

**MINUTES OF THE MEETING OF THE
SUBCOMMITTEE TO OVERSEE THE CONSULTANT TO STUDY THE HEALTH, SAFETY, WELFARE, AND
CIVIL AND OTHER RIGHTS OF CHILDREN IN THE CARE OF CERTAIN GOVERNMENTAL ENTITIES OR
PRIVATE ENTITIES (A.B. 580)
March 24, 2006**

The Subcommittee to Oversee the Consultant to Study the Health, Safety, Welfare, and Civil and Other Rights of Children in the Care of Certain Governmental Entities or Private Entities (A.B. 580), was called to order by Chairwoman Sheila Leslie at 10:10 a.m. on March 24, 2006, at the Legislative Building, Room 3138, 401 South Carson Street, Carson City, Nevada, and via simultaneous videoconference at the Grant Sawyer State Office Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada, and at the Great Basin Community College, Room 123, 1290 Burns, Elko, Nevada. Exhibit A is the meeting packet and agenda; Exhibit B contains the Attendance Report.

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Ms. Sheila Leslie, Chairwoman
Mr. Bernie Anderson

COMMITTEE MEMBERS PRESENT IN ELKO:

Mr. John Carpenter

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Ms. Barbara Buckley
Senator Randolph Townsend

COMMITTEE MEMBERS ABSENT:

Senator Valerie Wiener

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Brenda Erdoes, Legislative Counsel
Risa Lang, Chief Deputy Legislative Counsel
Heidi Chlarson, Deputy Legislative Counsel
Carol Thomsen, Interim Secretary

Chairwoman Leslie called the Subcommittee to order and welcomed persons to the meeting. She explained that the study was formed to identify how well various governmental entities and private facilities are addressing the needs of children under their custody, care, and supervision. At the initial meeting of the Subcommittee on January 5, 2006, the consultants performing the study outlined their plans and updated members regarding the progress made to date. Chairwoman Leslie noted that representatives from the Nevada Institute for Children's Research and Policy, University of Nevada, Las Vegas (UNLV), were present in Carson City to provide additional updates on progress made toward the completion of the study.

Chairwoman Leslie advised that also present at the hearing were representatives from the various social service agencies throughout the state who would present testimony regarding several issues that were discussed during the initial meeting of the Subcommittee.

Chairwoman Leslie stated that she would accept a motion to approve the minutes of the meeting of January 5, 2006.

ASSEMBLYMAN ANDERSON MOVED TO APPROVE THE MINUTES OF THE JANUARY 5, 2006, MEETING OF

THE SUBCOMMITTEE TO OVERSEE THE CONSULTANT TO STUDY THE HEALTH, SAFETY, WELFARE, AND CIVIL AND OTHER RIGHTS OF CHILDREN IN THE CARE OF CERTAIN GOVERNMENTAL ENTITIES OR PRIVATE ENTITIES.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Wiener was not present for the vote.)

The Chairwoman opened discussion of Agenda Item III regarding the report from the Nevada Institute for Children's Research and Policy, University of Nevada, Las Vegas (UNLV). She recognized Ms. Tanata and Ms. Zipoy, who would outline the work completed by the Institute to date. Chairwoman Leslie called the Subcommittee's attention to Exhibit A, the meeting packet and agenda, which contained reports from the Institute dated January 2006 and February 2006.

Denise Tanata, Executive Director, Nevada Institute for Children's Research and Policy, UNLV, explained that the Institute had many accomplishments to report regarding the study. Ms. Tanata said that she has been absent on maternity leave and she publicly thanked Ms. Zipoy for her efforts in organizing the study.

Ms. Tanata reminded the Subcommittee that in January of 2006, the Institute sent out introductory packets to all facilities that were included in the study, giving the facilities an overview of the project and advising them regarding the documents that the Institute needed to receive from the facilities. The packet also provided a deadline regarding receipt of the requested information. Ms. Tanata said that approximately two weeks after the packets had been sent out, the Institute also sent posters to the facilities. The posters contained information regarding how children and others could file complaints directly with the Institute during the course of the study. The Institute sent two posters in English and one in Spanish to each facility and advised each facility to contact the Institute if more posters were needed. Ms. Tanata noted that the Institute had provided additional posters to several facilities at their request.

According to Ms. Tanata, the introductory packet requested that documents regarding the policies and procedures of each facility, as well as copies of all complaints from the past five years, be provided to the Institute by the deadline date of January 31, 2006. Ms. Tanata reported that 11 facilities provided the requested documents by the deadline and 9 facilities provided the requested materials by February of 2006.

On March 14, 2006, Ms. Tanata stated that she sent a letter to the facilities that had not provided complete documentation, asking that facilities submit the requested materials to the Institute by March 23, 2006. Ms. Tanata said that the Institute received two packets of information during March and two facilities promised to send the material to the Institute within the next two weeks. She noted that the Institute was awaiting receipt of materials from four facilities, and that one facility continues to promise that the information will be sent, but to date no material has been received by the Institute. Ms. Tanata noted that one facility has issues and questions regarding participation in the study and the Institute has worked with Risa Lang, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau (LCB), to resolve those issues. That facility recently assured the Institute that it will provide the requested information.

Regarding past complaints, Ms. Tanata reported that six facilities have forwarded documents indicating that there are limited past complaints or no past complaints to forward. The Institute has been informed by certain facilities that past directors destroyed complaints after the issues were resolved and, therefore, there are no physical records of past complaints. Ms. Tanata advised that she has a list of facilities where no physical records are available and she will be happy to provide that list to the Subcommittee. She wanted the Subcommittee to be aware that the Institute will not have records from those facilities to analyze.

Ms. Tanata acknowledged that while the Institute is still receiving documents from facilities, it will commence the analysis of the documents that it has received. She noted that a graduate student is working with the Institute to place the policies, procedures and complaints received from the various facilities into a common framework. Ms. Tanata explained that most facilities use different methods regarding the filing of complaints and the Institute is attempting to construct a common framework in order to conduct analysis between the different facilities. Ms. Tanata stated that the Institute is also researching best practices used in facilities in other states that the Institute recognizes as being superior to those used in facilities in Nevada.

Regarding new complaints, Ms. Tanata reported that since the beginning of the project and as of March 23, 2006, the Institute had received 36 direct complaints and 21 of those complaints have been resolved. The Institute has received 201 complaints forwarded from facilities since the beginning of the project. Ms. Tanata said the Institute is in the process of placing those complaints into a common framework. She noted that there are three ways that persons can file a complaint directly with the Institute, with one being via an "800" telephone number. One concern within certain juvenile detention facilities is that children do not have free access to telephones. Ms. Tanata indicated that in order to use the telephone at certain facilities a supervisor or staff member has to actually dial the number. However, she pointed out that the Institute has received complaints from children in facilities where telephone use is monitored by staff. Ms. Tanata stated that persons wishing to file a complaint can submit a complaint by fax or mail, or access the Institute's Web site and fill out the appropriate form. She indicated that the institute has received complaints from all three sources to date and is attempting to make the process available to as many people as possible.

Ms. Tanata said that another issue at certain facilities involves forwarding complaints directly to the Institute. The Institute has received 201 complaints, but it appears that there are more complaints that were not forwarded. Ms. Tanata emphasized that the Institute has requested that all complaints be forwarded, but if complaints are not received, the Institute will follow-up with each facility to determine how the complaints are being resolved and whether they are being resolved in a timely fashion.

According to Ms. Tanata, the Institute has also sent clarification for children at the facilities regarding the difference between "confidential" and "anonymous" complaints. That is relative to complaints filed by children who have included their names and are unaware that the complaints are ultimately sent back to the facility. If children do not want their names on the complaint that is sent back to the facility, the Institute is asking that those children not include their names on the complaints.

Ms. Tanata stated that once the Institute receives a complaint, the complaint is logged into a standardized format and the complaint is then faxed to the facility within one business day. The Institute follows up with the facility within approximately ten days to determine how the complaint has been resolved. Ms. Tanata reported that past complaints received from the facilities are being stored in a data base and will be analyzed with the complaints received during the study.

Ms. Tanata informed the Subcommittee that Ms. Zipoy would explain the process involving site visits.

Jennifer Personius Zipoy, Director of Research, Nevada Institute for Children's Research and Policy, UNLV, advised that site visits have actually been "fun" and staff has enjoyed visiting each facility and observing the differences between facilities. According to Ms. Zipoy, site visits at rural facilities have been conducted in both southern and northern Nevada. The Institute has attempted ten site visits to date and completed eight site visits. Ms. Zipoy indicated that the Institute was unable to conduct youth interviews at two facilities, but had scheduled return visits with each administrator at those locations. The administrators at both facilities are very willing to work with the Institute and Ms. Zipoy stated that the Institute is very pleased overall with the level of cooperation from the facilities.

Ms. Zipoy said that the Institute visited one facility on two different occasions, but the facility continued to voice concerns regarding participation in the study. With Ms. Lang's help, the issue has been resolved and a site visit will be scheduled at a later date. Currently, stated Ms. Zipoy, the Institute has completed 71 interviews, which includes 35 interviews with administrators and staff and 36 youth interviews. The Subcommittee previously voiced concerns that the Institute would not be able to interview ten percent of the children at each facility, but Ms. Zipoy advised members that the Institute has, to date, met that goal. She emphasized that the facilities have been very accommodating in assisting the Institute in reaching its goal. The interviews are currently being transcribed and the information will be placed into a database. Ms. Zipoy commented that preliminary analysis can commence in early April of 2006 while information regarding additional interviews continues to be added into the database as it becomes available.

According to Ms. Zipoy, the site visits have been an adventure for the Institute and staff is looking forward to visiting the other facilities.

Chairwoman Leslie thanked Ms. Tanata and Ms. Zipoy for their report and stated that it appears to be an excellent start.

She recognized Assemblyman Anderson.

Mr. Anderson referenced the January and February 2006 reports from the Institute contained in Exhibit A, and noted that apparently two facilities have subsequently submitted the requested information. He asked whether the March 2006 report will contain information specific to each facility by name, since the Institute seems to be reluctant to mention the facilities by name in its reports. Ms. Tanata replied that the Institute has the names of the facilities and that she would be happy to provide that information to the Subcommittee. Mr. Anderson stated that it is his intent to keep track of the facilities, specifically Child Haven, which apparently has not complied with the Institute's request for information. Ms. Tanata explained that Child Haven hand-delivered copies of its policies and procedures to the Institute on March 23, 2006.

Mr. Anderson asked whether the Elko County Juvenile Detention facility has complied with the request for information. Ms. Tanata stated that the Elko County Juvenile Detention facility is one of the facilities for which the administrator has promised to forward the information, but no information has been received to date. Mr. Anderson asked whether Kids' Kottage has provided the remaining material to the Institute and Ms. Zipoy replied that the Institute has received all requested materials from Kids' Kottage.

Mr. Anderson then asked whether Right of Passage has provided the requested information, since that facility is listed in the January 2006 report as not complying with the Institute's request for information. Ms. Zipoy reported that the Institute spoke with an administrator of Right of Passage during the past week and the administrator indicated that the information would be forwarded to the Institute within a few days.

Mr. Anderson then asked whether Montevista Hospital had complied with the Institute's request and Ms. Tanata explained that Montevista Hospital was one of the facilities that had questions regarding participation in the study, but those questions have recently been resolved with LCB and information from that facility should be forthcoming.

Mr. Anderson asked whether the SageWind facility is still concerned about participating in the study because of the provisions of the Health Insurance Portability and Accountability Act (HIPAA) (42 U.S.C. §§ 300gg et seq.). Ms. Tanata said that the Institute has worked with Ms. Lang of the LCB to address the facility's concerns and she believes the facility's concerns have been resolved at this time.

Regarding West Hills Hospital, Mr. Anderson asked whether that facility is in compliance with the Institute's request for information. Ms. Zipoy explained that the facility forwarded a copy of its grievance policy to the Institute on March 23, 2006. Ms. Tanata noted that the facility has not provided a complete set of its policy and procedures to the Institute, but the grievance policy has been e-mailed to the Institute. Ms. Tanata advised that she will call the facility on March 27, 2006, to ascertain when the Institute will receive the remaining information.

Mr. Anderson asked whether the Western Nevada Regional Youth Center and Willow Springs Hospital have complied with the Institute's request for information. Ms. Zipoy explained that the contact person for both facilities is the same since the facilities are owned by the same company. Ms. Zipoy said it is her understanding that the facilities utilize the same policies and procedures. However, she noted that the Institute is in possession of the grievance policy only.

Mr. Anderson stated that the rights of children placed in the State's detention facilities and treatment centers has been an ongoing concern of the Legislature for over four years. There are many different sides to the problem, including the conditions at the holding facilities and treatment center. Mr. Anderson said that since there have been ongoing problems in this area for quite a number of years, he is somewhat discouraged to hear that certain facilities have not been responsive to the study being undertaken by the Institute.

