING OF INFORMATION.

This agenda item was taken out of order.

Judge Frances Doherty, Second Judicial District Court, Reno Family Court, stated that her testimony might be slightly redundant after listening to previous testimony; however, she would expand on the information she provided and was willing to work with the

committee in any manner identified to facilitate the state's work in the areas she identified. Judge Doherty began her presentation by stating that the point of her presentation was to sit as a judicial officer responsible for enforcing the provisions of *Nevada Revised Statutes*, Chapter 62; as a judicial officer who was obligated to ensure community safety was a priority and was committed both morally and legally to address the needs of victims in the community while never forgetting the position of the juvenile court. She said the juvenile court was a civil court and enforced criminal laws in relation to children and those criminal laws carry with them constitutional rights of those children. Judges balance their position as they stand in the shoes of the parents, and balance that responsibility with all other responsibilities, but they always return to the ultimate point of juvenile court, which was the recognition that children were different than adults.

Judge Doherty stated that there were four areas circulating in national discussions that she wanted to bring up as the committee worked on behalf of children and the state. Judge Doherty said she was a Juvenile Court Judge in Washoe County, and she presided over all types of family division cases. She first served as a Court Master in the Juvenile Court in 1997, was elected as a District Judge in 2002, and was reelected in 2008. She was a member of the National Council for Juvenile and Family Court Judges, served with Assemblyman Hambrick on the Juvenile Justice Commission for the state of Nevada, and she was a lead judge in the Model Court Program, as well as the Annie E. Casey Program for Juvenile Detention Alternatives in Washoe County. In those initiatives, Judge Doherty said they worked on issues that the committee was addressing and on alternatives to detention because they were aware, from research, that detention heightens the risk of criminality, disconnects children from their communities, neighborhoods and homes, and decreases, rather than increases, the likelihood of success. Since 2004, in Washoe County, the average daily population in the detention center has decreased from 81 children to 41 children. In addition, the annual commitment rate to state institutions was decreased from 93 to 46.

Judge Doherty stated that judges take their work seriously and recognize community safety issues as primary and continued to work on behalf of children. Judge Doherty said the agenda for the meeting reflected that she would be addressing the matters identified by Chairwoman Leslie, and in doing so she would attempt to address the overarching topic of the current juvenile justice challenges. As 2010 approaches, Judge Doherty believed the committee would benefit from pausing and reflecting on the state of the juvenile justice system in relation to juvenile justice nationwide. The juvenile justice system must evaluate now and on an ongoing basis, whether Nevada has updated and made contemporaneous, the state's statutory provisions in law with the existing research, best practices, data, technology, and medical information available on the development and evolution of juvenile behavior in relation to criminality, delinquency, and status offenses.

Continuing, Judge Doherty stated in respect to juvenile certification and life without parole provisions in the state and country, they now know that the adolescent brain, which roughly developed between the ages of 10 to 25 years, begins its final maturation

process well into an individual's 20s. Further, they were aware that the prefrontal cortex of the human brain, the component governing reason, advanced thought, and impulse control, was the final component of a brain to develop, mature and reach its level of growth. Credible rational researchers have advised that the adjudicative process and competency of a majority of 15-year-old and younger children has been found to be comparable to the level of impairment consistent with persons who are found to be incompetent to stand trial. Yet despite such knowledge and the supporting research of which was much greater than she presented, there continued to be protocols that set no minimum age standards for some components of crimes children were charged with in the adult system and other certification standards addressing children 14 through 16 years of age. Judge Doherty questioned whether the state was comfortable with the age standards and statutory schemes, and she hoped with ongoing discussion that question would be asked and answered.

Judge Doherty stated that earlier in the meeting the committee was presented with information and alternatives from the Campaign for Youth Justice, and although she missed their presentation, she had an opportunity to review the material and noted that it was similar in many respects to what she was presenting to the committee. While Nevada has made changes as recently as 2009 to the certification statutes, it may not yet be time to foreclose the appropriateness of further updating the state's statutory scheme. In looking at some of the components of the testimony provided earlier in the meeting, specifically regarding the policy reforms suggested by the Campaign for Youth Justice, in almost all of the areas, the policy reforms suggested were inconsistent with the current state of the statutory scheme in law. She noted that changing the age at which youth could be eligible to be considered an adult was addressed during the 2009 Legislative Session and the age was changed across significant components of the certification and exclusion provisions of NRS 62 to age 16, but left the discretionary provisions at NRS 62B.390, Subpoint 1, still at the age of 14. In addition, there were other provisions within that statutory scheme in which no minimum age was identified.

Judge Doherty recognized that they were addressing serious crimes in those components of the statute; on the other hand, there were serious components of their responsibilities to children of certain ages. With respect to changes in the type of crimes for which youth were eligible to be considered certified or transferred, NRS 62B.335 through 62B.400, the range of adult certification and exclusion provisions was broad in Nevada. Judge Doherty believed a review of those components and expanded provisions for certification or automatic filing in adult court should be reviewed. While Nevada does not prosecute all children at certain ages in adult court, 16 years and 17 years of age, Nevada did have a broad range of automatic adult prosecution for children of those ages in NRS 62B.330. Nevada had no provision narrowing the circumstances under which youth could be placed in adult pre-trial or post-trial incarceration institutions, primarily jails. In addition, there were no provision removing youth from jails or prisons under certain circumstances and there was limited discretion for adult District Court Judges to refer cases back to Juvenile Court. Judge Doherty stated that in all her years as both as Hearing Master and District Court Judge, she has not seen a District Court Judge refer a juvenile court case that was

transferred or certified to adult court, back to juvenile court for disposition or further handling. She stated it was a fairly narrow component of Nevada law and significantly underutilized.

Continuing with her presentation, Judge Doherty stated that there was a provision in Nevada providing that once an adult, always an adult, NRS 62B.330, Subpart F, and to her knowledge, no provisions limiting adult minimum sentences as they apply to juveniles, and specifically, there was nothing addressing life without parole provisions in relations to juveniles.

Judge Doherty stated that in 2005, the United States Supreme Court recognized, in Roper vs Simmons, that capital punishment that was applied to juvenile offenders under the age of 18 was cruel and unusual punishment under the Eighth Amendment, as applied to the states by the Fourteenth Amendment. Judge Doherty stated that she raised the case to reiterate the findings of the Supreme Court with respect to the adolescent decision making process. The United States Supreme Court found in part that there were three general differences between juveniles under 18 and adults that demonstrate that juvenile offenders cannot with reliability be classified among the worst offenders. First, as any parent knows and as scientific and sociological studies have confirmed, a lack of maturity and an underdeveloped sense of responsibility were found in youth more often than in adults and were more understandable among the young. In addition, it has been noted that adolescents were over represented statistically in virtually every category of reckless behavior. In recognition of the comparative immaturity and irresponsibility of juveniles, almost every state prohibits those under the age of 18 years from voting, serving on a jury, or marrying without parental consent. The secondary difference was that juveniles were more vulnerable or susceptible to negative influences and outside pressures, including peer pressure, which was explained in part by the prevailing circumstance that juveniles were less experienced with control over their own environment. The third broad difference was that the character of the juvenile was not as well formed as the adult. The United States Supreme Court was currently deliberating as to whether similar reasoning as set forth in Roper vs Simmons would result in a finding that the Eighth Amendment prohibition against cruel and unusual punishment would prohibit juveniles from being sentenced to life in prison without the possibility of parole. The American Bar Association, American Medical Association, and American Psychological Association have filed amicus briefs in support of the juvenile's position in that regard.

Judge Doherty stated that several states have proceeded on this topic regardless of the ultimate outcome of the Supreme Court's decision. Texas recently joined six other states in banning life sentences without parole for juveniles; Connecticut recently ended automatic prosecution of 16 and 17-year-olds as adults; Michigan was considering abolishing juvenile life without parole sentences; and Colorado and North Carolina were looking at restricting certification protocols for juveniles. In light of the backdrop of current decisions and research, the committee may wish to review the certification provisions and age or absence of such provision, at NRS 62B.330 through

NRS 62B.400, and other provisions of Nevada law applying the life without parole provision to juvenile offenders.

On a related topic, Judge Doherty stated that Nevada might want to consider reviewing the circumstances and protocol of placing children prosecuted as adults in jails and placing convicted juveniles in adult prison environments. In 1998, approximately 14,500 juveniles were housed in adult facilities; 9,100 of juveniles were housed in local jails; and 5,400 were housed in prisons. The Juvenile Justice and Delinquency Prevention Act (Act), which required sight and sound separation of detained juveniles in adult jails, does not apply to juveniles awaiting trial as an adult and was not an applicable protection for children of the same age if they were being prosecuted for adult crimes and those children had no separate segregation protections. Although such children can and are held in adult criminal institutions and in some jail environments, in order to address the juvenile's peculiar circumstances, may be held in a virtual lockdown status away from the general population for as much as 23 out of 24 hours a day to separate the children from adults for their personal safety. This protective mechanism failed to address the overall psyche of the child enduring such an isolating experience. A child that poses no immediate threat to anyone in that institution, or who may be experiencing mental health impairments could be maintained for weeks, months or longer in an environment so completely isolated that the conditions may cause deterioration of that child and the child's well-being. Judge Doherty noted that there was evidence that juveniles in adult prisons were twice more likely to be beaten, have higher rates of suicide, higher rates of being attacked with a weapon, and higher recidivism rates upon release than their juvenile counterparts do when released from the juvenile court system. While there were no easy answers for juvenile incarceration in adult facilities, Judge Doherty said the state must meet the challenge of addressing juvenile's safety, appropriateness of placement, education, mental health and vocational needs and requirements in a manner consistent with the commitment to protect the community and rehabilitate the juveniles. Therefore, adult institutional housing must always remain a critical component of Nevada's ongoing juvenile certification discussion.

Judge Doherty said that presently the United States Congress was considering reauthorization of the Act with respect to status offenders. The Act has the following core requirements: de-institutionalization of status offenders; adult jail and lockup removal of juveniles if not charged with adult crimes; sight and sound separation requirements for children in adult jails if not charged with adult crimes; and reduction of disproportional minority confinement of juveniles in secure facilities. In order to receive the federal pass-through money under the Act, Nevada must comply with all the core requirements. In consideration of the Act, a key issue was the elimination of the provision under the Act that allows status offenders to be detained in a locked facility should a child violate a valid court order. Therefore, status offenders could not initially be detained under very limited circumstances, but a status offender may go to court and ordered to do or not do certain behaviors while the juvenile was under the jurisdiction of the court. If the child violates the court order, the court has the ability or potential to exercise the ability to place the child in detention; so "boot strapping" detention for status juveniles through the valid court order exception. A status offender was a child

who engages in an act that was legal as an adult, but by virtue of childhood was prohibited. Some status offenses may include truancy, curfew violation, running away, liquor law violations, and other prohibited behavior that only applied to children. The valid court order exception was a loophole allowing judges to detain status offenders in secure facilities who do not follow court directives. While detention of status offenders was infrequent, passage of the amendment and recognition of the importance of that passage was critical, especially for female juvenile offenders, because court supervised females often pose the challenge and present themselves in juvenile court with the most unmet needs and were proportionately the highest number of status offenders that she saw in court. Females in the juvenile justice system were typically lesser offenders and tend to present with issues, with dangerous life choices, or behaviors of self-harm, resulting from depression, anxiety, or other mental health challenges. Many female juvenile offenders were past victims of abuse, neglect or sexual assault, some run away and engage in dangerous liaisons with adult predators. Physical and emotional abuse was frequently a component of a female juvenile's past and present life circumstances. While the juvenile justice system was appropriately rejecting secure detention of such girls, the system must ensure such girls were not re-victimized by inappropriate detention through violation of court orders and the state must equally maximize and expand alternative support for services relating to girls. Programs such as evidence-based mental health interventions, intensive case management targeting that population, community wraparound support service, social service involvement and all arenas must be cross cultivated to protect and ensure the success of some of the most vulnerable females.

Concluding her presentation, Judge Doherty said her final point goes to the challenges she faced as a Juvenile Court Judge. She explained that juvenile court specifically addresses juvenile delinquency court under Chapter 62 of the *Nevada Revised Statutes* and it was a general term appropriately referring to child abuse and neglect cases under Chapter 432B. She was aware from experience and nationally, that many of the juvenile delinquency cases are children who are or have been in the past been seen by the court in child abuse and neglect arenas, such as the challenges identified for female status offenses. The juveniles were often the victims of past sexual abuse by family members or adults in their lives. Despite this connection between the two courts, they were sometimes "hamstrung" by informational silos creating barriers to serving children who should be addressed seamlessly in juvenile courts. The simplest example was the line that was drawn as a state to serve abused and neglected children pursuant to Chapter 432B and delinquencies pursuant to Chapter 62. Each chapter appropriately protects the confidential components of cases involving those children, but sometimes they were so confidential that access to that information by the court was challenging and problematic. The Act contemplates that the juvenile court has full knowledge of a child's welfare case. Judge Doherty stated that Nevada receives funds through the Act, but had to ensure the juvenile court was complying with certain provisions of that Act, which state the following: The state, to the maximum extent practicable, would implement a system to ensure that if a juvenile was before a court in the juvenile justice system, public child welfare records relating to such juvenile that were on file in a geographical area within the same jurisdiction, will be made known to the court and

each state shall or should establish policies and systems to incorporate relevant child protective service records into juvenile justice records for purposes of establishing and implementing treatment plans.

Judge Doherty stated there was a provision in NRS 432B that contemplates agency on agency communication and information sharing, but the juvenile court itself has a need for more immediate and direct access to information with respect to child welfare and delinquency records. Judge Doherty noted that she and Judge Deborah Schumacher would meet with the head of local agencies, but in the interim she suggested that the committee look at the language of the federal act and NRS 432B.170 and determine if they could create a more efficient and effective system for juvenile courts and the stakeholders involved in the proceedings to have relevant information shared between those two juvenile court areas.

Judge Doherty thanked the committee for allowing her to provide testimony at the meeting and said she he would be happy to answer questions.

Chairwoman Leslie thanked Judge Doherty for raising some very interesting issues. She appreciated Judge Doherty addressing where Nevada law stood on the issue. She stated the research from across the board was overwhelming and it seemed the issues needed to be addressed. She asked Judge Doherty which issues she suggested the committee approach first, since there was only one meeting remaining in addition to the works session meeting.

Judge Doherty replied that there was a tremendous concern about the incarceration of juveniles in adult facilities and the related area of juvenile certification that was perhaps outdated in relation to current research that she believed was an issue of immediate concern for the committee to consider. In addition, with respect to NRS 62B.3901 regarding a child of the age of 14 remaining eligible for juvenile certification and narrowing the circumstances in which children may be placed in adult jails, and depending upon the inclination of the committee, the most significant issue that was being addressed with respect to certification transfer laws and juvenile rights was the issue of juvenile penalties, which include life without parole for acts engaged in while a child was under the age of 18. Judge Doherty believed the status offense issue would be addressed through the federal law, but added that locally and statewide there were challenges working with children, many of whom were female children, who had terrific challenges. The juvenile justice system did not grow up tailoring itself to girls and the system had a lot of catching up to do in addressing appropriate interventions on behalf of girls in a way that would make them successful. Judge Doherty said that she had ongoing discussions with the juvenile justice community and would keep the committee informed of the major issues. She was uncertain whether they were specifically asking for legislation or just support of the topics.

Chairwoman Leslie asked Judge Doherty if she had any suggestions on the confidentiality requirements that present problems for the juvenile delinquency courts. Judge Doherty replied that hopefully between Child Protective Services, Juvenile

Delinquency Services, Judge Schumacher and herself, they could come up with some efficiencies and language that would not require legislative action. However, some legislative changes were needed for immediate sharing of information while still protecting the confidentiality requirements of the law they seek to recognize.

Chairwoman Leslie stated that there was a presentation earlier in the meeting from Jeff Martin, Washoe County District Attorney's Office about a more narrow confidentiality issue in terms of guardianships for minors, and it sounded like there was an issue that was developing that maybe the committee could address that particular discreet point, but also the broader issue raised.

Judge William Voy, Eighth Judicial District Court Judge, Family Division, Clark County, stated that he asked to be placed on the next meeting agenda so he could provide a formal presentation and possible suggested legislative requests regarding the sexually exploited youth, particularly girls, and the safe house he has been trying to establish in Clark County. Regarding certification of youth discussed earlier in the meeting, Judge Voy said he was a member of the Judiciary and the decisions made to the statute regarding the ages of youth were major policy decisions of the Legislature. He believed the Judiciary could be a good source of education and assistance to the Legislature on the issue. Judge Voy stated that Clark County averaged 125 certification petitions a year, and in 2009, he granted 57 certifications out the of 126 certification petitions filed. Out of the 57 petitions granted, 30 youth were already 18 or older at the time he granted the petitions; two were 15 years of age; and the remainder the youth were 16-or 17-years-old. He noted that Clark County had a compendium of cases from 2004 through 2009 of every certification petition filed and whether the disposition of the petition was granted or denied. The cases were followed through the adult system if the petitions were granted, and the results of the adult cases, whether probation, alternative like boot camp, or prison were known. At a later time the cases were revisited to see if the youth placed on adult probation reoffended or were revoked. In addition, cases were followed for youth that remained in the juvenile system to see the progress of those youth. Judge Voy indicated that research and programming usually stopped when the youth age out; youth were not followed after the age of 18, or whatever the age out provision was to truly know what happened after release. He stressed that if they wanted to look at true recidivism rates, cases should be followed past the age of 18, because research was correct that the mind of a child does not fully develop until after the age of 18. He stated that Clark County was in the process of finalizing the outcomes for youth that remained in the juvenile system initially past their age out provision, either 18 or 21, and he hoped to have that information for the committee by the June meeting.

Judge Voy believed it would be useful information for the committee, especially if they were looking at proposing statutory changes in the area of certification. The information would contain the type of charges presented, the age of the time of certification, racial designation, and whether youth were kept in the juvenile system or transferred to the adult system. They would then have the valuable part which was the ultimate dispositions of the matter and whether that disposition was consistent with the concept

of public safety; did that individual reoffend in the adult system or reoffend in the juvenile system. Judge Voy stated that the information from Clark County would help the Legislature make a decision on how to deal with the issues from a policy standpoint.

Chairwoman Leslie thanked Judge Voy for his testimony and the information provided on certification petitions would be helpful for the committee. She asked Judge Voy if he could provide a list of the services given to youth in the juvenile justice system or adult system. Judge Voy replied that Clark County tracked the services provided to youth and the services provided in the adult system were prison, alternative sentencing, drug court, or probation. He noted that the Division of Parole and Probation would be better suited to provide the list of services for youth in the adult system.

Chairwoman Leslie said that based on national research youth certified into the adult system did not receive treatment like the youth that remained in a juvenile setting, which was a concern for her.

Judge Voy replied that generally speaking that was true at the national level. He stated that previously the Department of Corrections envisioned a youthful offender's prison, which was a great idea, but institutionalization had already occurred and the damage was already done to youth. Often, adult systems were filed with youth that were transferred from existing facilities in the prison and adult system. He noted it was originally designed to fill slowly over time to prevent the institutionalization from occurring, which was a tragic mistake that was made in that program, and he encouraged the committee to look at those issues; however, the Division of Parole and Probation would be able to better address the programming for juveniles. He noted that Clark County, as far as the issue of a separation of youth that get transferred to adult system, until they leave Clark County, the youth were placed into a segregated unit and even though separated from adults, it was an open system. In addition, if the case was a direct file or transfer, the Justice of the Peace or District Court Judge had the discretion to request that youth be detained in the juvenile detention center pending plea or trial of the adult case, which policy has been in place since 2004. In Clark County, he did not see the need to have that mandated from a state statute standpoint, because they have been able to develop those practices. If the committee wanted to further refine that policy that was their decision.