Ms. Tanata said that the Institute has attempted to address the concerns voiced by certain facilities and that the majority of the facilities have been quite accommodating and forthcoming with the requested information. She indicated that an issue of concern for some facilities appears to be confidentiality and that the Institute has provided confidentiality agreements to all facilities. However, certain administrators of facilities remain somewhat reluctant to participate in the study and want to check with counsel prior to participating. Ms. Tanata advised that the Institute has contacted Ms. Lang from LCB on several occasions and asked her to speak with certain facilities to address their legal concerns.

Mr. Anderson asked whether the Institute believed that part of the reason that certain facilities have not complied with the

Institute's request for information is because the study is being conducted by an independent contractor rather than a state or county entity. Ms. Tanata said that she believes that that might be the reason because the facilities are not acquainted with the Institute and are unsure of the authority under which the Institute has requested copies of pertinent material. Generally, once the facility has been made aware of the contents of A.B. 580 and that the Institute has been hired by the Legislature as consultants to conduct the study, the facilities have been more willing to cooperate.

Chairwoman Leslie pointed out that such a study has never been undertaken in the State before, which is one of the reasons the Legislature wanted to conduct the study. Chairwoman Leslie stated that, hopefully, once the Subcommittee has had time to digest the information at the end of the study, it can determine whether there is a need for a permanent mechanism to continue the study. She reminded the Subcommittee about the Civil Rights of Institutionalized Persons Act (CRIPA) report that was received from the federal government a few years ago regarding the situation at the Nevada Youth Training Center (NYTC) in Elko. The Legislature does not want to be placed in a similar situation where it fails to realize what is taking place in the facilities and programs in which courts place children in Nevada.

Chairwoman Leslie stated that the study is bound to encounter some barriers and she thanked Ms. Lang for working with Ms. Tanata and the Institute to overcome the reluctance on the part of certain facilities. She stated that she is optimistic that the study is over the worst of the barriers and that the Institute will have the full cooperation of facilities from this point forward. Chairwoman Leslie wanted the facilities to understand that the Legislature is taking the study very seriously. Facilities should be aware that there might be consequences if they refuse to cooperate with the study, and that the failure to cooperate will be made known to the courts and the public. The Chairwoman thanked Ms. Tanata and Ms. Zipoy for their report.

Chairwoman Leslie recognized Assemblyman Carpenter.

Mr. Carpenter advised that Ms. Plaster from the Elko County Juvenile Detention Facility would like to address the Subcommittee.

Pat Plaster, Juvenile Detention Supervisor, Elko County Juvenile Probation Department, explained that the facility's policies and procedures are ready to forward to the Institute. She noted that complaints submitted by juveniles within the detention center are filed in individual files and staff has been attempting to search the files, which are somewhat voluminous, to locate past complaints. Ms. Plaster informed the Subcommittee that she will forward copies of the policies and procedures and copies of complaints that have been located to the Institute on this date.

Chairwoman Leslie thanked Ms. Plaster for providing an update to the Subcommittee regarding the facility's compliance with the Institute's request for information.

Chairwoman Leslie recognized Assemblywoman Buckley.

Ms. Buckley asked Ms. Tanata to describe any possible trends that the Institute has noticed regarding the complaints that have been received thus far, and what issues are involved in most complaints. Ms. Tanata felt that offering an opinion regarding any trends was somewhat premature at the current time. The complaints varied from the taste of the food to some very serious racial discrimination and other types of complaints. Ms. Tanata indicated that the complaints ran the gambit, with the Institute receiving complaints from children at the facilities, from parents and from child advocates. She explained that the Institute is in the process of compiling the information from complaints for analysis, but the actual analysis has not been run to date. Ms. Tanata stated that it might be possible to run an analysis regarding the complaints for the next meeting of the Subcommittee.

Ms. Buckley asked what the next step will be after the Institute runs its analysis of complaints. Ms. Tanata explained that when the Institute receives a complaint, the complaint is placed on a standardized form and forwarded to the appropriate facility. The Institute allows the facility to actually make the determination regarding what resolution will be appropriate to answer the complaint. Ms. Tanata stated that the Institute requests that the facility furnish a report stating how the complaint was resolved within a ten-day period. She said that the facilities are able to resolve the issues for most complaints, but she is aware of one situation in which the complainant has not been satisfied with the facility's resolution. Ms. Tanata stated that unless the Subcommittee instructs otherwise, the Institute's responsibility is to make note of the fact that the complainant is not satisfied and attempt to work with the facility to ensure that it resolves the complaint.

However, it is the facility's responsibility to provide resolution of the complaint.

Ms. Buckley noted that the Legislature is embarking on the endeavor of a study for the first time and that the goal is to provide independent oversight and ensure that abuse within facilities is not ongoing for years without ever coming to anyone's attention. The goal is also to provide quick action and perhaps the Legislature should contemplate taking additional action during the upcoming session or perhaps the Subcommittee should consider further action during the interim.

Ms. Buckley said if a complaint is filed about something that is an aberration and the facility is ready, willing and able to take corrective action, the procedure of simply notifying the facility would be sufficient. However, if the complaint is about something like what was occurring during the time of the CRIPA report, where complaints were being handled by the same people who were engaging in inappropriate procedures, simply notifying those persons that complaints have been filed about the inappropriate procedures will not help the situation. Those persons might simply end up retaliating against the children who are complaining and nothing will be done to change the inappropriate procedures.

Ms. Buckley stated that she believes that forwarding complaints back to the facilities will not address the situation. She suggested that perhaps the Subcommittee can determine a protocol for which the Institute notifies the Bureau of Licensure and Certification, the Director's Office of the DHHS, the Legislative Subcommittee, or all three, when certain complaints are received. Ms. Buckley pointed out that the Legislature and the Institute is one month into the experimental study and the Subcommittee wants to make sure that the focus from the very beginning is on policies and procedures, inspections and ensuring that a site is available for complaints. Ms. Buckley said she sees that as being one of the first things the Subcommittee should begin to think about and implement. She stated that the study is off to a good start and that it will be an interesting process and that there will be much additional information for the Subcommittee to consider as the study progresses.

Chairwoman Leslie agreed with Ms. Buckley. She stated that she would ask the Institute to determine whether the study has progressed to a point where the Institute can formally present the following information to the Subcommittee: (1) the status of the study to date; (2) the number of complaints received; (3) the way in which those complaints have been resolved; (4) whether or not the person who filed the complaint was contacted to determine whether the complaint was satisfactorily resolved; (5) the method used to resolve the complaint and whether the method of resolving complaints has changed; and (6) the number of claims that were unsubstantiated.

Chairwoman Leslie also requested that information regarding complaints that are not successfully resolved by whatever criteria is currently in use be brought to the attention of the Subcommittee. She advised that the item will be placed on the next agenda to allow the Subcommittee to discuss the protocol it feels should be used to handle complaints, such as whether the Subcommittee feels that the Institute should inform the Director of the DHHS, the Bureau of Licensure and Certification, the Subcommittee and county managers when complaints are not properly handled. Chairwoman Leslie believed that this is a very important step and asked Ms. Tanata whether she thought it was a reasonable request.

Ms. Tanata replied that it appears to be a reasonable request and that the Institute will provide information and analysis regarding the complaints received to date at the next scheduled meeting of the Subcommittee. She stated that the information will include a more detailed explanation regarding the complaints. Ms. Tanata pointed out that there were some questions at the beginning of the study regarding the Institute's authority to resolve complaints. She noted that several complaints have been received which the Institute would like to investigate further, but it is unsure of its authority in the procedure.

Chairwoman Leslie said that is the type of information that is needed by the Subcommittee in order to determine how to proceed.

The Chairwoman recognized Assemblyman Anderson.

Mr. Anderson stated that during the past four or more years, the Legislature has received information regarding the juvenile facilities throughout the State, it learned that it is usually after juveniles are released from a facility that they come forward with complaints. He indicated that juveniles waited until they felt they were safely away from the jurisdiction of either the court or the facility. Mr. Anderson asked whether the Institute is interviewing former clients of the facilities regarding their concerns. He wondered whether the Institute plans any type of follow-up regarding complaints from the

past five years that were lodged by juveniles no longer in the facility. Mr. Anderson said that juveniles no longer under the control of parents might also be more willing to be open with their comments about how the system can be changed.

Ms. Tanata agreed that interviewing juveniles who are no longer in the system is a very good idea and that it is something that the Institute would like to do. However, given the scope of work that the Institute has to complete during the study, along with the time period in which to complete the study, it is not realistic for the Institute to attempt such interviews. Ms. Tanata said that once the Institute has received and analyzed the complaints and after the interviews at the facilities are complete, that would be the best time for the Institute to attempt to review some of the complaints. Ms. Tanata explained that there are many issues that the Institute would like to investigate further, but it has to remain within the scope of the study at the present time. She said that one recommendation from the Institute will be for further study and investigation regarding topics that it feels will require such action.

Mr. Anderson opined that some incidents of abuse within the facilities might result in criminal charges if they occurred in a home and, as a teacher, he would have had the responsibility of reporting the incidents of abuse to authorities. Mr. Anderson said that he is somewhat curious about why certain incidents within facilities are not reported and why no follow-up is conducted to ascertain whether there was a response from the governmental agency that has the enforcement responsibility for CPS. He said that it is difficult to report to a CPS entity that a child placed in a protective facility is being abused.

Chairwoman Leslie hoped that the Subcommittee will have a better feel for where the study is heading at its next meeting and she thanked Ms. Tanata for the hard work of the Institute in getting past the first hurdles in the study. Chairwoman Leslie said that she is actually very encouraged that the outside complaint process, which has never been available in the past, is in place and that people are using that process. Chairwoman Leslie stated that is a first giant step toward transparency and ensuring that children's rights are protected.

The Chairwoman recognized Assemblyman Carpenter.

Mr. Carpenter expressed his belief that the Subcommittee needs more detail regarding complaints so that it can analyze and determine exactly what is occurring at the facilities. He noted that 21 complaints have been resolved and he believes that it would be interesting to know what the complaints entailed and how they were resolved so that the Subcommittee can devise a plan for further action. Mr. Carpenter asked that the details regarding the 21 complaints be presented to the Subcommittee because he would be most interested to see how they were resolved.

Chairwoman Leslie assured Mr. Carpenter that analysis of complaints will be placed on the next agenda of the Subcommittee. She noted that perhaps the Subcommittee is pushing the Institute a bit in compiling the information, but it would like to see some preliminary results. Chairwoman Leslie asked Ms. Tanata to report to the Subcommittee regarding the time needed to compile the information and the Subcommittee will work with the Institute regarding the timeframe.

Ms. Tanata said the Institute will definitely provide preliminary results of complaints for the Subcommittee at its next meeting.

Chairwoman Leslie opened discussion regarding Agenda Item IV, "Reports Concerning Child Death Review (CDR) Teams and the Blue Ribbon Committee," and recognized Mr. Willden. She asked Mr. Willden to identify the documents that he would utilize for his presentation.

Michael J. Willden, Director, Department of Health and Human Services (DHHS), apologized for bringing late documents to the Subcommittee and explained that his presentation would include the following information:

- Packet of information containing Mr. Willden's presentation to the Subcommittee; the report regarding the Child Fatality Analysis for Clark County; the report from the Clark County Child Fatality Review Panel; and the chart depicting the death data comparison summary for Clark County.
- Opinion from the Attorney General's (AG's) Office dated March 23, 2006.
- Review of death of children account, BA 3251, which contains an explanation of the budget account.
- The *2004 Statewide Child Death Report*.

Mr. Willden introduced Barbara Legier, Clinical Program Planner III, Division of Child and Family Services (DCFS), to the Subcommittee and explained that Ms. Legier has been the “point person” regarding the child fatality review process during the past year. Mr. Willden explained that Ms. Legier will assist him in presenting details regarding the child death report. Mr. Willden then introduced Mr. Fernando Serrano, Administrator, Division of Child and Family Services (DCFS), to the Subcommittee and explained that Mr. Serrano will also be available to offer assistance to the Subcommittee. Mr. Willden noted that Michael Capello, MSW, Director of Washoe County Department of Social Services, and Darryl Martin, Assistant Clark County Manager, were also present to offer assistance to the Subcommittee.

Regarding the legal opinion from the AG’s Office, Mr. Willden indicated that Cynthia Pyzel, Chief Deputy Attorney General, was present and would offer assistance to the Subcommittee pertinent to the opinion.

Mr. Willden commenced with his presentation and indicated that the packet of information included in Exhibit C contained a spreadsheet entitled, “Child (Ages 0-18 Years), Death Data Comparison Summary for Clark County,” which depicted the statistics related to the four-year data analysis conducted by DCFS. He reminded the Subcommittee that the information is not based on case file review, but is based on a data systems review in which DCFS reviewed a number of databases and analyzed the data. The conclusion from that analysis is that child fatalities are being underreported.

After completion of the data systems review process, Mr. Willden said there were 79 child deaths over the four-year period that should have been classified as needing further review. DCFS determined that a very detailed review of those 79 cases should be conducted by an independent panel of experts. Mr. Willden indicated that he reported to the Subcommittee at its meeting in January of 2006 that DCFS was searching for national consultants to conduct the study. He advised that since the spreadsheet was reviewed at length by the Subcommittee in January of 2006, he will not review those statistics again.

Mr. Willden explained that DCFS proceeded with the request for applications from case readers and national consultants. The Clark County Board of Commissioners approved the hiring of national consultants to review the data regarding child deaths in Clark County after reviewing the process it utilized to empanel the Clark County Child Death Review team. This allowed the national experts to interact with the local death review teams to complete the work.

Mr. Willden stated that by using funding from the federal Victims of Crime Act (VOCA), DCFS contracted with Teri Covington of the National Maternal and Child Health Center for Child Death Review to coordinate the overall expert review process. In turn, Ms. Covington contracted with 12 national review specialists, as depicted by the document contained in Exhibit C entitled, “Clark County Child Fatality Review Panel, National Expert Panel – March 6-March 10, 2006.” Mr. Willden explained that the panel consists of two representatives from each of the following fields:

- Legal prosecution;
- Medical/forensics/pediatric;
- Child protective services/social services;
- Child advocacy;
- Law enforcement; and
- Medical examiners.

Mr. Willden stated that a team has assembled to review the 79 cases that DCFS believed required further review. DCFS then employed the services of “case abstractors” consisting of retired state CPS and child welfare workers, who reviewed county case files and data systems to abstract data using standardized abstract forms. The abstracted material was mailed to the national experts for review. Mr. Willden explained that the experts had approximately one month to review the cases and they then met in Las Vegas during the week of March 6 through March 10, 2006. At that time, the experts had access to all records pertaining to the Clark County child death cases, including information from DCFS staff, legal documents, the Coroner’s Office, hospital staff, emergency response staff and school staff. Mr. Willden emphasized that the experts had access to any and all information that they believed was necessary to review the cases. Each and every one of the experts reviewed all 79 cases.

Mr. Willden stated that during that process the experts were asked to arrive at a consensus finding and that they were able to come to a unanimous finding in each case regarding whether the case was properly substantiated or unsubstantiated. Mr. Willden advised that a report is currently being written for DCFS, with a due date of April 15, 2006. Teri Covington is charged with writing that report, which will address all systemic issues and provide statistical analysis.

Mr. Willden stated that DHHS will impanel a blue ribbon committee that is tentatively scheduled to meet on April 20, 2006. The committee will consist of seven representatives from the Legislature, the medical field, the university system, child advocates and the general public. Mr. Willden noted that the three child welfare directors will sit as ex officio persons to assist committee members with understanding the problem and to facilitate the process. Mr. Willden did not anticipate that the committee would take action on that date, but rather would digest the information for a few weeks and then submit recommendations.

According to Mr. Willden, once the recommendations from the blue ribbon committee are received, Mr. Capello has suggested using a process similar to that used by Washoe County in its grand jury process. Findings will be submitted to two work groups: (1) an implementation work group to ascertain what changes are needed and how to implement those changes; and (2) a work group to review the systems, policies and procedures and determine what changes are needed. Mr. Willden indicated that DCFS will utilize that process to bring forward recommendations regarding statutory changes, policy changes, training changes, form changes, system changes and any other recommendations that come forward from the process. Hopefully, stated Mr. Willden, the process will be completed by mid-May and DCFS will commence work toward implementation of the recommendations.

Once the process has been completed for Clark County, Mr. Willden stated that DCFS will initiate review of Washoe County and the rural counties commencing in approximately June of 2006 and that it will use the same process for Washoe County and the rural counties as it will use for Clark County.

Chairwoman Leslie congratulated DCFS for moving forward with review of the 79 cases. She stated that she is somewhat confused regarding the blue ribbon committee and to whom that committee will report. Mr. Willden explained that as the Director of DHHS, he will appoint the blue ribbon panelists. He stated that he has consulted with numerous persons at the Legislature, Clark County and child advocacy groups to arrive at what will be a fair group of persons to review the report, ask the difficult questions, extract the information and move the process forward. As the Director of DHHS, Mr. Willden indicated that the report will be sent to him directly and he will be very happy to share that information.

Chairwoman Leslie noted that it will be a state blue ribbon committee and she requested that Mr. Willden report the outcome of the process to the Subcommittee and to the appropriate representatives in Clark County. Mr. Willden said that his staff is in weekly contact with representatives from Clark County, and he will provide the information to any and all interested parties.

The Chairwoman acknowledged Assemblyman Anderson.

Mr. Anderson asked whether the meeting of the blue ribbon committee will be open to the public. Mr. Willden advised that the meeting will be open to the public, but the report from the committee will not be released prior to its determined release date. Chairwoman Leslie asked whether the meeting will be held in Las Vegas and appropriately posted as an open meeting, and Mr. Willden replied in the affirmative.

Continuing his presentation, Mr. Willden reminded the Subcommittee that he had discussed the statistics from the 2002 - 2003 *Statewide Child Death Report* during the Subcommittee's initial meeting in January of 2006. He called the Subcommittee's attention to Exhibit D, the 2004 *Statewide Child Death Report*, which has been published on the DCFS web site and is a public document. He suggested that members focus on the executive summary, and explained that Ms. Legier would present the findings of the report to the Subcommittee.

Chairwoman Leslie asked Ms. Legier to highlight some of the more interesting findings and members can then individually review the entire report.

Barbara Legier, Clinical Program Planner III, DCFS, explained that page 8 of Exhibit D provided key findings and that she would commence with an overview of those findings. Ms. Legier advised that the content of the 2004 report constitutes a 100 percent improvement over past reports and she believes that data collection for the report will continue to improve year after year. Ms. Legier said the quality of the 2004 report definitely reflects that improvement.

Ms. Legier drew the Subcommittee's attention to the first two bulleted items on page 8 of the Report:

- Total statewide child and adolescent deaths in 2004: 407
- Total child and adolescent deaths reviewed in 2004: 159

Chairwoman Leslie said that she thought the entire purpose of creating a child death review team is to review every child's death and she asked for an explanation regarding why certain child death cases are not reviewed, and why there is such a large discrepancy between the actual number of child deaths and the number of cases reviewed.

Ms. Legier responded that there are child deaths that are required to be reviewed by statute. The Child Death Review (CDR) team, particularly in the case of Clark County, will screen out motor vehicle accident deaths and cases that do not require review because the cause of death is very obvious. The CDR teams screen and review those deaths and do not bring the entire file regarding those cases to the Administrative Team for review.

Chairwoman Leslie asked whether the CDR teams are satisfied that they review all the necessary child death cases. Ms. Legier replied that the CDR teams are working very hard to review the large number of fatalities that they currently review, the difficulty being that the teams are composed of groups of volunteers. The teams have increased the number of hours they meet every month in an attempt to review more cases. Ms. Legier advised that prior to July 10, 2006, the Executive Committee will attempt to provide additional training for the regional CDR teams regarding how to facilitate more effective meetings, which might address some of the time constraint issues. The training will help the CDR teams ask the right questions of the right people and help the teams conduct meetings somewhat differently. Ms. Legier thought that the very dedicated CDR teams would like to bring every single child fatality to the table, but they are unable to do so because of time constraints and the fact that the CDR teams are made up of volunteers.

Chairwoman Leslie said that the Subcommittee would like to receive additional recommendations from Mr. Willden regarding whether or not the Legislature needs to adjust the laws regarding CDR teams. Chairwoman Leslie stated that she did recognize the hard work done by CDR teams and recalled the comments made by Dr. Mehta at the initial meeting of the Subcommittee regarding the Clark County CDR team. Given the current structure, said Chairwoman Leslie, if CDR teams are not able to review the cases they feel should definitely be reviewed, then the Legislature should attempt to establish a different process. She noted that 407 total child deaths was a shocking number for a one-year period and reviewing only 159 of those cases did not seem sufficient.

Mr. Willden suggested that the Subcommittee review the information on page 21 of Exhibit D, which delineates the types of death. He indicated that the information will give the Subcommittee a better idea regarding the causes of death, the target causes and the number of natural deaths.

Chairwoman Leslie thanked Mr. Willden and asked Ms. Legier to continue her presentation.

Ms. Legier explained that the leading causes of death identified through the CDR team process are:

1. Motor vehicle accidents;
2. Drug-related deaths;
3. Asphyxia; and
4. Deaths involving gunshot wounds.

Regarding the motor vehicle accident category, Ms. Legier said it is important to note that the information does not simply include accidents that occur while a child is a passenger in a vehicle, but also includes information related to moped, ATV and watercraft accidents and also pedestrian deaths where a child victim is struck or injured by a motor vehicle.

Ms. Legier said that for the first time, the Executive Committee to Review the Death of Children has entered into a collaborative relationship with the State Health Division to compare death record information with the data from the five regional CDR Teams and that this has turned out to be an extremely valuable process that will continue in the future. She explained that Health Division records identify the leading causes of child deaths as:

1. Motor vehicle accident;
2. Homicide;
3. Asphyxia; and

4. Suicide.

Ms. Legier pointed out that drug-related child deaths emerged as a leading cause of death when the CDR teams researched more detailed information and that is the reason it is listed second on the regional CDR team data contained on page 8 of the exhibit.

According to Ms. Legier, deaths involving gunshot wounds are listed as a leading cause of death in the CDR team data because the involvement of firearms is assessed in a wide variety of manners by the CDR teams. She said that the Health Division is not privy to detailed information that explains whether deaths involving gunshot wounds are homicides, suicides or accidental deaths.

The Chairwoman recognized Assemblyman Anderson.

Mr. Anderson asked whether the CDR teams will compile a reporting document in the future so that when the *2005 Statewide Child Death Report* document is published, the Executive Committee can run a comparison between the *2004 Statewide Child Death Report* and its reporting method in order to test the validity of the 2005 report from the CDR teams.

Ms. Legier explained that Nevada is one of the pilot states using a national data tool and that by combining that tool with the data provided by the CDR teams, the Executive Committee will have better data to review and analyze than it has ever had before. Ms. Legier stated that she believes the capability to analyze different data sources will be greatly enhanced by the national data tool.

Mr. Anderson asked whether the Executive Committee will modify the *Statewide Child Death Report* document based upon the new data tool. Ms. Legier replied that the format will probably improve, but that the 2004 report was developed based on use of the new data tool. Ms. Legier advised that the two reports will compliment one another and the Executive Committee will have the capability to compare information.

Mr. Anderson referenced page 21 of Exhibit D and the 61.9 percent, or 252 cases, that do not fall into one of the target causes for data comparison areas and asked whether more of those cases will be categorized because the Executive Committee will have access to greater attributable sources of data in the future. Ms. Legier explained that the CDR teams will be able to identify more specific information in the future.

Continuing her presentation, Ms. Legier called the Subcommittee's attention to page 9 of the exhibit and stated that the greatest number of child deaths in Nevada in 2004 occurred for infants less than one year of age, which is consistent with national death rate information. According to Ms. Legier, when comparing child deaths in Nevada's two largest counties – Clark and Washoe – with the statewide population distribution, the percentage of child deaths by county is consistent with the statewide population distribution.

Mr. Willden stated that statistics regarding the percentage of child deaths by county can also be found on page 16 of the exhibit, which he thought was of importance.

Chairwoman Leslie noted that information on page 9 of Exhibit D stated, "when comparing child deaths with the statewide population distribution, the percentage of child deaths by race suggests that deaths among white children may be disproportionately low, while deaths among African American children may be disproportionately high." She asked whether that differed from the information regarding the percentage of child deaths by county. Ms. Legier said the percentage did not take race into account in the general population distribution.

Mr. Willden stated that the information on page 16 of the exhibit indicates that Clark County contains 71.3 percent of the overall population of the state and that 71.7 percent of the deaths occur in Clark County. He noted that the deaths are not disproportionate by region, but are disproportionate by race.

Chairwoman Leslie asked whether those statistics are comparable to national data or whether Nevada is different in that respect from other states. Ms. Legier concurred that the statistics by race for Nevada are inconsistent with national data.

Ms. Legier pointed out that the second most common manner of child death is "accidental" which accounts for almost one-fourth of child deaths in Nevada. This is consistent with national data. She stated that information contained on

page 29 of the exhibit indicates that the percentage of deaths based on county compared to population is consistent.

Ms. Legier stated that page 30 of the exhibit indicates that based on analysis of the data derived from the 159 cases reviewed by the five regional CDR teams, the four causes that the Executive Committee can target for prevention activities over the next year will be related to: (1) motor vehicle accidents; (2) drug overdose/intoxication; (3) asphyxia, both with and without bedding or co-sleeping issues; and (4) gunshot wounds. The next step for the Executive Committee will be to review various marketing campaigns and prevention activities.