Senator Cegavske asked for an update on the safe home for sexually exploited youth that Judge Voy was trying to establish in Clark County.

Judge Voy replied that he has been in a "Catch-22" situation for years and the concept of the house has been on the board for awhile and was ready to go; however, the key component to making it a success was that the house was designed in a therapeutic environment to keep youth safe. Therefore, youth had to stay in the house and the only way to keep them there besides locking them up, was either a mental health facility or detention center, which was not what he wanted. He provided the county with the plan for the house including the funding. Judge Voy said he asked for a commitment from the county of seven or eight probation officers for the house to ensure youth remained

there and for the operations of running the facility to be in place as an alternative to detention. Judge Voy believed the house was moral and good for youth and when the county refused that commitment, as a result, the people that supported the house could not go to the donors for the commitment of the funding without ensuring the house would happen. Judge Voy stated that he was specifically instructed by county management in Clark County that the house was a great idea but not a priority at the time unless Judge Voy could find a direct funding stream that was consistent and stable to support the eight positions. Judge Voy stated that at a future meeting of the committee he would address potential suggestion of legislation to find that direct funding stream, but he was aware it was a terrible time because of the economic climate in the state; however, it was all about priorities. He advised Clark County management when he found out the county was spending approximately $700,000 for a turtle sanctuary that sometimes it just about priorities and was a matter of the house being a priority and diverting the funding from the turtle sanctuary to the house, because all he was asking was approximately a $700,000 to $750,000 commitment per year for the county's portion of running the youth home. He noted that in the big scheme of things, he was not asking for a lot of money when talking about the levels of budgets in the state, but he reiterated it all had to do with the priorities of the county.

Chairwoman Leslie said the committee would be in communication with Judge Voy and provide more time for his presentation on the June committee agenda.

Chairwoman Leslie returned to agenda item IX, which was previously skipped.

IX. PRESENTATION ON THE INCLUSION IN STATUTE OF CONCEPTS OF THE JUVENILE DETENTION ALTERNATIVE INITIATIVE (JDAI).

This agenda item was taken out of order.

Larry Carter, Assistant Director, Department of Juvenile Justice Services, Clark County, introduced Tom Metscher, Chief Juvenile Probation Office, Nye County Juvenile Probation, President, Nevada Association of Juvenile Justice Administrators (NAJJA), and said a letter was provided to the committee, page 49, Exhibit A, regarding legislative consideration of the concepts of JDAI. Mr. Carter said the state was implementing many key elements of the JDAI principles within each jurisdiction, depending on the needs of other jurisdictions, but being more prescriptive at this time may not necessarily be the best avenue. Mr. Carter stated that many of the elements of the JDAI initiative were already covered, for example Senator Wiener sponsored a bill several years ago on disproportionate minority confinement in their reports and reactions that they have to provide annually. Many things were actually covered under grant requirements from the Juvenile Justice Commission, which he was a member of and Assemblyman Hambrick chaired. In addition, there were regulations and statements in grant regulations out of the Juvenile Justice Commission regarding best practices, performance-based outcomes, and data-driven decision making that deal with the JDAI initiative. Mr. Carter stated that the Department of Juvenile Justice Services

was hesitant to say there was anything specifically that could be placed in statute that would be necessarily good for all of the varied entities in the state of Nevada.

Mr. Metscher stated that in reviewing all of the components and practices of JDAI, he was in support and practiced the principles on a regular basis, which showed up in many different facets across the jurisdictions. In the opinion of the administration of NAJJA, it would be difficult to apply those core principles and elements across the board through legislation. Mr. Metscher stated that the results were demonstrating that from jurisdiction to jurisdiction, certainly Clark County and Washoe County, JDAI practices have been initiated, there have been many provisions, and there was a lot of practice perfecting the JDAI initiatives and in doing so, the counties were able to share their results and successes with other jurisdictions across the state. He believed the other smaller jurisdictions, mostly the rural counties, were able to initiate JDAI principles and were successful in reducing the detention populations and implementing programs and services at the community level as an alternative to detention. However, each of the principles of JDAI applied to each jurisdiction differently, which he believed had to be taken into account when discussing legislation of the core thought.

Scott Shick, Chief Juvenile Probation Office, Douglas County Juvenile Probation, stated that he supported the comments of Tom Metscher's on legislation consideration regarding the concepts of JDAI. He said the application of best practice, evidence-based alternative programs was evident in the state and juvenile jurisdictions were using independent assessment and the things necessary to get it right for juveniles. He said he continued to support the theme and culture of the JDAI concept and the core theme of the Annie E. Casey Foundation.

Judge Doherty stated that Judge Voy's comments were substantially valuable and she wanted to clarify for the record that it was not her position as a District Court Judge to "wag legislation by the tail" and control it. Judge Doherty stated that her job was to share with the committee the information she received as a District Court Judge in response to the committee's inquires about certain areas of law. When she highlights those areas and provided specifics, it was the committee's responsibility, as policy-makers, to digest the information received and to identify and craft legislation. Judge Doherty stated that she was always in respect of the position of the Legislature and its difference from her position as a District Court Judge.

Chairwoman Leslie added that was absolutely how she understood Judges Doherty's presentation. Judge Doherty was an invited guest and committee asked for her expert opinion on the matters. Chairwoman Leslie stated that she did not infer that Judge Doherty was trying to set policy in any way.

Judge Doherty said JDAI initiatives and the alternative was in its concept, the reiteration of the responsibility to ensure that the juvenile justice system was only detaining the children that were most dangerous to be released into the community and the concept of alternatives was one that the Legislature, at various points, look to when policy-making to determine whether or not current statutory policy reflects that concept.

Judge Doherty believed the agenda item was good along with the testimony with respect to specifics and individual community and jurisdiction-based area of decision making, and the committee, as state policy-makers, had the responsibility of deciding whether there were holistic components of the initiative that should be recorded, either in specific language of the statute, or in policy components of the statute. Judge Doherty added that a team from Nevada, that included judges, possibly a Supreme Court Judge, Justice Hardisty, Judge Voy, Judge Pucchinelli and administrators from all over Nevada, and Chairwoman Leslie, were traveling to New Jersey in fall of 2010, because New Jersey has implemented a statewide JDAI type initiative. She noted that there may be ideas that the team could bring to Nevada for possible for statewide presentation, discussion and ultimately legislative language, but she did not want the issue to be totally dismissed from their minds from being inappropriate for statewide oversight if in fact there were components of policy or specific language that do have applicability and acceptance statewide.

Chairwoman Leslie thanked Judge Doherty for her remarks. She stated that her idea was not to tell the counties how to implement the initiative; she thought there was a need for framework, so when the current Legislators were gone, things do not go back to the old way. Chairwoman Leslie noted that since the committee timeframe was limited, she was interested in pursuing the JDAI issue outside of the committee. She added that so far, JDAI has seen great results and the state did not want to go backward, which has happened before when framework or strong statements were not made about these types of issues. Chairwoman Leslie was interested to see how New Jersey has implemented JDAI and what, if any, statutory framework was needed in Nevada.

Senator Wiener stated that though the initiative and flexibility to implement JDAI principles, either county or regional, and the flexibility delivers results to those populations in specific ways, she believed a structure was needed in statute, because certain things would live beyond everyone's time. Because of her experience as a legislator, Senator Wiener has worked with people that were extraordinarily progressive and insightful and who see a bigger picture and look for different types of outcomes, who then were followed immediately by somebody that does not have the same sense or opportunity to see things that way; therefore, she liked to have flexibility. She believed that if the JDAI initiative was proven to work, there were advantages to having it in statute, so it was policy by law, not policy by personality. Senator Wiener stated if it was a strong enough legacy because it was working and the initiative was viable, there were ways to design it while still having flexibility with some level of structure that gives deliverable outcomes. Often she has seen wonderful things come and go based on who runs the show, and they go away fast with a change of administration or leadership. Senator Wiener was eager to hear the outcomes from the trip to New Jersey because it might be something to look at and provide framework or structure that lives beyond the legislator's time.

Chairwoman Leslie thanked Senator Wiener for her insightful comments.

XII. PRESENTATION ON THE LEGISLATIVE AUDITOR'S REVIEW OF GOVERNMENTAL AND PRIVATE FACILITIES FOR CHILDREN, AUDIT NUMBER LA10-15, PURSUANT TO *NEVADA REVISED STATUTES* 218G.575.

Jane Bailey, Audit Supervisor, Audit Division, Legislative Counsel Bureau, referred to the State of Nevada, Review of Governmental and Private Facilities for Children, 2010, Legislative Auditor, Carson City, Nevada (Exhibit E) audit report that includes the results of work that was required by Assembly Bill (A.B.) 629, Section 6, of the 74th Session of the Nevada Legislature, 207, and A.B. 103 of the 75th Nevada Legislature, 2009. She indicated that the audit report was also located on the Legislative Counsel Bureau, Audit Division website. Ms. Bailey stated the report includes the Audit Division's review of 13 children's facilities, unannounced site visits to 14 children's facilities and surveys of 50 children's facilities.

Ms. Bailey stated that the statute requires the Legislative Auditor to conduct reviews, audits and unannounced site visits of governmental and private facilities for children. The audit identified 50 governmental and private facilities in Nevada that meet the requirements of A.B. 629 and A.B. 103 (22 governmental and 28 private facilities). Exhibit 1, page 2 (within Exhibit E), showed the types of facilities in Nevada, maximum capacity, average population, and staffing levels for calendar year 2008. In addition, 157 Nevada children were placed in out-of-state facilities and were placed in 31 different facilities in 16 different states across the United States as of December 31, 2008.