Chairwoman Leslie thanked Ms. Legier for her presentation and concurred that the report appears to be significantly improved over past reports.

Chairwoman Leslie recognized Assemblyman Carpenter.

Mr. Carpenter stated that the CDR team based in Elko County is able to review all child deaths, which includes deaths in Elko, Eureka, Humboldt, Lander, Lincoln, Pershing and White Pine Counties. He noted that there are not as many deaths in the rural counties as there are in the larger counties, but the CDR team is able to review all child deaths, including those caused by vehicle accidents.

Chairwoman Leslie thanked Mr. Carpenter for sharing that information with the Subcommittee. She then asked Ms. Legier whether the four leading causes of death identified in the report are consistent throughout the state and whether Clark County has the same basic issues in child deaths as Elko County in terms of drug involvement and motor vehicle accidents.

Ms. Legier explained that the leading causes of death were determined on a statewide basis, and she believes that drug abuse might be more prevalent in Clark County than it is in the rural areas, but that would be the only discrepancy.

Chairwoman Leslie referenced the problem of persons backing vehicles over small children in driveway and sidewalk areas and she said she recently read that a coalition is forming to address that problem. She pointed out that funding has been set aside for prevention of child deaths by past Legislatures and she asked whether the Executive Committee will coordinate with such grassroots groups that are working to address some of the problem areas.

Ms. Legier said that normally, in order to prevent duplication of effort, the Executive Committee reaches out to see what is happening in the community. She stated that there is no doubt that the newly-formed coalition will be contacted. The number one cause of child deaths in Nevada is motor vehicle accidents and the new coalition will be working on an issue that falls into that category.

Mr. Carpenter emphasized that drug abuse is a huge issue in the rural areas and the rural counties will be creating teams in an attempt to reduce the number of child deaths that occur because of parental drug abuse. Mr. Carpenter said there will be a regional meeting in Winnemucca in the near future to discuss the issue and create the teams. He emphasized that the problem of drug abuse is not confined to urban areas and that the rural areas are also experiencing a significant problem with drug abuse.

Chairwoman Leslie said that later in the agenda the Subcommittee will discuss the problem of methamphetamine use and other drug-related issues. She stated that the drug abuse problem in the rural areas will be duly noted by the Subcommittee.

Chairwoman Leslie thanked Ms. Legier and all the members of the CDR teams for their hard work. She said she realizes it is a grim task that takes a great deal of volunteer time on the part of the citizens who serve on the teams. Chairwoman Leslie explained that the teams are a very necessary tool because if the Legislature does not know exactly what the problems are, it cannot help with prevention. Chairwoman Leslie stated that she endorses the process and is happy to see that the reports and data are improving. Hopefully, the prevention campaign will make an impact and reduce the number of child deaths in the future.

Mr. Willden stated that he would like to address three specific issues. The first issue is to ensure that the Subcommittee has the most up-to-date report, which is the *2004 Statewide Child Death Report*, and he will be happy to answer any questions that the Subcommittee might have in the future regarding that report after members have had time to digest the

information.

The second issue, said Mr. Willden, is to explain the structure of the CDR teams, which is depicted in Exhibit D. The report explains that the structure consists of the five regional CDR teams, the Administrative Team and the Executive Committee. Mr. Willden stated that DHHS will submit recommendations regarding the structure and statutes related to the CDR teams. He suggested that the Subcommittee discuss the process for requesting the bill draft request (BDR), either through the Subcommittee process or through executive channels.

Chairwoman Leslie said she does not want to lose sight of the BDR, even though it is somewhat beyond the scope of the Subcommittee. However, as previously discussed, there are no other Legislative interim committees investigating children's issues. Chairwoman Leslie asked that staff keep the issue of child deaths on the agenda for the Subcommittee, and the BDR process will be discussed at future meetings. She advised Mr. Willden that the Subcommittee would like information regarding the recommendations for structural changes.

Mr. Willden indicated that he can present at least three recommendations at the present time:

1. Clarify the release of information process.
2. Clarify the statute regarding the organization of the CDR teams because how teams are formed and authorized does not appear to be clearly stated in statute.
3. Clarify which records are available for review by the CDR teams, such as school records, which are not clearly listed in statute and are not currently reviewed. Currently, in order to review school records, the teams are required to subpoena the records.

Mr. Willden advised that there will be additional, very specific recommendations once the report from the consultant and the recommendations from the blue ribbon committee are received.

Chairwoman Leslie indicated that the Subcommittee will note the three recommendations and she stated that is the type of information the Subcommittee needs from Mr. Willden and other members of his team.

Mr. Willden called the Subcommittee's attention to Exhibit E entitled, "Nevada Department of Health and Human Services, Review of Death of Children Account, BA 3251, [Thru Mar 24, 2006]," which contains a summary of receipts and expenses regarding the CDR teams. Mr. Willden reported that the review of child deaths is funded based on a \$1 fee on death certificates that is deposited into BA 3251. The account is overseen by the Executive Committee to Review the Death of Children.

Mr. Willden pointed out that during FY2004, \$132,684 was collected in receipts and expenses totaled \$982.65 for in-state travel. The balance forward and additional receipts for FY2005 totaled \$252,950 and expenses include \$5,538.16 for in-state travel, \$701.91 for operating expenses and a grant to the Committee to Aid Abused Women in the amount of \$11,185. Mr. Willden explained that the grant is a technical assistance grant so that the Executive Committee has a resource for technical assistance.

Mr. Willden indicated that for FY2006, the balance forward is \$252,951 and receipts received year-to-date are \$67,893, with expenses of \$148,418.79 year-to-date. Those expenses include: (1) in-state travel; (2) operating costs; (3) a grant to UNLV to provide training for the CDR teams to support prevention campaign work with the Nevada Broadcaster's Association, and data collection and reports; and (4) a grant to the Committee to Aid Abused Women for technical support.

Chairwoman Leslie asked how much money is being spent on prevention campaigns. While she stated that she understands that training is important, she has not noticed much in the way of prevention campaigns recently.

Ms. Legier explained that the Executive Committee to Review the Death of Children has implemented a marketing campaign that began approximately six months ago. The Nevada Broadcaster's Association developed television and radio spots for the prevention of teen suicide and spots for the prevention of co-sleeping child deaths. Ms. Legier indicated that there are also spots regarding the traffic safety issue related to not leaving children in vehicles and spots to prevent shaken baby deaths. Ms. Legier stated that those spots either have been developed or are in the process of being finalized and would be released soon. One issue being reviewed by the Executive Committee is whether the

campaigns would reach the people who need the information. Ms. Legier said the Executive Committee has held discussions regarding the possibility of using billboards and paying for prime time announcements, which would decrease the number of spots, but the spots would be aired during more visible time periods. She explained that the Nevada Broadcaster's Association is conducting an analysis with UNLV regarding the best times to air those spots. Mr. Legier reported that the Executive Committee is also considering a marketing campaign that uses advertisements on buses. Ms. Legier indicated that the Executive Committee is looking at ways to branch out in order to have the most effective campaign.

Chairwoman Leslie suggested that the Executive Committee consider utilizing the Internet for prevention campaigns. Chairwoman Leslie asked whether the spots will be identified as "CDR team" spots. Ms. Legier indicated that the spots will state they are sponsored by the Division of Child and Family Services, Executive Committee to Review the Death of Children and the Nevada Broadcaster's Association.

Mr. Anderson said that he is very impressed with a recent poster he saw advising parents to "buckle-up" their children in vehicles. He stated he is somewhat discouraged that such posters are not also available in Spanish, which he believes is very important. Mr. Anderson said that statistical information in the *2004 Statewide Child Death Report* reveals the anomaly that the Hispanic population is somewhat ahead of the norm in Nevada. He also wondered about the grant to the Committee to Aid Abused Women and he asked whether that funding is separate from the funding that the Committee receives from the AG's Office.

Ms. Legier explained that the figures contained in Exhibit E depict a sub-grant from the Executive Committee to the Committee to Aid Abused Women, which is used strictly for technical assistance to the Executive Committee in terms of leading the meetings, compiling and posting agendas, and compiling the basic report information.

Mr. Anderson said that the 2005 Legislature dealt with a very difficult piece of legislation regarding leaving children unattended in vehicles during the summer months. The practical application of the legislation was the stumbling block for the Legislature and part of the equation is making parents more aware of the fact that they cannot leave children unattended in vehicles. Mr. Anderson said that he is distressed that the issue of leaving children unattended in vehicles is not part of the Executive Committee's marketing campaign to prevent child deaths.

Ms. Legier reported that leaving children unattended in vehicles is part of the Executive Committee's current campaign. The spot has not been finalized, but it is definitely included in the motor vehicle accident piece and will be carried over into the next year's campaign as well. Ms. Legier advised that both the Administrative Team and the Executive Committee to Review the Death of Children include representatives from traffic safety and other agencies, and there is significant collaboration regarding current issues pertinent to child deaths and prevention activities.

Mr. Anderson noted that the State of Montana is undertaking a dramatic new campaign relative to making citizens aware of the inherent danger of methamphetamine use, which is a growing problem in society in general and not simply relative to child abuse. He asked whether Ms. Legier had noticed a willingness on the part of the advertising industry to step forward and air public service announcements, which is part of the industry's public service responsibility and licensing requirements. Mr. Anderson pointed out that Montana's campaign is somewhat "rude" and "in the public's face" in an attempt to make citizens aware of the danger of methamphetamine use.

Ms. Legier said that she hesitates to speak about public service announcements relative to drug abuse, as that is not her area of expertise. She stated that when the Executive Committee was searching for agencies to help with its marketing campaign for the prevention of child deaths, the Committee received a response from five different entities from the north and that was the extent of the response. Perhaps the situation would be different today, but that was the response received by the Executive Committee two years ago.

Chairwoman Leslie advised that the spots being aired by the State of Montana are available for review on the Internet and may be used at no cost by other entities. She said there is quite an interesting story behind the campaign, which is funded by a billionaire from Montana. Chairwoman Leslie stated that the methamphetamine community response group in Reno is reviewing the possibility of using the spots and also making the spots available to the school district. She concurred with Mr. Anderson that the spots are quite "rude," but they are also quite effective.

Chairwoman Leslie asked whether the *2004 Statewide Child Death Report* contains information regarding the prevention campaign. She also asked what exactly has been done regarding the prevention campaign and whether or not it is effective. Ms. Legier said that the report contained some information regarding the prevention campaign, but it is too soon to determine the effectiveness of the campaign. Whether or not the campaign is effective is also a concern of members of the Executive Committee.

The Chairwoman recognized Assemblywoman Buckley.

Ms. Buckley stated that she is frustrated about the child death review information. It seems like every few months, the Subcommittee talks about the information and now it appears that comprehensive information will be provided to the Subcommittee after the meeting of the blue ribbon committee on April 20, 2006. Ms. Buckley stated that she believes that the information should have been provided to the Subcommittee months ago and that the information that has been provided to the Subcommittee regarding the status of the investigation simply states, "child is now in foster care," which is clearly non-compliant with statutes. The Attorney General agrees that the state is the entity in charge of foster care in Nevada.

Ms. Buckley said that it seems that the Subcommittee should be able to insist that the information be provided immediately. While she respects Mr. Willden's opinion that regulations are needed, Ms. Buckley believes that the language of statute is clear without regulations. Ms. Buckley stated that in any event, she thinks the status quo is unacceptable and it appears that the state is trying to keep the information from the public, which is wrong. There is nothing more important than the discussion regarding preventing future child deaths and Ms. Buckley stated that she believes the Subcommittee should submit a bill draft request (BDR) today to clarify the language of statutes pertaining to child protection. The statutes should be made clear that all information needs to be recorded immediately, that more authority should be given to the CDR teams and that counties cannot stop the release of information.

Ms. Buckley stated that the BDR should be given a priority position since BDR's are drafted in the order requested. The Subcommittee should request the BDR today and make it a high priority for the 2007 Legislative Session because Ms. Buckley does not want to do this again.

Ms. Buckley opined that the Subcommittee is simply "spinning its wheels" and that she would like to request that all interested parties be given the report that will be presented to the blue ribbon committee on April 20, 2006. She also requested that the Subcommittee submit a BDR on this date which will clarify the language of statutes and make it clear that information regarding child deaths is the domain of the public. Ms. Buckley said it is the collective responsibility of the State and the counties to prevent the deaths of children in Nevada's communities. She asked whether Chairwoman Leslie would be willing to accept a motion that the Subcommittee request a BDR on this date. Ms. Buckley indicated that such action will at least make her feel like the Subcommittee is sending a clear message that the prevention of child deaths is important and that the information needs to be revealed to all entities for analysis because if one child's death can be prevented, then the Subcommittee will have done a service to the community.