Exhibit 2, page 4, showed the number of children placed in out-of-state facilities and the placing entity. She indicated that A.B. 629 and A.B. 103 required facilities to forward copies of any complaint to the Legislative Auditor that was filed by a child under their custody or by any other person on behalf of such a child concerning the health, safety, welfare, and civil and other rights of the child. During the period from August 1, 2008, through June 30, 2009, 960 complaints were received from 50 Nevada facilities. Ms. Bailey directed the committee to the scope, objective and methodology of the audit, page 5, and noted that as reviews and not audits, their work was not conducted in accordance with generally accepted government auditing standards. The results of the review were located on page 5, with information on background check requirements for the facilities. Ms. Bailey stated that all of the 13 facilities reviewed could improve their background check processes. Many of the facilities' processes for background checks do not ensure that staff have appropriate backgrounds. Exhibit 3, page 6, describes some of the most common or serious weaknesses found in the 13 facilities. Some of the issues include not conducting periodic post-employment background checks, policies that did not address hiring employees with prior criminal histories, files that did not contain the results of background checks, and background checks that were based on social security numbers instead of fingerprints. In addition, facilities did not always follow-up when the results of background checks were not received or the results show an arrest, but no conviction information. As a result, one facility had four employees with felony convictions; however, as a substance treatment facility the facility was not

required to obtain background checks on all employees. Requirements for background checks varied between different types of facilities, depending on the type of license and the licensing agency. Six of the 13 facilities reviewed (4 correction and detention facilities and 2 substance abuse treatment facilities) were not required by state law or regulation to obtain background checks on all employees. Even though not required, all 6 did obtain background checks of newly hired employees; however, 2 of the facilities used background checks based on social security numbers and names instead of fingerprints or obtained only local background checks. Background checks based on social security numbers and local background checks may not be as complete or accurate as state and federal background checks based on fingerprints.

Continuing, Ms. Bailey stated that different types of facilities also had different timeframes to obtain background checks and different requirements for periodic post-employment background checks.

Moving to page 8, Ms. Bailey stated that Exhibit 4 listed the types of facilities included in the review, statutory or regulatory requirements for background checks, brief description of the requirements and the licensing agency. For example, the exhibit showed that group foster homes background check requirements could be found in NRS 424 and Nevada Administrative Code (NAC) 424 and applicants must submit fingerprints to the licensing agency, but the NRS and NAC do not contain a list of convictions that would exclude a person from employment; however, NRS 432A does list convictions that would exclude a person from working at a licensed childcare facility. Exhibit 5, page 9 showed the types of licenses and licensing agencies and provides examples of facilities licensed. In order to ensure all children in Nevada facilities were afforded equal protection, the Legislature may consider enacting legislation to make background check requirements consistent for all types of residential facilities that serve children. Ms. Bailey stated that page 11 contained the recommendation the Legislature may want to consider that requires all facilities that provide residential services to children to obtain state and federal fingerprint background checks of all employees prior to allowing new employees to have unsupervised access to the children in those facilities.

Chairwoman Leslie stated that the committee members just received the report and did not have the opportunity to review the entire report and were shocked by the information contained in it.

Senator Wiener commented that the Legislature takes great pride and concern in the people that interact with the youth. The audit report addressed a challenged population that was extraordinarily vulnerable and not able to walk away from their environments and she wondered how they could correct the behavior of the youth when background checks were not required. Senator Wiener wondered why the state has not implemented the recommendations of the audit report.

Senator Cegavske stated that one of the things that stood out for her in the audit report was the fact that facilities submitted fingerprints for background checks and never received the results and there was no follow-up on the results. Senator Cegavske

stated that she looked forward to reading the full audit report and believed it was something the members needed to dissect. She appreciated the recommendations and was stunned the recommendations were not already a practice in the state. Senator Cegavske said that she was familiar with one of the facilities and would contact them to hear their side of the story.

Chairwoman Leslie stated that she wanted to discuss the recommendation on page 11 (Exhibit E) at the work session meeting and after the committee had more time to read the entire report. She pointed out the back of the report contained a brief summary, observation and facility responses for individual agencies.

Senator Copening stated that page 4 showed that the facilities had received 960 complaints. She asked if there was data on the nature of the complaints, because she believed it would be helpful to see the types of complaints and if they were directly related to the lack of background checks.

Ms. Bailey replied that the most common type of complaint received was concerning welfare, which was defined as anything that was related to the general well-being, including education, wellness activities and punishments or discipline of the children. She indicated that the complaints were logged in a database and she would provide a complete analysis to the committee.

Senator Cegavske asked for clarification on page 11, which stated that required background checks must be obtained periodically for persons employed at a facility for a specified time. She wondered if the facility was notified if an employee received a DUI or drug related arrest while employed.

Ms. Bailey replied that NRS 432A required that childcare facilities conduct a background check every six years for each employee and NRS 449 for mental health treatment required a background check at least once every five years for each employee. However, some of the other facilities were not required to conduct periodic post-employment background checks.

Senator Cegavske asked if the employer typically paid for the background checks; she was aware that there was a shared cost for some employees for processing the fingerprints. Ms. Bailey replied that generally the facility paid for the cost of the background checks. She believed some licensed personnel had to pay for their own background checks in order to get licensed and before they would be hired in their position.

Sandra McGuirk, Deputy Legislative Auditor, Audit Division, Legislative Counsel Bureau, stated that policies, procedures, youth files, and management information were examined during the course of the audit review. In addition, processes in place at the facilities were reviewed. Based on the procedures performed and except as otherwise noted, the policies, procedures, and processes in place at the facilities reviewed provide reasonable assurance that they adequately protected the health, safety, and welfare of

the youth at the facilities, and respected the civil and other rights of youth in their care. However, during the visit, the Auditors were unable to obtain assurance that Briarwood South adequately protected the health of the youth residing at the facility because of significant medication documentation and administration issues. Subsequent to their visit, Briarwood South revised its medication administration policies and procedures. In addition, during the 14 unannounced visits conducted, they did not note anything that caused them to question the health, safety, welfare, or protection of rights of the children in the facilities. Ms. McGuirk noted that policies were not developed or needed to be updated at all 13 facilities. The types of policies and procedures that were missing, unclear, or outdated ranged from suicide risk to privileges. The audit review of youth files included medication administered, evidence of a youth's right to file a complaint, treatment plans and emergency contacts.

Continuing, Ms. McGuirk noted that medication administration processes and procedures needed improvement at all 13 facilities. The medication administration process includes documentation of medications administered to youth, controls over prescribed medications, and the process used to ensure the accuracy of medication files and records. Specifically, youth medical files did not contain complete or clear documentation of dispensed, prescribed medication at 10 of the 13 facilities. At one facility, 5 youth files were missing medication administration records for up to 4 months. The records were blank for entire months or the records did not include all medications the youths were prescribed. In addition, there was no evidence of physicians' orders or pharmacy instructions at 4 of 13 facilities. For example, at one of the facilities, 5 youth files were missing physicians' orders or orders were not followed. Also, medical files and records were not reviewed by someone independent of the medication process at 10 of 13 facilities to identify errors, fraud, or abuse by staff or management. Medication administration procedures include procedures used to ensure that youth take medication as administered. Specifically, staff did not check to see if youth concealed medications administered at 6 of 13 facilities. In addition, there was no approved non-prescription medication lists at 6 of 13 facilities.

Ms. McGuirk stated the complaint and grievance process also needed to be improved. For example, youth files did not contain evidence of a youth's acknowledgement of his right to file a complaint at 6 of the 13 facilities. During the audit process, the Auditors noted instances where youth disclosed an allegation of abuse or neglect. However, the Auditors were unable to locate evidence the allegations were reported to child welfare services or law enforcement within 24 hours as required by statute at 2 of 13 facilities.

Ms. McGuirk said the Audit Division completed an initial review of West Hills Hospital in July 2008 and one issue reported was that the facility needed to improve its supervision of youths. Subsequent to the audit review and the facilities response, the Bureau of Health Care Quality and Compliance (Bureau) noted similar deficiencies. Based on the Bureau's review, West Hills Hospital license was temporarily suspended and the facility was subject to an independent monitor to ensure patient safety. The focus of the follow-up visit to West Hills Hospital in November 2009 was to review actions taken by the hospital to correct deficiencies related to the supervision of youth. The Auditors

found the hospital has made improvements; however, they would continue to monitor their progress.

Ms. McGuirk directed the committee to Exhibit 6, page 17, (within Exhibit E) which included a map of the 13 facilities the Audit Division reviewed. Page 18 through 101, Exhibit E, provided more detail on issues noted at each facility, as well as each facility's response. For example, page 18 discussed the Clark County Juvenile Detention Center (CCJDC), beginning with background information, followed by the purpose of the audit review, results in brief, observations, and the facility's response to each observation.

Concluding her presentation, Ms. McGuirk explained that Appendix A on page 103 through 106 contained a copy of A.B. 629, Section 6, and A.B. 103. Appendix B, pages 107 through 109 contained a glossary of terms commonly used within the report. Appendix C, page 110 contained a summary of common observations noted at the facilities reviewed. Appendix D, pages 111 and 112 provided background population and staffing information on 50 Nevada facilities. Appendix E, page 113 contained a list of unannounced Nevada facility visits, and Appendix F, pages 114 through 117 discussed the methodology used to carry out the requirements of the bills.

Chairwoman Leslie thanked the Auditors for their ongoing work, which was appreciated. She questioned the Briarwood South (page 94) report, where a serious health issue was found in terms of the administration of medication. She stated the Briarwood South response seemed very dismissive of the audit's finding and said policies have been developed for areas in which they were found deficient. Chairwoman Leslie asked about the follow-up mechanism to ensure that the facility implemented the changes.

Ms. McGuirk replied that for facilities they believed were significantly deficient, such as Briarwood South, the Audit Division believed it was prudent to do some additional work. When Briarwood South sent a reply that was somewhat dismissive, the Auditors asked more probing questions to increase their assurance. In addition, in the case of Briarwood South, the Auditors obtained a complete set of their policies and procedures and went through them in depth. Because the issues at Briarwood South were fairly significant, they also thought it was prudent to contact the Executive Director. Ms. McQuirk stated that a future visit was planned to Briarwood South and a visit was recently made to the Briarwood facility in Northern Nevada. Ms. McGuirk stated that follow-up would include ongoing visits until they received more assurances that the deficiencies were adequately addressed.