Chairwoman Leslie asked Ms. Buckley to hold her motion until Mr. Willden reviewed the legal opinion from the AG's Office dated March 23, 2006. Chairwoman Leslie recognized Mr. Willden.

Mr. Willden indicated that he agreed completely with Ms. Buckley regarding the frustration in not being able to release information and he also agrees that all entities should move forward as quickly as possible. Mr. Willden said it certainly is not his opinion or the AG's opinion that the status quo should move forward.

Mr. Willden explained that Clark County filed legal action with the court in the fall of 2005 asking for a determination regarding what information can or cannot be released by the county in cases where a child fatality has occurred. Clark County filed an additional brief in February of 2006 which indicates that the county's reports meet the intent and the minimum requirements of the Child Abuse Prevention and Treatment Act (CAPTA). Mr. Willden explained that DHHS had filed a brief approximately two weeks prior in order to differentiate between what information can be released according to CAPTA and whether the issue is intent, minimums and compliance with CAPTA, or whether it is full transparency to release maximum information. Mr. Willden said that this is what DHHS has asked the AG's Office to research, and the DHHS's brief, which will be argued before the court on April 4, 2006, will attempt to differentiate between compliance with CAPTA and maximum transparency in release of information.

Mr. Willden noted that DHHS is still required to abide by other laws, and requested an AG's opinion to address the various issues, such as: (1) CAPTA; (2) NRS; (3) the Health Insurance Portability and Accountability Act (HIPAA); (4) NRS pertaining to education; and (5) NRS pertaining to drug and alcohol abuse. Mr. Willden said that he has asked the AG's Office to analyze the information so that the Department may address changes in policies and procedures, rule making, legislation and other issues, so that he does not put the state and DHHS in a position where child welfare entities are asked to release information that will result in additional lawsuits.

Mr. Willden called the Subcommittee's attention to Exhibit F, the opinion from the AG's Office dated March 23, 2006, and noted that one issue is whether or not confidentiality continues after the death of a child. Mr. Willden reported that the AG's opinion indicates that confidentiality does continue beyond the death of the child. He noted that there have been many questions regarding that issue. It appears that confidentiality laws indicate that confidentiality does continue beyond the death of a child.

According to Mr. Willden, there has also been much discussion regarding releasing the name, dates of birth and dates of death of a child. He noted that the federal government has written a letter to DHHS which indicates data elements that "might" be released or "might be required to be released." There has been much discussion regarding the federal letter, which does not seem to comply with the aspects of CAPTA. Mr. Willden pointed out that the analysis by the AG's Office indicates that names, dates of birth and dates of death are not releasable information.

Mr. Willden said that there has been much discussion amongst child welfare entities and the federal government regarding release of sibling information and Exhibit F stipulates that information pertaining to siblings is not releasable information.

Mr. Willden indicated that the State needs to reconcile with other federal statutes such as HIPAA, the Family Educational Rights and Privacy Act (FERPA) and other federal acts pertaining to drug and alcohol abuse and that CAPTA is not supreme over other federal statutes. He explained that the State has to reconcile that issue. In the discussion regarding what information can or cannot be released, Mr. Willden stated he would like to lean toward maximum transparency, but the State cannot ignore the federal requirements.

Mr. Willden said if he wrote a letter today instructing child welfare entities to release certain items of information, he did not think that it would be the end of the discussion. Mr. Willden believed that DHHS needs to review the regulation process, which he intends to accomplish as soon as possible. Mr. Willden stated that as soon as he is in receipt of the report from the national consultants, DHHS will move to public hearing and issue regulations.

Mr. Willden stated that changes in NRS will be needed regarding release of information and that he does not think that the information currently being released is the maximum amount of information that may be released. He believes that all child welfare entities may provide additional information and he hopes that through both the court and regulation process, additional transparency may be achieved. Mr. Willden emphasized that he is also frustrated by the amount of information that is released to the public.

According to Mr. Willden, the loophole has to be closed between law enforcement and CPS entities for cases in which there are no siblings remain in the home of a child fatality case. He stated that there should be a full investigation of those cases by CPS entities, even when there are no children remaining in the home. He intends to try and close that loophole. Mr. Willden stated he is also frustrated and is moving forward as fast as possible considering the detailed work that is required on the part of the reviewers. He apologized for the delay, but pointed out that DHHS is moving forward as quickly as possible.

Cynthia Pyzel, Chief Deputy Attorney General, AG's Office, stated that she concurs with Mr. Willden's comments and hopes that a middle line can be drawn in terms of removing the personal identifying information about each particular case and arriving at some type of basic agreement, regulation, or instruction regarding the types of information that may be released to the public. Ms. Pyzel indicated that there should be discussion regarding the manner in which the information is made public and also to ensure that the Director of DHHS has the authority to require the release of such information, which she believes is currently lacking.

Ms. Pyzel said there is a vast array of information that can be made public regarding whether the child was known to the system, what interventions have been undertaken, et cetera, without revealing personal history involving such issues as

mental health treatment records or other information that falls under the confidentiality laws. Ms. Pyzel stated that the information which can be released will help the public gain a better understanding of the causes of child fatalities and what can be done to prevent future fatalities. Ms. Pyzel said that this is what she will attempt to accomplish, both through the court process with Clark County and through working with DHHS.

The Chairwoman recognized Assemblywoman Buckley.

Ms. Buckley stated that the various types of information have to be differentiated. The first type of information is information that is currently required to be disclosed by *Nevada Revised Statutes* (NRS), but that is not currently being disclosed. Ms. Buckley emphasized that information needs to be disclosed, whether it is disclosed by regulation, whether there are penalties assessed in the future for failure to release information or whether the Legislative Commission is asked to issue subpoenas for the release of information. The bottom line, stated Ms. Buckley, is that all the Subcommittee is hearing are excuses regarding why the information cannot be produced.

According to Ms. Buckley, the issue regarding whether release of personally identifying information violates the conditions of CAPTA can be debated, but that is the second subset. The first subset is that the information available for release under the child death statutes needs to be released and that is what Ms. Buckley is most frustrated about. Ms. Buckley stated that she would like LCB Legal Division staff to review the options available to the Subcommittee if the information is not forthcoming, such as issuing subpoenas for the release of the information, intervening in the lawsuit or permanently solving the problem by inserting penalties for failing to release the information.

Ms. Buckley advised that she finds it ironic that abuse and neglect status hearings in Clark County are open to the public and that those hearings include information regarding the welfare of siblings in such cases. Persons can simply walk into court at any time and observe what is occurring in the system. The Legislature determined that closed hearings only protect the system and do not protect the privacy of children and legislators rejected the arguments in favor of closed hearings. Ms. Buckley stated it is ironic that information pertaining to the death of a child cannot be released, yet if persons attend court hearings every day, they can observe the status of abuse cases.

Ms. Buckley concluded that the process needs to be more transparent and that the information that is currently required to be produced should be produced immediately. She stated that the Legislature should consider enforcement mechanisms, either voluntary or included in statute, to make the system more transparent.

Chairwoman Leslie asked Mr. Willden to respond as to whether it is possible for DHHS to release additional information at the current time given the AG's opinion (Exhibit F).

Mr. Willden replied that he concurred with Ms. Buckley's comments and that he would certainly work with legal counsel to send a directive to CPS entities to be more forthcoming with information. However, he stated he cannot guarantee what the response will be until the pending legal issues are resolved in Clark County. Mr. Willden suggested that a representative from Clark County or the other counties come forward and comment regarding how such a directive would be received. Speaking for DHHS entities, Mr. Willden said he would authorize the release of any and all information that the AG's Office deems releasable. He reiterated that he could not speak on behalf of Clark County.

Given the earlier discussion and the opinion from the AG's Office (Exhibit F), Chairwoman Leslie said it appears that there is additional information that can be released that has not been released to date and she asked whether that is a correct assumption. Mr. Willden said he believes that is a correct statement. Chairwoman Leslie invited a representative from Clark County to come forward and respond to the Subcommittee's question regarding the release of information.

Chairwoman Leslie asked Ms. Lang to pursue Ms. Buckley's suggestion to identify what options are available to the Legislative Commission or the Subcommittee regarding what can be done to help resolve the issue of the release of information.

The Chairwoman recognized Mr. Martin.

Darryl Martin, Assistant Clark County Manager, stated that for the record, he supports Ms. Buckley's opinion regarding the release of information. The County Manager and that the county entities are in total agreement that all records should be released and open and the county believes in transparency. Mr. Martin explained that Clark County CPS entities are

caught in the battle between the County Manager's Office, the District Attorney's (DA's) Office, and other county entities, regarding what information can or cannot be released. Mr. Martin said that is the reason the County Manager's Office has forced the issue by asking that the DA's Office file the aforementioned brief. He indicated that the AG's Office has asked the Clark County DA's Office to meet on Monday, March 27, 2006, to commence crafting agreements regarding what information can be released so that there will be some agreement when the court proceedings are held on April 4, 2006.

Ms. Pyzel said that she has contacted the Clark County DA's Office in an attempt to make those arrangements so that when the court proceeding is held, the judge will not be faced with an absolutely untenable situation. She said she would like to provide a bit more direction and guidance to the court regarding the issue.

The Chairwoman recognized Assemblyman Anderson.

Mr. Anderson noted that both the Subcommittee and DHHS are "on the same side," and he believes that all entities share the same frustration relative to the death of a child. For a long time, the assumption has been that if an adult dies, an autopsy is performed and an investigation ensues with possible criminal complaints being issued. Yet, when that same situation occurs with a child, there is no guarantee that the same procedure is followed and no one understands the reason why.

Mr. Anderson indicated that the information CPS entities are allowed to provide in a child death case can be obtained by one neighbor talking to another neighbor. Mr. Anderson said that constituents often ask legislators why nothing has been done regarding a situation involving the death of a child or why nothing has been done to remove the siblings of a child who has died as a result of abuse. Legislators are often in the dark about the specifics of a child abuse case and the public assumes that they are not doing their jobs, and yet legislators know that DHHS is making a valiant effort to release the appropriate information.

Mr. Anderson noted that the AG's Office appears to be ignoring an issue that has been discussed by the Legislature several times, that is, solving the problem of placement of children in Nevada. Mr. Anderson pointed out that during the past four legislative sessions the Legislature has dealt with the issue in one form or another. Mr. Anderson said that he believes that Ms. Buckley's point is well-taken, and the question is why it has taken until 2006 to get the issue to the forefront for discussion by a legislative committee.

Mr. Willden replied that there is no one more frustrated than him and that he doubts that anyone takes more phone calls than he does regarding the issue from the public, the press, frustrated workers and others. When the issue of the increase in child fatalities in Clark County came to the DHHS's attention approximately one year ago, Mr. Willden reported that DHHS moved quickly in an effort to get a handle on the information. The Department formalized the process of the voluntary system of reporting fatalities, collected and analyzed the data and worked with Clark and Washoe County's CDR teams on a weekly basis.

Mr. Willden advised that there have been many meetings between Thom Reilly, Clark County Manager, and DHHS staff and if not for the legal system under which entities are required to operate, every entity would probably release every bit of information available regarding the death of a child. He pointed out that entities do not want to be accused of withholding information or of not having the public's confidence that everything that can be done is being done to protect children in Nevada. Mr. Willden advised that he and Mr. Reilly have offered to share all information, but the county's legal staff has advised Mr. Reilly that he cannot release all information. Mr. Willden said the AG's Office has also informed him that he cannot release all information. Mr. Willden indicated that he will be happy to write a letter to CPS entities asking them to release the appropriate information.

Mr. Anderson stated that his frustration stems from such things as the report provided to the Subcommittee earlier today by the consultant to study the various juvenile entities and the fact that the facilities appear to be unwilling to share information regarding the basic policies and procedures that have been developed over the past six years. Mr. Anderson pointed out that certain facilities failed to comply with the request for basic information regarding policies and procedures and failed to act with openness and willingness to comply with the legislative branch of government in terms of the study. Mr. Anderson said that he knows the executive and judicial branches have a clear role and responsibility regarding the issue of the release of information and that he is very cognizant of the separation of power doctrine. On the other hand, stated Mr. Anderson, he also knows that as policy-makers, the Legislature is having a very difficult time dealing with

certain issues because of the unwillingness to share information.

Mr. Willden said he also listened intently to the earlier report regarding compliance by juvenile entities with the study and that he did not hear the name of any state facility listed as noncompliant in the report. The state facilities are complying with the request for information to the maximum degree and have provided to the Institute policies, procedures, reports and any other requested information. Mr. Willden reported that he cannot control facilities that are not under the jurisdiction of the State, but he can make telephone calls to such facilities and encourage compliance to the request by the Institute.