Chairwoman Leslie stated the legislation that enacted the ongoing audit review came out of the Department of Justice Civil Rights Investigation, CRIPA Investigation, and the serious issues at the state institution in Elko, which included medication management. She encouraged the committee to read the report because the review was quite revealing, both about individual programs, in addition to the issue of medication management, which seemed to be an issue with most facilities. She noted that the DCFS discussed providing some sort of training, because the medication management issue was so widespread.

Chairwoman Leslie asked when the next audit report would be done and how many agencies would the report cover.

Ms. Bailey anticipated the next report would be out in December 2010, or whenever the last audit subcommittee was scheduled before the 2011 Legislative Session. She was unsure how many facilities would be audited or the proportion of reviews versus unannounced site visits; however, she anticipated six facility reviews along with a few announced site visits, as well as follow-up to previous visits.

Chairwoman Leslie asked for public comment on the audit report.

Melissa Casal, Attorney, Children's Attorney Project, Legal Aid Center of Southern Nevada, stated that the Children's Attorney Project provides legal representation to abused children in the foster care system. She echoed the thoughts of the committee on the facilities evaluated by the Auditors, specifically, the fact that background checks were not done on employees. Currently, there were 10 attorneys and over 200 pro bono attorneys that represent youth that come into the foster care system. Ms. Casal indicated that she often visited the facilities on a daily basis because these were the places where youth were housed. Often youth were unhappy and run away from the facilities because they did not receive the proper care or supervision, which often caused more danger to children in the long run. In addition, it was frightening that employees had unfettered access to children without background checks. Youth were not permitted to have a sleep-over at a friend's house without having the family fingerprinted, yet children were allowed to remain in the mental health hospitals or shelter homes without knowing the background histories on the employees, which was very concerning. In addition, Ms. Casal believed the complaint and grievance process needed to be looked at further, because often youth were not told that they had the opportunity to complain about a facility or the treatment they received, and if they did complain youth often feared repercussions and a longer stay in the hospital.

Ms. Casal noted another issue she thought was important to look at was the compliance Nevada had that required institutionalized children to have judicial review of their stay. Often youth were kept in facilities and petitions were not filed in a timely manner. She believed it was appropriate to look at whether facilities were complying with state law in the next audit report to ensure judicial oversight of the children. Ms. Casal said these were the issues the Legal Aid Center of Southern Nevada dealt with on a daily basis. She appreciated the work of the Audit Subcommittee created by the Nevada Legislature.

Senator Wiener was aware of a handbook for youth that explained the procedures and policies of the facilities in Clark County that house them. She wondered how many youth represented by the Legal Aid of Southern Nevada could read. Ms. Casal replied that very few of the youth in the facilities could read. She stated that she has been involved with the Legal Aid of Southern Nevada for over three years and has not had

one client tell her they received the handbook of policies and procedures. She added that youth complain to her about certain practices in the mental health hospital or other facility and they were unaware that they could write down their comments and complain without any repercussions Often, youth tell her they did not want to complain about a facility or the care given because they believed it would result in a longer stay for them.

Senator Wiener stated that youth have a right to know their rights, which was a very basic concept. She was aware the intent behind giving a handbook or written material to youth about their rights was well intended, which she appreciated. However, based on the testimony of Ms. Casal she had concerns that youth were not getting access to the material, and if they are, she was equally concerned that youth were unable to read and understand the material.

Ms. Casal agreed with Senator Wiener and stated that youth as young as six-and seven-years old were admitted into the facilities and lacked the opportunity to read and understand what was really being said in the handbook. Ms. Casal noted that she has never seen a handbook at any of the facilities she represents.

Chairwoman Leslie thanked Ms. Casal for her presentation and said she raised some good and valid points. She reiterated that the Review of Governmental and Private Facilities for Children audit report was available through the legislative website (www.leg.state.nv.us). She stated that the complaint process comes up often and complaints were not posted as required or confidential and she thought more work needed to be done in that area.

Chairwoman Leslie asked about adding the review of the judicial review to audit reports, because she has also heard complaints that some facilities were not in compliance with the law.

Ms. Bailey replied that the Auditor's could consider the issue; however, she was unsure whether it was the facilities responsibility to ensure the youth receive the process handbook.

Ms. Casal replied that it was the facilities' responsibility to provide the documentation to the District Attorney's Office so a petition could be filed to ensure judicial oversight. Often, the District Attorney's Office does not receive the required documentation from the doctors and as a result children could remain in a facility for days without oversight of the case causing a delay in addressing the mental health issues of the youth. Ms. Casal stated that the Legal Aid Center of Southern Nevada's office was keeping track of youth entering hospitals and in the last three weeks at least four children were admitted into a mental health hospital with no petition filed, which was suppose to be filed within five days.

Chairwoman Leslie stated that the issue seemed to be a loophole in the system that needed to be addressed.

Ms. McGuirk stated that the Auditors looked at a significant number of youth files throughout the audit process review. While they did not focus on the judicial review, the Auditors did see indications that there were reviews and there may just be some misunderstanding, but from what she has seen, the older youth were bringing those issues forward via some of the complaints. Ms. McGuirk could not speak as clearly on the younger youth because many of them could not read or write; however, the facilities do have processes in place to clearly explain to youth their rights and what was going to happen to them in the facility.

Chairwoman Leslie asked Ms. McGuirk to look into the issue of judicial reviews with Ms. Casal because it seemed like a systemic problem. Although it was not technically the facilities' responsibility, it seemed like the documentation was playing some role in the lack of reviews. She believed that a checklist could be built into the audit process to ensure the reviews occurred.

Assemblyman Hambrick asked Ms. Casal if youth were allowed a court appointed special advocate (CASA), or was she the person that represented the best interest of the youth. He stressed that legally a six or seven-year-old child could not make a decision and he wondered who was making the decisions for the child. Ms. Casal replied that she could be on a case and represent the wishes of the youth, and an advocate could also be appointed to the case to represent the youth's best interest. She stated that if an attorney from the Children's Attorney Project was on a child's case they would express the wishes of the child to the judge and the CASA could also make recommendations to the judge.

Scott Shick, Douglas County Juvenile Services, Administrator, Douglas County Juvenile Detention Facility, stated that he was apprehensive about the audit process when it was installed and implemented; however, the contact he has had with the Audit Division, Legislative Counsel Bureau, was absolutely professional and knowledgeable and was actually seen as a resource for juvenile justice services to improve the system of care provided for youth in secure detention. The oversight and objectivity of the Audit Division allowed juvenile justice services to see things that were not there, or to enhance things to improve the health, safety and welfare for children in their care. He commented that the audit has been well received and he appreciated the process. He noted that the Douglas County Juvenile Detention Center was part of the audit and there were issues they had to address in respect to medicine and background checks to ensure compliance. In addition, juvenile justice administrators were hoping for legislation or regulations for correctional and treatment facilities, which may resolve some of the concerns of the audit. He added that as they moved forward in the legislative session he hoped the Legislature would look at things that would address common standards for the facilities.

Chairwoman Leslie was interested in hearing about what Mr. Shick was thinking about in terms of statutory changes to help correct problems before they become disasters. She appreciated Mr. Shick's input and was glad to hear how people in the child welfare system were interpreting the audit process. She stated that the problems were going to

be there and the issue was admitting there was a problem and resolving it quickly to benefit the youth.

Senator Wiener commented that now was the time to work on language for common standards for juvenile detention facilities, so they could be ready to go forward in the 2011 Legislative Session.

Mr. Shick believed the Nevada Association of Juvenile Justice Administrators (NAJJA) had that discussion and would be coming forward with the process.

XIII. PRESENTATION CONCERNING THE ESTABLISHMENT OF A KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM AS PART OF THE FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008 (P.L. 110-351).

Amber Howell, Deputy Administrator, Division of Child and Family Services, DHHS, introduced Diane Comeaux, Administrator, Division of Child and Family Services. She referred the committee to page 53, Exhibit A, which contained material related to the Federal Guardianship Assistance Program. Ms. Howell noted that in 1979 the U.S. Supreme Court ruled that states must make the same foster care maintenance payments to relatives caring for Title IV-E eligible children as was provided to non-relative foster parents provided that relatives meet state foster care licensing standards. Since the ruling, licensing relatives as foster parents varied among states. Ms. Howell noted that there were two relative payment alternatives currently: relatives who care for their kin could receive funds by becoming a licensed foster care provider and receive payments through the state's child welfare agency. The other option for relatives unable to become licensed relative foster families, or who care for a child who has not gone through Child Protective Services (CPS), can receive a Temporary Assistance for Needy Families (TANF) child only grant. Ms. Howell indicated that some states have adopted alternatives, which included Florida and California, and used TANF funds to pay relative caregivers. In addition, several states have secured a Title IV-E waiver to implement a kinship program as a pilot program. More specifically in Nevada, Ms. Howell noted that monthly cash assistance, food stamps and family medical coverage were available through the Division of Welfare and Supportive Services, which administered the TANF program. Two of the cash assistance programs were the Non-Needy Relative Caregiver and the Kinship Care Program. The non-needy relative caregiver was someone defined as a relative within the 5th degree of consanguinity, other than a legal parent, not requesting assistance for himself or herself, but only requesting assistance for a relative's child in their care. The program does not require an applicant to be a legal guardian and there was no age requirement or time limit in which the child must have resided in the home; however, the payments were less than what would be issued through Kinship Care Program.

Ms. Howell stated that the Kinship Care Program was a financial assistance program for children living with a non-needy caretaker and the monthly allowance was a percentage of the state's foster care rate, but a higher rate than the a non-needy relative caretaker.

Ms. Howell explained that some of the other requirements for eligibility in the Kinship Care Program was applicants must be 62 years of age or older, be caring for a child who is related up to the 5th degree of consanguinity by blood, adoption or marriage for at least six months and file for Nevada court approval of legal guardianship. The relative household members must have a combined income below 275 percent of the federal poverty level and the child must meet similar requirements. The current payment rates for the Kinship Care Program were $534.00 per month for each child age 12 years and younger, and $616.00 per month for each child aged 13 and older.