As the Director of DHHS, Mr. Willden commented that he does not have the authority to do many of the things that people think he can do. He stated that people call him constantly and ask him why he does not simply call other entities, such as private or county facilities, and instruct them regarding such things as the study. Mr. Willden said there is no direct line or connection between the Director of DHHS and county government, the private sector or the non-profit world.

Chairwoman Leslie said that, apparently, there is something that can be done to facilitate the release of additional information immediately and, on behalf of the Subcommittee, she asked Mr. Willden to at least try and communicate with county and private entities and encourage them to respond to the request from the Institute for additional information. Mr. Willden stated that he will be happy to comply with that request.

Chairwoman Leslie informed Ms. Buckley that she checked with legal counsel and Agenda Item IV is listed as an action item. Therefore, she is prepared to accept a motion.

Ms. Buckley thanked Chairwoman Leslie and explained that a second representative from Clark County had come forward to present testimony.

Mark Wood, Clark County DA's Office, said that he has listened with interest to the discussion regarding the release of information and he believes that Mr. Willden has very accurately portrayed the county management's position that it would like to see full transparency with the maximum possible disclosure. Mr. Wood advised that the position of the Clark County DA's Office is simply that there is a tension in the statutes, both federal and state, between the public's need to know and an individual's right of privacy. Given the current status of the statutes, Mr. Wood said that the DA's Office is merely seeking judicial guidance regarding how much additional information can be disclosed. The DA's Office looks forward to receiving that judicial guidance and, absent such judicial guidance, its counsel to Clark County is that the DA's Office is reluctant to allow entities to divulge additional information beyond that which is currently being released. Mr. Wood stated that given the fact that over disclosure of information calls into play criminal sanctions, and given the criminal nature of a violation and the tensions between statutes, the DA's Office looks forward to receiving the judicial guidance. Mr. Wood indicated that the DA's Office is looking forward to the meeting with Ms. Pyzel of the AG's Office on March 27, 2006, to discuss the AG's position.

Chairwoman Leslie thanked Mr. Wood for his testimony and recognized Assemblywoman Buckley.

Ms. Buckley said that her concern is not about seeking judicial guidance regarding areas that are unclear. Certainly, that is an appropriate manner of resolving a conflict. However, she is concerned about those areas which she believes are very clear. Ms. Buckley said it is very clear to her that NRS allows the release of information regarding the investigation of the case as far as what really occurred and whether there is a connection to the CPS system. Ms. Buckley said it is clear to her that information has to be provided and yet, when county reports are reviewed, the report simply states, "child now in foster care." That, said Ms. Buckley, divulges nothing and she wonders why the Subcommittee has to continue to wait for the release of undisputed information.

Mr. Wood advised that the language in NRS that allows the release of information is vague. The DA's Office prefers to wait until judicial guidance is received before it treads into that vague and gray area and counsels the county to divulge information that might prove to be criminal in nature.

Ms. Buckley said that even though federal law does not prohibit the county from releasing certain information, NRS indicates that information regarding the investigation is the type of information that can be released, the AG's Office has

indicated that it is information that can be released and the legislative committee overseeing abuse indicates that it can be released, it appears that the Clark County DA's Office is still not willing to release information.

Mr. Wood reiterated that the Clark County DA's Office is awaiting additional clarity regarding the issue and it expects to receive that clarity from the judge.

Chairwoman Leslie asked whether Ms. Buckley would like to make a motion.

ASSEMBLYWOMAN BUCKLEY MOVED THAT THE SUBCOMMITTEE REQUEST A BDR REQUIRING THAT THE APPROPRIATE NRS CHAPTERS BE AMENDED TO INDICATE THAT:

- THE LANGUAGE REGARDING RELEASE OF INFORMATION PERTAINING TO THE DEATH OF A CHILD IS ABSOLUTELY CLEAR;
- ALL INFORMATION PERMITTED FOR RELEASE BY FEDERAL LAW WILL BE RELEASED;
- PENALTIES WILL BE ASSESSED FOR FAILURE TO RELEASE INFORMATION; AND,
- ALL CHILD DEATH REVIEW COMMITTEE REPORTS WILL BE REVIEWED BY THE LEGISLATURE IN ORDER TO STRENGTHEN THE PROTECTION FOR CHILDREN AND ALLOW THE MAXIMUM RELEASE OF INFORMATION.

THE MOTION ALSO STIPULATES THAT STAFF BRING A DRAFT OF THE BDR TO THE SUBCOMMITTEE IN ORDER TO RECEIVE PUBLIC INPUT SO THAT IN ADVANCE OF THE 2007 LEGISLATIVE SESSION, THERE WILL BE A VERY STRONG STATUTE THAT HAS ALREADY BEEN VETTED WITH MAXIMUM INPUT, SO THAT THE BDR CAN BE CONSIDERED A PRIORITY DURING THE 2007 SESSION.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED. (Senator Wiener was not present for the vote).

Chairwoman Leslie recognized Mr. Wood.

Mr. Wood stated that he hopes the motion can be amended to make the language regarding information that can be disclosed as specific as possible to provide guidance to all involved entities.

Chairwoman Leslie explained that it is unusual for an interim committee to request a BDR prior to its final work session and Ms. Buckley's motion anticipates actually bringing the draft of the BDR back to the Subcommittee before the 2007 Legislative Session begins. That will allow entities an ample opportunity to review the draft and offer suggestions to the Subcommittee for improvement.

Chairwoman Leslie opened discussion on Agenda Item V, discussion concerning the licensing requirements of state, county and privately-operated shelters and mental health facilities for children and juvenile detention facilities. She invited Mr. Willden, Mr. Martin and Mr. Capello to come forward to discuss the item.

Chairwoman Leslie explained that at the initial meeting of the Subcommittee in January of 2006, there was a discussion regarding the licensing of Child Haven in Clark County and Kids' Kottage in Washoe County. The issue is more about county-operated shelters, whether or not they are licensed and, if so, by whom. If not, the Subcommittee would like to know why certain facilities are not licensed. Chairwoman Leslie recognized Mr. Willden.

Mr. Willden advised that licensure is not an area in which he is well-versed. He introduced Paula Hawkins, Chief, Bureau of Services for Child Care, DHHS, to the Subcommittee. Mr. Willden stated that he asked Ms. Hawkins to walk the Subcommittee through the process of licensure in the State and to explain the difference between child care facilities, child care institutions, foster care licensing, group care licensing and what the licensing process entails. According to Mr. Willden, Ms. Hawkins would specifically point out the licensing entities within the State, which he believes is very important because there are four licensing entities in the State and each entity has a separate jurisdiction. Mr. Willden

stated that the Subcommittee would realize the complexities as Ms. Hawkins reviews the procedure.

Mr. Willden noted that Mr. Capello would address the situation in Washoe County regarding Kids' Kottage and that Mr. Martin would present information regarding Clark County. Chairwoman Leslie said that comments from Mr. Martin would be welcome, as the primary issue surrounds the Child Haven facility. She then asked Ms. Hawkins to commence with her overview.

Ms. Hawkins referenced Exhibit G entitled "State and County Child Care Licensing Agencies," and explained that the Bureau of Services for Child Care is under DCFS. She noted that most people are not aware of the fact that there are four child care licensing entities in Nevada:

1. The City of Las Vegas, with jurisdiction over child care facilities within city limits and the incorporated areas of the city.
2. Clark County Department of Business License, Child Care Licensing Unit, with jurisdiction over child care facilities within unincorporated areas of Clark County.
3. Washoe County Department of Social Services, with jurisdiction over child care facilities within incorporated and unincorporated areas of Washoe County.
4. State Bureau of Services for Child Care, with jurisdiction over child care facilities within rural counties, the incorporated areas of Clark County (Henderson, North Las Vegas, Boulder City, and Mesquite), Kids' Kottage and child care facilities operating in state-owned buildings.

Ms. Hawkins indicated that the facilities operating in state-owned buildings include the Adolescent Treatment Center in Reno, the child care facilities at the University of Nevada, Reno (UNR) and UNLV, and Kids' Kottage.

Continuing her presentation, Ms. Hawkins said that it is important to provide a history of child care licensing in Nevada. Exhibit G indicates that the State of Nevada was not the first entity to develop licensing in the state. Washoe County initiated licensing of child care facilities in 1959, the City of Las Vegas initiated licensing in 1961 and the State initiated licensing in 1964 through 1991 through various agencies, with the Bureau of Services for Child Care moving to DCFS in 1991.

Ms. Hawkins explained that the exhibit also provides information regarding NRS and NAC chapters under which child care facilities are licensed and describes the authority. She noted that NRS 432A.010 delineates the major responsibilities for all child care licensing entities.

Ms. Hawkins stated that NRS 432A.131 defines "child care facilities" and indicates that the State of Nevada does not have the authority to ensure that other licensing entities around the State are enforcing their particular codes and regulations. Ms. Hawkins indicated that if other licensing entities are in the process of amending regulations or developing new codes and standards, they must submit the regulations, codes or standards to the State for review and the State must ensure that those proposed regulations, codes or standards are at least as restrictive as the State's minimum requirements.

According to Ms. Hawkins, the exhibit also provides the definition of a "child care facility." Under state jurisdiction, if the facility is providing care to five or more children, that facility must be licensed. Ms. Hawkins added that the codes and standards of the other licensing entities are more restrictive than those of the State. If a facility in Washoe County is providing care to two or more children, that facility must be licensed. Under the City of Las Vegas and Clark County, if a facility is providing care to even one child, the facility must be licensed. Ms. Hawkins reiterated that under the State's jurisdiction, a facility does not have to be licensed unless it is providing care to more than four children.

Chairwoman Leslie asked whether county-operated facilities that are providing child care, such as Child Haven or Kids' Kottage, are under the jurisdiction of the county in which they are located or the State. Ms. Hawkins explained that Kids' Kottage is under the jurisdiction of the State, while Child Haven is under the jurisdiction of Clark County.

Ms. Hawkins stated that NAC 432A.070 on page 3 of Exhibit G reads as follows: "Child care institution' means a facility in which the licensee provides care during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the home of their parents or guardians."

Chairwoman Leslie asked whether that was the definition of Child Haven and Kids' Kottage. Ms. Hawkins replied that was

correct. Chairwoman Leslie asked Ms. Hawkins to continue her presentation.

Ms. Hawkins pointed out that the exhibit also contains information regarding NRS 424.014, 424.015 and 424.016, which define a “foster home,” “group foster homes” and “licensing authority.” Page 4 of the exhibit also provides an overview of the current State of Nevada child care regulations pertaining specifically to institutional care. Ms. Hawkins explained that the definitions are not all-inclusive, but highlight important requirements such as:

- Meeting all fire and health requirements. Facilities must receive at least one inspection per year.
- Having an approved director that meets specific qualifications outlined in the current regulation.
- Square footage requirements that must be met for indoor and outdoor space for each child.
- Having one toilet for every eight children, one tub or shower for every eight children and one washbasin for every four children.
- Having one toilet and washbasin near every living room and recreation area.
- Having separate sleeping areas for boys and girls.
- Within institutions, beds must meet specific requirements regarding size.
- Having two social workers for every 50 children in an institutional setting.
- Adhering to required staff/child ratios.
- Maintaining all records for staff and children.
- Providing academic or vocational training to each child.
- Having written policies on daily chores, merit systems and religious training.
- Completing background investigations on all employees and having all employees meet all initial and ongoing training requirements.

Ms. Hawkins said that it is important to note that the background investigation is very comprehensive and takes a period of at least 90 days to complete.

Ms. Hawkins stated that for the past two months, a work group has focused on the old institutional requirements and is crafting and developing new regulations. The members of the work group include representatives from the new boarding school established in Nevada during the past year, the field of health, the fire department and representatives from Washoe and Clark Counties, the City of Las Vegas and other staff. Ms. Hawkins reported that she is the facilitator for the work group and that the work group proposes that the current child care institutional regulations need to be divided into three different types of institutions because the institutions of today are very different from those in existence when the original regulations were written in 1980 and 1984. The three different types of institutions that will be presented to the Board for Child Care, which may or may not adopt the regulations, include: (1) educational child care institutions; (2) shelter care institutions; and (3) residential child care institutions.

Ms. Hawkins said that the work group is also researching the implementation of new child/staff ratios because it is felt in residential treatment programs that the child/staff ratio needs to be smaller than in an institutional boarding school program. The work group is also considering exemption of the social worker requirement for certain institutions.

Chairwoman Leslie asked whether statute changes are being contemplated in the development of the new regulations. Ms. Hawkins said that no statute changes are necessary at the present time. She pointed out that the language in statute regarding institutions is “bare bones” and that the requirements are under regulation rather than statute.

Chairwoman Leslie asked whether the State currently licensed the Child Haven and Kids’ Kottage facilities. Ms. Hawkins replied that the State does license Kids’ Kottage at the request of Washoe County Social Services. However, Child Haven is within the jurisdiction of Clark County, not DHHS.

Chairwoman Leslie thanked Ms. Hawkins for her presentation and recognized Assemblyman Anderson.

Mr. Anderson referenced the current ratio of 2 social workers for every 50 children in an institution and asked whether the work group is contemplating a change in that ratio because it is difficult to find social workers or if the change is for other reasons. Ms. Hawkins said the rationale behind that change is that almost every child admitted to a sheltered program has his/her own personal social worker and that there does not appear to be a need to have a social worker on-site. Regarding boarding schools, Ms. Hawkins said that the focus for children in those programs is on education rather than

residential treatment. She said that children at boarding schools do not typically have major mental health issues, unlike the children who are placed in a residential treatment program like the Adolescent Treatment Center in Reno. Ms. Hawkins said the children placed in boarding schools appear to be “off track” and in need of redirection and that the schools have indicated to the State that they will contract for social workers in the community.

Mr. Anderson referenced the background investigations for persons working at the licensed facilities and noted that the Division of Records and Technology (formerly the State’s Criminal History Repository) was experiencing somewhat of a backlog in background investigations. Mr. Anderson pointed out that 90 days is the minimum length of time that the Division anticipates it will take to conduct a background investigation and asked whether that will create an unusual hardship for institutions and/or day-care facilities. Ms. Hawkins said it has not been a hardship because employees are still allowed to work in the facility until the results of the background check are received.

Mr. Anderson asked whether facilities such as boarding schools allowed certain students to assist with the fingerprinting of new employees in order to speed up the process. Ms. Hawkins advised that the requirement by regulation is that an employee must be fingerprinted within a three-day period after being employed. Mr. Anderson asked whether an employee has to submit to another background check if the employee changes employers within the same field. Ms. Hawkins explained that a background check would not be required if the employee remains within the same community.

Chairwoman Leslie thanked Ms. Hawkins for her presentation and recognized Mr. Capello.

Michael Capello, MSW, Director, Washoe County Department of Social Services, advised the Subcommittee that Kids’ Kottage is licensed through the State Bureau of Licensure and that it is the county’s option to choose to have Kids’ Kottage licensed by the state. Mr. Capello said the decision to license Kids’ Kottage was made many years ago when the first Kids’ Kottage was opened because the director at that time felt it was important to have an outside entity monitor the facility.

Chairwoman Leslie asked Mr. Capello to explain why licensing the facility is the county’s option. Mr. Capello stated that Washoe County is its own licensing entity and that the state does not generally license child care facilities in Washoe County. As mentioned by Ms. Hawkins, Clark County has licensing jurisdiction over Child Haven and in the case of Kids’ Kottage, the State does not have the authority to require Washoe County to force entities to be licensed.

Chairwoman Leslie said that it appears to be a “catch-22” situation and that the Legislature will need to make a change in statute if it wants to require that an independent entity license child care facilities owned by counties because that authority currently does not exist. Chairwoman Leslie asked whether that was a correct statement. Mr. Capello said it is his understanding that Washoe County can essentially license the facilities that the county owns. However, he indicated that the State is licensing Kids’ Kottage at the option of the county and as a courtesy to the county. The State conducts inspections and holds the county accountable regarding all issues identified by Ms. Hawkins during her presentation.

Mr. Capello indicated that Washoe County adapted to the state’s licensing process in the early 1990’s. He noted that there was a time when one of the key issues facing the county in the arena of child abuse shelters was the fluctuation in census and the on-campus capacity of 62 beds. Mr. Capello explained that the county frequently met that capacity, but was able to relocate some of the older children to the McGee Center until the census came back down. Eventually, the county reached a point where it had to add 20 additional beds to the campus via a modular unit. Since the addition of the 20 beds, the capacity at the Kids’ Kottage is 82 beds and the facility has never reached that capacity. Mr. Capello indicated that the modular unit was added to the campus approximately four years ago.

Chairwoman Leslie said that she is comforted that there is independent oversight provided by the State because the county should not have 100 children in a program where the capacity is 82 on a regular basis. She indicated that the system works “pretty well,” although she would be more comfortable if NRS clearly outlined the authority for licensing and if NRS required that the State licensed all facilities owned by the counties.

Chairwoman Leslie recognized Assemblyman Anderson.

Mr. Anderson asked about the county’s relationship with other facilities in Washoe County, such as Willow Springs Hospital, West Hills Hospital, and SageWind. He said that it was noted in earlier discussion that those facilities do not require documentation regarding how grievances are handled. Mr. Capello explained that the three facilities mentioned

by Mr. Anderson are not licensed as “child-care facilities,” but they are licensed by the Health Division, Bureau of Licensure and Certification. Because West Hills is a hospital, Washoe County has no jurisdiction in terms of licensure over that facility. Mr. Capello indicated that Willow Springs Hospital and SageWind are “treatment programs” that are not licensed by the county and do not fall under the jurisdiction of Washoe County. He stated that he does not have the authority to compel those facilities to provide their policies and procedures to the Institute, even though the county does have a working relationship with those facilities due to the fact that some of the children in the child welfare system are placed into those programs. Mr. Capello reiterated that Washoe County does not have any authority over those facilities.

Mr. Anderson opined that perhaps further clarification is needed in statute relative to the methodology of gathering statistics so that the Legislature is aware that there is at least a sharing of information in terms of procedures regarding children who are housed in treatment programs rather than being physically housed in foster care facilities. He asked whether the county provides oversight to facilitate reporting procedures. Mr. Capello asked whether Mr. Anderson was referring to earlier testimony regarding policies and procedures and violations of rights of residents in such facilities.

Mr. Anderson said that he wanted to ensure that there are procedures and policies in place at each facility and that someone is making note of the fact that a facility has policies and procedures in place to handle complaints from its client group. He also wondered how statistical information will be gathered in the future because he is sure that future legislatures will request such information.

Mr. Willden stated that he would like to reply to Mr. Anderson’s question. He said that as previously reported by Mr. Capello, treatment facilities and psychiatric hospitals are licensed by the Bureau of Licensure and Certification of the State Health Division. Mr. Willden indicated that he can report with certainty that those licensing requirements include the stipulation that such facilities have a complaint procedure in place. He noted that hundreds of complaints are received every year and that the Bureau of Licensure and Certification and other licensing staff visit the facilities to investigate complaints ranging from not liking the food to issues of serious abuse and neglect.

Mr. Willden indicated that he is not sure whether the State can compel private entities licensed by the State to produce records for review by entities such as the Institute which is conducting the study for the Legislature. Mr. Willden said that he does not know whether there is a complaint process in place and whether complaints are received and monitored in private facilities.

Chairwoman Leslie said that she has discussed the issue with legal counsel, that it was determined that licensed facilities are required to follow the laws of the State and that the Legislature passed a law ([A.B. 580](#)) stating that facilities would comply with the study. She informed Mr. Anderson that discussion of the issue would be ongoing. Mr. Willden said that he would talk to the staff of the Bureau of Licensure and Certification to determine what the Bureau can do to help facilitate the study.

The Chairwoman recognized Mr. Martin. The Chairwoman stated that she did not believe that Child Haven is licensed currently and that the Subcommittee is interested in knowing whether there are plans to license Child Haven in the future.

Mr. Martin said that a staff member from the Clark County Child Care Licensing Office was present at the meeting and asked Ms. Peal to introduce herself to the Subcommittee. Patricia Peal introduced herself to the Subcommittee and indicated that she is the Acting Assistant Operations Manager for the Child Care Licensing Office in Clark County.

Chairwoman Leslie asked whether there was a representative present from the City of Las Vegas and Mr. Martin advised the Subcommittee that there was not a representative present from the City of Las Vegas. However, he had talked with a representative from the city on March 23, 2006. He stated that the City of Las Vegas does not have a category in its regulations to license any other governmental facility or entity. Mr. Martin stated that this is the reason why Child Haven has not been licensed by the City of Las Vegas in the past. He assured the Subcommittee that he and the County Manager are very interested in moving forward with the licensing of Child Haven.

Mr. Martin advised that the process has been initiated internally by making sure that there are regular inspections of the facility by the Southern Nevada Health District and the city fire department. Mr. Martin indicated that the facility has passed all inspections and there have never been safety issues at Child Haven. The Southern Nevada Health District made one unannounced site inspection during the past week and the facility passed that inspection.

Mr. Martin said he wanted to make it clear that when the licensing process of Child Haven moves forward, there will be some challenges in terms of physical space requirements. He stated that the cottages at the facility are fairly old and will require some remodeling to satisfy the requirements of NRS 432A, such as the requirements for the number of toilets, sinks and closet space per number of children. Mr. Martin said that Clark County recognizes that the cottages at Child Haven will require some modifications, that he has spoken with the Department of Real Property Management and that he is awaiting receipt of a report regarding exactly what has to be done at the cottages to bring them up to code and the cost for such improvements. Mr. Martin reiterated that the county is making sure that regular inspections by the fire department and health department continue at Child Haven.

Mr. Martin said that the other issue of concern is the capacity issue. Child Haven is the placement of last resort for children in need in Clark County and the facility has a “no reject” policy. Thus, unlike other private and nonprofit institutions, when a child is sent to Child Haven, that child is not turned away. Mr. Martin reported that the recent increase in the number of “meth babies,” along with the number of children in need of mental health care that were recently moved to Child Haven, has greatly increased the population of the facility. Child Haven does not want to turn those children away. Mr. Martin said that Child Haven will remain the safe place of last resort for children seeking care in Clark County. Mr. Martin reiterated that Clark County is committed to moving forward with the licensing process for Child Haven.

According to Mr. Martin, the county has three options regarding licensing of Child Haven: (1) the county could license Child Haven itself; (2) the City of Las Vegas could license Child Haven, which would require a change in regulations because the city currently does not have the capacity to license a facility; or (3) the State could license Child Haven in the same manner that it licenses Kids’ Kottage for Washoe County. Mr. Martin commented that Clark County would prefer option number 3, with the State licensing Child Haven and that the county would like to begin holding conversations with Mr. Willden and Mr. Capello to move that process forward.

Chairwoman Leslie stated that she concurs with the choice of option number 3 and believes that the State would be the most appropriate independent licensing entity. While Chairwoman Leslie said that she appreciates Mr. Martin’s comments regarding the fact that Child Haven does not reject any children in need of placement and that she believes that children who have been neglected should not be rejected by the very system that is supposed to offer them protection, at the same time, she would like to ensure that children are protected and that the services provided by the system will not further subject those children to abuse and neglect.

Chairwoman Leslie referenced comments made recently by Chief Judge Kathy A. Hardcastle, Department Four, Eighth Judicial District Court, regarding her concern that children with psychiatric or behavioral issues at Child Haven perhaps prey upon younger abuse victims. Chairwoman Leslie stated that she can certainly appreciate the overcrowding situation facing Clark County, but the State and the Legislature need to ensure that children are protected by the State and are not subjected to further abuse while in the very institution that is supposed to offer them protection. Chairwoman Leslie opined that the State and Clark County have to meet on middle ground in order to ensure that Child Haven adequately provides for the children in its care and if that creates additional cost to Clark County, then additional money will have to be spent.

Mr. Martin agreed with Chairwoman Leslie’s comments and explained that Clark County has taken internal action to ensure that the children at Child Haven with severe mental health needs or other behavioral challenges receive specialized care, whether that means additional staff monitoring the children or providing safe places for those children on campus. Mr. Martin emphasized that the county wants to ensure that those children receive the appropriate care. The county realizes that there is a grave need for mental health care for children in southern Nevada and it is attempting to work with the State as expeditiously as possible to meet those needs so that those children are placed in an appropriate program. Mr. Martin agreed that Child Haven might not be the appropriate placement for many children, but for some children it is the only program available.

Chairwoman Leslie stated that when the Subcommittee holds its work session, it will consider a statutory change that makes the language in statute very clear that the State has the responsibility for licensing facilities operated by the counties, while providing counties with independent oversight.

Mr. Willden concurred with that proposal. DHHS can certainly handle regulatory oversight of county facilities, but at the present time, the language in statute is quite minimal. He indicated that the state should formalize the process that has

been provided as a courtesy in the past regarding licensure of county facilities. Mr. Willden said that the language in statute should be formalized and the state should be the default entity for licensing county and private facilities. He noted that the current licensing structure is very confusing.

Chairwoman Leslie recognized Assemblywoman Buckley.

Ms. Buckley agreed that the State should be the default licensing entity to provide consistency between Washoe and Clark Counties. Ms. Buckley said that she believes Child Haven is doing a really good job while operating under very difficult circumstances. The Legislature is well-aware of the problems because there has been discussion about removing the infants from Child Haven for many years. Ms. Buckley commended Clark County for its recruiting effort regarding foster families and noted that the rash of methamphetamine use brings some very difficult cases to Child Haven. Ms. Buckley stated that everything that can be done should be done to move infants out of Child Haven more quickly.