Another option provided to states was the Federal Kinship Guardianship Assistance Program (GAP), which allowed states the option to use federal Title IV-E funds for kinship guardianship payments for children who have a strong attachment to and are cared for by prospective relative guardians who are committed to caring for the children permanently when they leave foster care. Ms. Howell noted that a child who has been removed from his home due to a voluntary placement agreement or judicial determination that continuation in the home would be contrary to the welfare of the child, was eligible for the GAP. In addition, a child must have been eligible for Title IV-E foster care maintenance payments while residing for at least six consecutive months in the home of the prospective relative guardian. The Title IV-E agency must determine that having the child return home or being adopted is an appropriate permanency option for the child, the child has a strong attachment to the prospective relative guardian, the guardian is committed to caring for the child permanently, and any child 14 years of age or older has to be consulted regarding the kinship guardianship arrangements.

Ms. Howell indicated that some of the requirements in order for the relative guardian to be placed in the category were that the Title IV-E agency must conduct fingerprint-based criminal records checks of the national crime information databases and child abuse and neglect check, which was similar to relative foster care licensing. In addition, the guardian has to be licensed to be eligible for Title IV-E foster care maintenance payments. Ms. Howell stated that there was no set dollar amount for the guardianship payment and the law just required that a kinship guardianship assistance agreement be negotiated and entered into with the relative guardian and the amount of a kinship guardianship assistance payment must be no greater than the amount of the foster care maintenance payment, which would have been made on behalf of the child if they remained in the foster family home. Ms. Howell noted that some of the GAP benefits were that it allowed licensed relatives to move to a guardianship placement and still be compensated for caring for the child. This may be a favored alternative for children who have no plan of reunification or adoption and there is a strong bond between the child and the relative. In addition, this would also allow children to achieve permanent placement rather than lingering in foster care.

Continuing, Ms. Howell said that all states were given a survey recently regarding the implementation of Fostering Connections to see what was happening nationwide and 35 states responded to the survey. Out of the 35 states; 19 states reported that they would be implementing the GAP; 6 states at the time of the survey indicated that they

would not be implementing the GAP; 1 state that was interested; and 9 were undecided, and at the time of the survey, Nevada was included in the 9 undecided states. Ms. Howell explained that the majority of the states that responded that they would not be implementing the federal GAP indicated that the reason for that was funding and budgetary issues. In addition, the undecided states indicated that they were reviewing cost analysis options or potential statutory changes.

Ms. Howell stated that in the event that a child must be separated from his parents, it was imperative that family connections are preserved for that child. One such way to ensure that this occurs is through placement of children or youth in a home with relative caregivers. Additionally, relative foster placements may be beneficial as they minimize trauma by providing the child with a sense of family support. In Nevada, when a child must be removed from his home, the first placement option considered was relative care.

Moving to page 57, Exhibit A, Ms. Howell explained that the chart contains out-of-home placement numbers from July 1, 2007, through November 1, 2009, and indicated that caseloads have remained consistent from 2007 to 2009. She stated that 32 percent of the foster home placements were relative placements. Figure 2, page 58, displayed paid relative foster care from July 2007 through December 2009, which showed a significant increase in the use of relative placements. From July 2009 to December 2009, there was an increase in relative placements in the unpaid relative care, although the caseloads continue to remain the same.

Ms. Howell stated that attempting to get the fiscal impact around of state-funded kinship care program was somewhat difficult. She said that DCFS took the average number of children in foster care for a given month for FY 2009, and calculated how much it would cost for children placed in relative foster care and the cost if unpaid relative placements were paid. Ms. Howell stated that the reason it was difficult to conduct a fiscal analysis was trying to figure out how many of the current placements would move from an unpaid relative placement or relative placement, to a guardianship assistance program if one were to become available. Ms. Howell said the analysis was not complete and DCFS was looking at administrative costs for case management for relative foster care placements. Recently, DCFS looked at some numbers for case management, and statewide annual administrative costs for relative foster care placements were approximately $15.0 million.

Diane Comeaux, Administrator, Division of Child and Family Services, clarified that the chart on page 59 indicated the fiscal impact of a state-funded kinship care program. Currently, there were 937 youth placed in relative foster care at an annual cost of $8.7 million. Ms. Comeaux stated that amount of money was already included in the DCFS budget and the money was currently paid to the licensed relatives. The unpaid relative care was not included in the DCFS budget because those relatives have chosen not to get licensed, and the long-standing policy was that families did not receive a foster care maintenance payment if not licensed. Ms. Comeaux stated that there were

other pieces of information that DCFS needed to obtain a solid fiscal impact of a state-funded kinship care program.

Ms. Comeaux stated that DCFS needed to know how many children in relative foster care placement have been there longer than six months and how many children have a goal of reunification or adoption, because DCFS was aware that population is not one that would then qualify for the guardianship programs. Also, DCFS looked at the families that chose not to become licensed to get a guardianship subsidy, because through Title IV-E they had to be licensed. Therefore, DCFS was looking at that population to see whether there was potential for getting the families licensed and if there were problems making it so they could not become licensed.

Ms. Comeaux said that when the final analysis was finished, DCFS would present the findings on what it took to implement the guardianship program, in addition to looking at the reduced cost of case management services, which would be an offset for some potential savings to help pay for the state-funded kinship care program. DCFS would also look at the legal costs associated with helping guardians become legal guardians, because in the kinship care program, the Welfare Division reimbursed families up to $600 for legal costs for becoming a guardian, which was a requirement of the program. The Welfare Division also had a contract with a number of statewide attorneys that would do the work for the division based on a specific contract, and the families could go to those attorneys and not have to pay anything.

Senator Cegavske thanked Ms. Comeaux for providing actual numbers in the charts instead of percentages. She recalled discussion during the 2009 Legislative Session about lowering the age of 62 for guardianship of children because of the younger age of many grandparents. She stated that page 59, Exhibit A, showed that even if she became the guardian of her grandchild, DCFS still had to have money to provide supervision.

Replying to Senator Cegavske, Ms. Comeaux said it depended on the court's decision. Typically, the state would have to have legal custody of a child in order for a grandparent to get guardianship. Therefore the state would have to terminate their custody in order for a grandparent to obtain guardianship.

Senator Cegavske asked if those were two different issues regarding the age of guardianship because a judge could give custody to grandparents regardless of their age, and DCFS required the age of 62 for guardianship or adoptive parent through regulation.

Ms. Comeaux explained that the age of 62 was specifically tied to the Welfare Division's kinship care program. She recalled discussions during the last legislative session around lowering the age of 62 for guardianship, and the Welfare Division indicated there would be a substantial fiscal impact if the age was lowered from 62. She stated those were totally separate issues. Ms. Comeaux stated that guardianship program through

Title IV-E did not have an age limitation and there was no specific age limitation on the program they were talking about.

Assemblywoman Leslie clarified that the state was already paying relative foster care and the unpaid relative care was a worst case scenario of what the state might have to pay if a state kinship care program was implemented; however, the state still did not know how many people would pursue a guardianship. She asked if the end result that DCFS was looking for was providing enabling legislation that authorized subsidized guardianship payment in Medicaid. Ms. Comeaux replied that was the end result that DCFS hoped to see.

Assemblyman Leslie asked if this was a requirement to be in full compliance with the federal Fostering Connections law, or was it an option. Ms. Howell replied that it was an option under the federal Fostering Connections law and it was not something that states had to implement.

XIV. PRESENTATION CONCERNING CHANGING RESIDENCY REQUIREMENTS RELATED TO THE FINALIZATION OF ADOPTIONS.

Theresa Anderson, Program Specialist, Washoe County Department of Social Services (WWDSS), introduced Samantha Sevcsik, Supervisor, WCDSS Adoption Program, who was attending the meeting in Carson City.

Ms. Sevcsik stated that WCDSS was primarily changing the residency regulations regarding where an adoption could be finalized. Currently, NRS 127 states that in order to finalize an adoption the guardian had to be a resident of the state of Nevada, which has posed several challenges. She indicated that 44 out of 110 children in Washoe County Social Services Adoption Unit were primarily placed with relatives out-of-state and those families were required to finalize those adoptions in the state in which the children reside. Ms. Sevcsik stated that was difficult considering the budget and backlog of cases, specifically in the state of California, in finalizing adoptions. Ms. Sevcsik explained when a case goes through the system and the adoption was ready to be finalized, WCDSS issued a document called the Consent to Adopt. Once the Consent to Adopt was issued, if the adoption was finalized in the state of Nevada, the adoption was finalized in approximately 30 days. If a child was placed out-of-state it took four to six months of wait time before the adoption was finalized. Currently, there were children in Alameda County, California, with consents issued in August 2009, and WCDSS was still waiting for the courts to hear the adoption so the family could finalize the adoption. Ms. Sevcsik stated that many of the neighboring states, like Oregon, California, and several eastern states, have already implemented that and allowed an adoption to finalize out of their own court if a child was placed out of their jurisdiction, but in the custody of that state's child welfare system. Therefore, when children were in the dependency of the state of California, but resided in Nevada, California actually finalized the adoptions. She noted that Nevada was moving toward implementing changes to the residency requirements and expanding NRS 127 so the state would have one less barrier to finalizing adoptions.

Chairwoman Leslie asked Ms. Sevcsik if she was aware of any downside to changing the residency requirements related to the finalization of adoptions. Ms. Sevcsik believed that changing the requirements was the best for children and families, although the Nevada courts would hear more adoptions of children in custody of the state. She indicated that there was often discussion among child welfare workers about the reason why adoptions have not been finalized and her response was that Nevada was at the mercy of the receiving state.

Ms. Anderson added that the state was required by federal law to try to finalize adoptions within 24 months, and although four to six months may not seem like a long time, Nevada averaged close to three years to finalize adoptions, so four to six months did make a huge difference for both the child and outcomes.

XV. STATUS REPORT ON THE NEGOTIATION OF THE PROGRAM IMPROVEMENT PLAN (PIP) RESULTING FROM THE 2009 FEDERAL CHILD AND FAMILY SERVICES REVIEW (CFSR).

Amber Howell, Deputy Administrator, DCFS, explained that since she submitted the Program Improvement Plan (PIP) presentation, page 67, she received a call from the Administration for Children and Families (ACF) with feedback that the draft PIP was an excellent attempt at addressing the CFSR finding; however, ACF was concerned that the plan was too aggressive given the current economic situation. Therefore, ACF recommended that Nevada narrow in on the most important issues to ensure that the PIP was achievable. Ms. Howell stated that ACF would submit written feedback to DCFS and would come on site in May or June 2010 and help DCFS draft a final document.

Moving to her presentation, Ms. Howell stated that in developing the PIP, Nevada assumed that no new funds would be available for PIP implementation. Accordingly, DCFS developed strategies that included policy and practice changes that could be implemented within existing resources, which was also based upon a strong collaboration with Nevada's Court Improvement Program.

In the fall of 2009, DCFS began facilitating the PIP development process with members from DCFS administration, leadership from Clark County Department of Family Services, Washoe County Department of Social Services, the DCFS Rural Region, along with local and state external stakeholders. Ms. Howell noted that the first PIP kick-off meeting occurred December 2, 2009, which started the collaborative work group in developing the PIP. Nevada formed a statewide PIP steering committee and three local program improvement plan workgroups to develop strategies that would address items that had been identified as needing improvement in the CFSR. The local workgroups were asked to identify underlying issues contributing to the results identified in the statewide assessment and on-site review, identify strategies for improvement and action steps, and resources needed to implement those strategies. Interspersed

between those meetings, the statewide PIP steering committee met to integrate the feedback from the local workgroups into the preliminary PIP outcome.

Continuing, Ms. Howell stated that between 10 to 20 stakeholders participated at each local meeting with agency representatives to discuss the current PIP. Five primary strategies to improve and enhance child welfare practice in Nevada were identified:

- Strengthen and reinforce safety practice throughout the life of the case
- Preserve connections and strengthen relationships
- Improve the timeliness and appropriateness of permanency planning for children and youth across the life of the case
- Strengthen child welfare supervision and middle management skills
- Service array

Ms. Howell stated that two or three goals were identified per strategy surrounding certain issues within that strategy that identified action steps and benchmarks to help DCFS accomplish the strategy identified. The first draft of the PIP was submitted on March 1, 2010, as required, and two additional drafts have been submitted since that time. She noted that DCFS was in a stage of negotiations with ACF to submit and agree to a plan that was achievable for the state of Nevada.

Chairwoman Leslie stated that many of the goals for the PIP were things that could be implemented without a huge influx of cash. She believed the goals were reasonable and attainable. She asked if ACF indicated what was beyond DCFS's reach.

Ms. Comeaux replied that when DCFS originally submitted the PIP they believed there were a number of things that could be done within existing resources. However, ACF reminded DCFS that there would be penalties if they were unable to implement all the strategies that were outlined. Therefore, ACF tried to ensure that DCFS was not too aggressive so it would not be penalized for certain things. For example, one goal of DCFS was to strengthen their supervisors, because they believed it was critical for supervisors to have the skills and abilities to mentor their staff to ensure they were following the policies and procedures. She noted that ACF thought the goal was good but suggested that DCFS just focus on improving supervisor's oversight using the safety assessment. Ms. Comeaux said that DCFS was narrowing the scope of their goals, which was the recommendation of the ACF. She said that service array was a significant issue in Nevada and there were a number of things identified to improve independent living and how they handle Title IV-B funding, which were in some of the strategies.

Assemblywoman Mastroluca asked if there were going to be changes or adjustments to the PIP to address some of these issues in a lawsuit that was recently filed by the National Center for Youth Law, which referred to some foster care cases in Clark County.

Ms. Comeaux was recently notified about the lawsuit and has not had the opportunity to look at the concerns, but she did not believe that the PIP was going to be changed

around the lawsuit. She believed the lawsuit regarded 13 foster care cases in Clark County. Ms. Comeaux noted that DCFS would continue to move forward with the areas identified in the workgroups as needing improvement to improve outcomes and the lawsuit would be addressed separately.

XVI. PRESENTATION CONCERNING THE CARE OF CHILDREN DURING DISASTERS.

Sara Partida, Principal Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau, began her presentation by stating that the committee has previously heard testimony and briefly discussed planning for the care of children during disasters. She stated that she would briefly review the state and federal law relating to the care of children during disasters and discuss some planning suggestions for the care of children from the national organizations.

Ms. Partida explained that Chapter 414 of NRS establishes the general structure for emergency management and planning in the state and creates a Division of Emergency Management within the Department of Public Safety. NRS 414.040 also provides for the Chief of the Division, who under the direction and control of the Director of the Department of Public Safety, was required to assist in the development of comprehensive, coordinated plans for emergency management, prepare state and local government, private organizations, and other persons to respond appropriately to emergencies and disasters and test plans for emergency operations to ensure coordination between state and local governments, private organizations and other persons. Chapter 414 of NRS also prescribes the powers of the Governor related to emergency management, private organizations and other persons. Ms. Partida explained that the Governor was ultimately responsible for emergency management and may prepare a comprehensive state emergency plan and develop a program for emergency management to be integrated into and coordinated with federal and other state plans, and coordinate the preparation of plans and programs for emergency management by political subdivisions of the state. The Governor was also responsible to procure supplies and equipment, institute planning, training and exercise programs, carry out public information programs, and take other preparatory steps.

Continuing, Ms. Partida stated that the political subdivisions, which included cities and counties within the state, may establish a local organization for emergency management in accordance with the state emergency management plan and program for emergency management. The only requirements for an emergency plan, which may be developed pursuant to Chapter 414, are that the plan must address needs of persons with pets, service animals or service animals in training, and the plan must include provisions ensuring persons with a disability, who use service animals, are evacuated, transported, and sheltered together with those service animals. In addition to the general emergency management planning provisions of Chapter 414, several other chapters prescribe specific powers and authorities, which are related to the emergency management. Chapter 239C.120 of NRS relates to terrorism and related emergencies and establishes the Nevada Commission on Homeland Security.

Chapter 459 of NRS establishes the state Emergency Response Commission and prescribes provisions relating to hazardous material and disasters resulting from hazardous materials.

In accordance with Chapters 392 and 394 of NRS, public and private schools are required to establish plans to be used in response to certain traumatic and emergency conditions concerning violence on school property and school-sponsored activities.

Ms. Partida stated that Nevada has also adopted the Emergency Assistance Management Compact to provide for mutual assistance between the state entering into this compact in managing emergency and disasters, which was found in Chapter 415 of NRS.

Specific to the child welfare issue, Chapter 432A of NRS addresses issues relating to planning for disasters by certain facilities that care for children. NRS 432A.077 requires the Board for Child Care, in consultation with the state Fire Marshal, to adopt plans and requirements to ensure that each childcare facility and its staff is prepared to respond to an emergency, including conducting fire drills on a monthly basis, adopting plans to respond to natural disasters, and emergencies other than those involving fire, and adopting plans to provide for evacuation of childcare facilities in emergencies. Although the Nevada statutes do not provide for the specific content of these plans, the Board for Child Care has adopted, through regulation, the requirements for those emergency plans, which was found in NAC 432A.280. Each facility must have appropriate plans for moving staff and children of a facility in the event of a disaster. The provisions of 432A of NRS and Chapter 432A of NAC apply only to those childcare facilities that are licensed pursuant to those chapters and do not apply emergency planning requirements to facilities which are not required to obtain licenses.

Ms. Partida said that federal law has created the Federal Emergency Management Agency (FEMA) of the U.S. Department of Homeland Security and has established other general laws relating to emergency management. In addition to those general laws, 42 U.S.C. § 622 requires each state plan for child welfare services to include certain emergency management related issues and the plans needed to include: (1) the ability to identify, locate and continue availability of services for children under state care or supervision who are displaced or adversely affected by a disaster; (2) respond as appropriate to new child welfare cases in areas adversely affected by a disaster, and provide services in those cases; (3) remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster; (4) preserve essential program records; and (5) coordinate services and share information with other states. The state plan in Nevada would also include those youth in juvenile detention facilities, because those were generally within the state's child welfare statutes.

Concluding her presentation, Ms. Partida stated that numerous national organizations have provided suggestions for caring for children during disasters and adopting models for states to follow. She indicated that FEMA published the Comprehensive

Preparedness Guide 101 (CPG 101) to help states when developing and maintaining emergency plans. Although this addresses emergency management generally and provides good ideas, the FEMA CPG 101 suggests when developing the statewide plans that a wide range of governmental entities, civic leaders, and members of the public should be actively involved in the planning process, and specifically include the public health officer, school superintendents, and social service agencies, to ensure the interests of children, public health needs of the state, and the specific needs of persons with disabilities are considered in the state plan.

The National Commission on Children and Disasters was established pursuant to the Kids in Disasters Well-being, Safety and Health Act of 2007, and was required to conduct a comprehensive study to independently examine and assess the needs of children in relation to preparing for, responding to and recovering from major disasters and emergencies. In October of 2009, the National Commission on Children and Disasters released its interim report, which addresses various issues relating to children in disasters, including, mental and physical health issues, emergency medical services and child transportation, disaster case management, child care, elementary and secondary education, child welfare and juvenile justice, sheltering standards, and many other issues specific to children. Ms. Partida stated that some of the suggestions of the interim report include: (1) integrating the needs of children across all inter- and intra-governmental disaster planning activities and operations; (2) addressing the immediate and long-term mental health needs for children, including mental and behavioral health for children, psychological first aid, cognitive-behavioral interventions and bereavement counseling; (3) addressing the immediate and long-term physical health needs for children, including pediatric medical countermeasures, adequate pediatric disaster clinical training for healthcare professionals and formal regionalized pediatric system of care; (4) in proving capabilities of emergency medical services to transport and care for pediatric patients; (5) providing a safe and secure mass care shelter environment for children, including appropriate access to essential services and supplies; (6) prioritizing families with children for disaster housing assistance and expediting transition into permanent housing, especially for families with children who have disabilities or other special health, mental health or educational needs; and (7) developing an evacuee tracking and family reunification system that ensures the safety and well-being of children.

Save the Children, which presented several issues at the last meeting of the committee, has published several papers and issue briefs intended to assist states in planning for emergencies and protecting children from harm during disasters. She indicated that Save the Children has identified five minimum requirements for childcare facilities which included; (1) maintain written disaster plans that are coordinated with local emergency responders; (2) conduct evacuation drills in conjunction with local communities; (3) designate relocation sites and routes to those sites; (4) develop reunification plans for children and families; and (5) develop written procedures to provide for children with special needs.

The Annie E. Casey Program also provided a publication which includes more than 27 sections with a specific lesson or obstacle and specific recommendations for overcoming those obstacles and planning. The report is over 70 pages and includes a ten-item checklist as a starting point for child welfare agencies. The checklist encourages agencies to coordinate disaster management with federal, state and local agencies to include preparing memoranda of understanding before a disaster occurs so it is not an after-the-fact consideration, training staff to carry out plans, conducting exercises to practice and improve the plan, planning to track and communicate with families during and after disasters, planning to preserve and access records, accommodating children and families entering the state during disasters occurring elsewhere, ensuring families have individual disaster plans, getting necessary funds to children and families and assisting children and families in recovery efforts.

Ms. Partida informed the committee that pages 90 through 124 of the meeting packet contain the provisions of the NRS she referenced and the links to the reports she discussed relating to children and disasters. In addition, there were representatives in attendance at the meeting from child welfare agencies that could provide more information about Nevada-specific plans and suggestions to the committee.

Chairwoman Leslie thanked Ms. Partida for her informative presentation. She added that she was a member of the National Commission on Children and Disasters and after attending the national meetings she realized how little she knew about the topic. She said the Commission's final report will be out in October 2010 and she would ensure the committee members had the link to the report.

Chairwoman Leslie asked what needed to be changed in Nevada law to create the framework so the state was adequately prepared for an emergency. It amazed her that there were more detailed emergency plans for pets at the national level, and while pets were important to many people, she believed everyone would agree that children are equally, or more important, and their needs had to be considered in the event of a disaster.

Chris Lovass-Nagy, Clinical Program Planner, DCFS, stated it was not specific in state law but was in federal law and DCFS received the Administration for Children and Families program instructions in 2007 that included the five criteria referenced by Ms. Partida. As a response to the criteria in the report, the division developed an overall plan, and each child welfare agency developed a plan that addressed the ACF criteria. She stated that Attachment D, page 113, (Exhibit A) summarized elements related to the location of children. Some of the critical points are that foster parents, when becoming licensed, must participate in required training, and as part of that training, each foster family was provided with both written and verbal instructions, as well as information related to disaster response and planning. Each of the plans developed require that all foster families develop a disaster response plan for the home that identifies, at a minimum:

- Evacuation plans for the home, including location that the home will evacuate to;
- Key phone number, including alternate numbers to reach child welfare staff during, if possible, and after a disaster; and
- Critical items to take when evacuating the home (such as medication or other medically necessary equipment).

Ms. Lovass-Nagy stated that Clark County and Washoe County have strong emergency planning processes, which support their child welfare plans. In addition, Clark County and Washoe County child welfare participates in their counties respective disaster response planning. In the event that the disaster overwhelms the resourses of a particular county, assistance is provided through the state emergency operations plan and the support agencies. Rural child welfare responded after the Fernley flood, as well as the earthquake in Wells, to effectively implement their plan and to locate all of the children in care who were impacted. Ms. Lovass-Nagy stated that after the Wells earthquake, the ACF contacted the division and inquired about the children and confirmed the response. NAC 423.280 pertaining to licensed child care providers was summarized and made available to the committee outlining the requirements for licensees to develop and maintain disaster response plans and what must be included in the plans, as well as the required drills. The plan was reviewed at the annual and semi-annual inspections, and reviewers also check to see that emergency numbers were posted and drills were up to date and for accuracy of sign-in sheets for both children and staff present.

Continuing, Ms. Lovass-Nagy said that beginning April 1, 2010, the Bureau of Child Care Licensing will begin monitoring for compliance by reviewing staff meeting agendas with signed attendance sheets and requiring that such emergency plans be submitted annually with any changes noted. The formation of a statewide child welfare response workgroup to coordinate updating and revision of plans, training of staff and the development of exercises to test plans was a way to facilitate the process; however, that would take additional resources, which were limited at this time.

Chairwoman Leslie stated that everyone agreed that disaster planning was needed, but with limited resources, it was not something that was a priority until a disaster happened. She said they were struggling with that at the national level and how to incentivize disaster planning and were looking at federal funding streams that were specifically targeted to this. Chairwoman Leslie said she would convey the information received from the committee when she attends the meeting of the National Commission on Children and Disasters.

Ms. Comeaux added that it very resource-intensive to implement disaster plans and to make certain they were kept up-to-date, and that the plans could be carried out in the event of a disaster.

Chairwoman Leslie asked about the article, “A Report Card: Are the States Prepared to Protect Children During Disasters?”, which was prepared by Save the Children U.S. Programs (page 121, Exhibit A). She noted that the states were evaluated in four

areas; evacuation plans, reunification efforts, special needs of children in child care, and K-12 written procedure for disaster planning, and Nevada was only found sufficient in one of the areas, which was the evacuation plan. She asked if there were any thoughts on how the state could improve in the areas evaluated in the report. She wondered if Nevada needed more detailed and specific laws in the areas identified in the report.

Ms. Comeaux responded that the report considered whether there were current laws or regulations that address the specific areas evaluated, which was why Nevada did not have information for all areas. She noted that Nevada did not have specific laws for child welfare disaster plans. Currently, Nevada was following the requirements at the federal level, but the laws in Nevada do not cover the specific areas in the report. Ms. Comeaux believed that more specific and detailed laws were necessary if the state wanted to handle a disaster in an appropriate manner, but without the resources to back it up, it would simply be a law on the books that the state was unable to have the resources to comply with.

Ms. Anderson stated that there was good language in NRS 432A, and there were opportunities for strengthening the foster care regulations in NRS 424 that would help the state with disaster planning. In addition, they could potentially add language to NRS 432B, under the administration section about the division's responsibility and include the major components that the federal requirement required for disaster plans. Lastly, in her research that came out of the National Child Welfare Research Center, Ms. Anderson noted that many states put language in their contracts with providers for disaster planning, which could be done in Nevada.

Tom Morton, Director, Clark County Department of Family Services (CCDFS), stated that he did not have any recommendations for legislative action for disaster planning but would offer some practical comments. He noted it was difficult for him to imagine the size of the earthquake that would devastate Clark County the way that Hurricane Katrina devastated New Orleans. He said it was possible to manage a direct nuclear attack or a meteor landing in Clark County, but those things seemed rather isolated in terms of their possibilities. What did strike him were the problems that followed the attacks of 9-11 in New York City, which was the ability to communicate and coordinate with other entities, because he believed all the disaster plans assume the entire communication network remained intact. Mr. Morton was aware that Nevada did not have satellite phones or other means of communication other than the landlines and cells phones. Another practical issue was the ability to implement the disaster plans, which was a resource-dependent issue and the resources were not there. Mr. Morton stated that the reality was with personnel changes in the entities – a drill could be implemented and a year later the people that implemented the drill were gone and nobody now knows how it worked or what to do. Lastly, while Clark County has a disaster plan, the question was how the state and county worked together when county capability was disabled and what that implied in terms of how the state resources come in to augment the counties capacity in the same way that FEMA might come in and augment the disaster capabilities in the local community.

Chairwoman Leslie commented that Mr. Morton raised a good issue of the communication between the entities.

Senator Wiener asked for an update on the K-12 written procedure for disaster planning. She recalled when she chaired the Commission on School Safety and Juvenile Violence language was drafted and every school in the state had to have procedures in place in the event of a disaster, which was a very complex piece of legislation. She wondered why Nevada did not qualify for that piece of it because the state had substantial requirements in statute for planning from school districts to schools.

Mr. Goodman replied that he would look into that issue with the help of the Research Division, Legislative Counsel Bureau, and the Save the Children U.S. Programs and find out where they thought the state fell short on that issue.

Ms. Partida explained that Chapters 392 and 394 contained some planning requirement for violence in schools. She thought that possibly the Save the Children U.S. Programs was looking for something different than just violence in school, maybe a broader statement or something that the state does not address. She stated that the committee could contact the Save the Children U.S Programs to find out specifically what they were looking for that they did not currently find in Nevada law.

Chairwoman Leslie asked if Juvenile Court Master Buffy Dreiling was present in Carson City. She said Court Master Dreiling was scheduled to present on Agenda Item VI – Presentation Concerning Requiring Public Notice for Hearings on Sibling Visitation, Pursuant to *Nevada Revised Statutes* 127.2827, Related to Assembly Bill 364. Chairwoman Leslie thought there might have been a miscommunication and staff would try to reschedule her presentation for the next committee meeting.

XVII. DISCUSSION OF FUTURE MEETING DATES AND FUTURE AGENDA ITEMS AND TOPICS.

Chairwoman Leslie stated if there was enough money in the committee's budget there would be an additional meeting, although she and staff would have to attend the meeting in Carson City. She indicated that there were several issues that have not been heard by the committee that were important. Chairwoman Leslie noted that staff would be in touch with the members for a potential meeting date. She stated the final meeting of the committee, which was the work session, would be held in July.

XVIII. PUBLIC COMMENT.

Chairwoman Leslie asked for public comment. There was no public comment.

XIX. ADJOURNMENT.

The meeting was adjourned at 3:25 p.m.

Respectfully submitted,

_____
Donna Thomas, Committee Secretary

APPROVED:

_____
Assemblywoman April Mastroluca, Chairwoman

Date: _____

Copies of exhibits mentioned in these minutes are on file in the Fiscal Analysis Division at the Legislative Counsel Bureau, Carson City, Nevada. The division may be contacted at (775) 684-6821.