Ms. Buckley noted that there continues to be some confusion about children with mental health needs who are in the foster care system. According to Ms. Buckley, she received a call about a case today in which the child is in need of a therapeutic foster home with intensive wrap-around services and if there is no intervention, that child will probably end up in Child Haven. Ms. Buckley said that the information reported to her is that the state entity advised that it is not the State's responsibility to locate placements for children with mental health needs, as that responsibility now rests with the county. Apparently, the county looks for placements that are paid through Medicaid. Ms. Buckley said she is concerned that unless there is a better system in place, children with mental health needs will continue to be sent to Child Haven, which will continue the overcrowding problems at Child Haven. If the State then licenses Child Haven, when it is over capacity, it will create a community problem.

Ms. Buckley asked that either Mr. Willden or Mr. Serrano state clearly on the record what happens when a child in foster care has significant mental health problems and how the system should work. She asked about the responsibility of DCFS and the Health Division in terms of locating an appropriate placement that meets the needs of the child without placement in Child Haven.

Mr. Willden explained that the State is the responsible mental health agency for children. In Clark and Washoe Counties, DCFS has that responsibility and in rural Nevada, and the Mental Health and Developmental Services is the agency that provides mental health services for children. He reiterated that the State is the responsible agency for mental health services. Mr. Willden noted that the State works collaboratively with county entities and Medicaid because finding the "magic language" that allows an entity to receive payment from Medicaid is an important factor. Mr. Willden explained once again that the State has the ultimate responsibility for mental health services.

Ms. Buckley said she did not think the answer had changed, but she wanted to have the answer on the record. Children with mental health needs are leading to overcrowding at Child Haven and the county would like to find appropriate homes for the children to help the county meet licensing requirements. Ms. Buckley said she is confident that under Mr. Serrano's leadership, DCFS will work with the county to address the issue, which is a huge concern in Clark County.

Mr. Willden guaranteed that the top priority for DHHS in preparation for the 2007 Legislative Session will be children's mental health services. He noted that DHHS has made significant progress over the past two sessions regarding adult mental health services and some progress regarding children's mental health. Mr. Willden advised that DHHS will hold several budget concept meetings in order to work through the issues regarding how to ensure that there is adequate capacity and appropriate treatment available in the children's mental health system. Although DHHS plans to further develop the adult system, the children's system will be the top priority for the 2007 Legislative Session.

Chairwoman Leslie recognized Mr. Serrano.

Fernando Serrano, Administrator, DCFS, concurred wholeheartedly with Mr. Willden that the State is responsible for locating placements for children in need of mental health services. Mr. Serrano said that his first thought after hearing Ms. Buckley's statement is that the Deputy Director for Mental Health Services, Patricia Merrifield, should probably be involved in that particular situation. Mr. Serrano said that he would speak to Ms. Merrifield in order to resolve the specific issue referenced by Ms. Buckley.

Mr. Serrano reported that providing mental health services to juveniles is one of the highest priorities of DCFS and he informed the Subcommittee that he comes to the position as Administrator of DCFS from the juvenile justice system. He believes that when he worked for the juvenile justice system, he spent as much time speaking about mental health issues as he did juvenile justice issues.

Mr. Serrano stated that he is aware that the need for mental health services spreads to all disciplines and that DCFS is the responsible entity for providing those services. To that end, during the past week Mr. Serrano advised that he had visited the Oasis Home and the Desert Willow Treatment Center for a budget planning session.

Chairwoman Leslie thanked Mr. Serrano for his presentation. She opened discussion on Agenda Item VI, "Discussion Regarding the Impact of Drug and Alcohol Use on Child Abuse and Neglect Cases in Nevada." Chairwoman Leslie recognized Mr. Martin and Mr. Capello and referenced a report presented to the Subcommittee by Mr. Capello, dated March 24, 2006, Exhibit H.

Mr. Capello indicated that the Washoe County Department of Social Services continues to see that approximately 60 percent to 70 percent of child abuse and neglect cases involve some form of parental substance abuse. It is when that substance abuse becomes a primary factor that leads to abuse or neglect of a child that the child welfare system must react to protect the child. Mr. Capello said that the Department continues to see many families with varying degrees of substance abuse and it is in cases where the problem is both chronic and severe, that the system must react and, often times, place those children into protective custody.

According to Mr. Capello, Washoe County continues to face several issues. One issue is the federal Adoption and Safe Families Act (ASFA), which directs that a permanent plan for children be in place within 12 months after the child is removed from the home. This entails the termination of parental rights and the county has to face the reality that quite often substance abuse treatment takes longer than 12 months to achieve success. In addition, the county also faces the issue that substance abuse treatment anticipates relapse and quite often relapse equates to compromised child safety.

Mr. Capello indicated that another area that impacts the child welfare system is caring for children who have been exposed to illegal substances, most often those children who test positive at birth for illegal substances and, in some instances, children who reside in homes that contain methamphetamine labs. Mr. Capello stated that those children enter the system with significant physical, emotional and developmental needs.

Mr. Capello referenced Exhibit H and indicated that the chart at the top of page 2 depicts the total number of infants reported to the Department wherein substance abuse was a factor. In FY2004-05, approximately 50 infants from hospitals were identified as victims of abuse/neglect with parental substance abuse. Mr. Capello explained that the columns in the exhibit are color-coded to indicate those infants who are exposed to drug/alcohol abuse (red) and those infants who are exposed to methamphetamine use (yellow). He pointed out that rarely does the Department find a parent abusing only one drug, but the chart attempts to identify those cases where methamphetamine use is specifically identified.

Mr. Capello stated that the figures for FY2005-06 include projections for the remainder of the year based on the Department's actual data for the first eight-month period. He noted that there is a slight growth in the number of infants being reported as victims of abuse/neglect with parental substance abuse during the current fiscal year.

According to Mr. Capello, the second chart on page 2 of the exhibit reflects an overall look at the number of protective custody hearings that Washoe County held in each of the fiscal years. The chart was color-coded to depict which protective custody cases included reports of substance abuse (red) and those that did not (blue). Mr. Capello explained that 207 cases were heard in FY2003-04 in which substance abuse was a primary factor leading to the removal of the child from the home and 215 hearings were held in which substance abuse was not a primary factor. Mr. Capello said that as the Washoe County Department of Social Services works with a family, substance abuse issues are often discovered, but those 215 cases were initially referred to county social services for reasons other than substance abuse.

Mr. Capello indicated that page 3 of the exhibit contains charts regarding petition filings and in FY2003-04, the Department filed 276 petitions for custody of children involving 421 children. Projections for FY2005-06 indicate the Department will file 294 petitions involving 477 children.

Mr. Capello stated that substance abuse issues are clearly leading to an increase in the termination of parental rights. The outcomes are based, in part, on the difficulty of treating substance abuse in parents, whether it is from a lack of access to treatment or a lack of appropriate treatment. Mr. Capello stated that, frankly, the Washoe County Department of Social Services is not sure of the most appropriate treatment for parents suffering from methamphetamine abuse.

According to Mr. Capello, the second chart on page 3 of the exhibit indicates that the Department continues to see growth in the number of cases in which parental rights are terminated. In FY2003-04 the number of children involved in parental rights termination cases was 184 and in FY2005-06, the Department anticipates terminating the parental rights for 226 children.

Mr. Capello stated that the figures for testing and evaluations paid by the Department are:

1. In FY2004-05, the Department paid for 1,147 substance abuse tests, including blood alcohol, hair and urine tests.
2. In FY2005-06, it is estimated that the Department will pay for approximately 1,966 substance abuse tests.
3. In FY2004-05, the Department paid for 233 substance abuse evaluations for parents and youth.
4. In FY2005-06, the Department will pay for approximately 301 substance abuse evaluations.
5. In FY2004-05, the Department paid for 1,041 hours of substance abuse treatment for parents and youth.
6. In FY2005-06, the Department will pay for approximately 1,042 hours of substance abuse treatment.

Mr. Capello stated that the figures for the hours of substance abuse treatment are based on the capacity of the Department to offer treatment versus the need to offer treatment. He said the Department might not have the capacity to further expand the treatment aspect.

Chairwoman Leslie thanked Mr. Capello for his presentation. The Chairwoman recognized Assemblyman Anderson.

Mr. Anderson said that this is the first time he has had an opportunity to review a report from the Washoe County Department of Social Services. He stated that he serves on the interim Subcommittee to Study Sentencing and Pardons, and Parole and Probation dealing with the parole and probation system. One of the reports submitted to that Subcommittee contained statistics pertaining to the drug courts. Mr. Anderson said one of the criticisms against drug courts is the difficulty in placing people into court programs because of the lack of money to pay for the services. He asked whether Washoe County found that to be the case since it appears to be at capacity regarding substance abuse treatment.

Mr. Capello said that Washoe County has limited access to treatment in the community. Mr. Capello noted that there are limited treatment providers and that if there were additional therapists who could take additional clients and provide more hours of treatment, the Department has the funding in its budget to pay for additional hours. Mr. Capello said that one of the issues facing the county is access to those providers.

In terms of the Department's relationship to the drug court, Mr. Capello explained that the court has contract providers and there are only 24 slots available to the Department in the family drug court. The Department has filled those available slots and Mr. Capello said that the Department could utilize more drug court slots but within the program that has been established in Washoe County, there are service providers to meet the demand of the 24 slots that the Department can access.

Mr. Anderson said that his basic question is whether the Department's treatment program is limited because of the number of spots available and whether the Department could place an additional 20 clients in the drug court program if there were slots available. Mr. Capello said that he believes the Department could place additional clients. He noted that the system has acclimated to the available capacity to some extent and that the drug court is a good example of this. Mr. Capello said there might be two openings a month in the drug court slots, but those slots typically do not remain vacant for long before a client is referred, evaluated and placed in the program. He reiterated that he believes the Department could fill additional slots if they were available.

Mr. Anderson stated that child protective services entities often become the first agency of response in identifying adult drug abuse problems and asked about the percentage of Washoe County cases in which the Department is the first responder in identifying adult drug abuse problems. Mr. Capello said that quite often the Department is the first agency knocking on a person's door to investigate a report concerning the children. He indicated that the Department works to

train staff to identify the signs and symptoms of substance abuse. He stated that he cannot provide an actual percentage or the number of cases, but certainly the Department is on the “front-line” in identifying cases of parental substance abuse. Mr. Capello reported that quite often parents are arrested and law enforcement is the first line of defense in placing the children into protective custody.

Mr. Anderson said that when the concept of a drug court was originally discussed during the 1993 and 1995 Legislative Sessions, one issue that came forward was the fact that not just the person who suffered from the drug addiction needed treatment, but the family group, as a whole, needed treatment. Mr. Anderson said it appears that the system is still unable to provide that element of treatment and asked whether Mr. Capello believes that the system is doing a better job of treating the entire family.

Mr. Capello said he believes that the family drug court program does address the treatment needs of the entire family. He stated that each family is assigned a case manager from the Washoe County Department of Social Services. That case manager also works on the child welfare case and creates case plans specific to the needs of the children, as well as the parent. The parent is then involved with the treatment providers that are engaged with the family court drug program. He stated that the system is absolutely doing a better job in addressing the problem and treating the entire family. Mr. Capello said that there is a much more comprehensive treatment array for the parent through the drug court program, along with access to a number of services to support the children. He noted that the parents in the family drug court program are referred directly from the Department of Social Services, have a case manager assigned to their case and that case manager also works with the children, regardless of whether the children are in foster care or placed with a relative.

Chairwoman Leslie thanked Mr. Capello for his presentation and recognized Mr. Martin. She referenced the report from Clark County contained in Exhibit A under Tab VI, “Information from Clark County Family Services.”

Mr. Martin said that he would like to highlight some points of the report regarding the growth in child welfare services in Clark County and the specific impact of drug and methamphetamine use on such growth.

Mr. Martin reported that in January of 2004, Clark County had an average of 154 children in need of emergency shelter quick-care. In January of 2006, that number almost doubled to nearly 300 children daily. Mr. Martin stated that between 2004 and 2005, Clark County saw a 17 percent increase in the number of dependency petitions filed with the court, which follows an increase from the prior year of 25 percent. Mr. Martin indicated that there appears to be steady growth in the number of petitions filed from year to year. Mr. Martin said that between January of 2005 and January of 2006 there was a 30 percent increase in the number of dependency petitions filed.

According to Mr. Martin, in 2005 there were 1,210 dependency petitions filed in Clark County. Of those 1,210 petitions, 308 of the cases involved a newborn testing positive for drugs at birth, which represented more than 25 percent of the cases. Mr. Martin explained that a breakdown regarding the type of substance abuse is not available, but it is believed that a significant number of the cases involved methamphetamine use.

Continuing his presentation, Mr. Martin said that in 2005, of the 1,210 dependency petitions, 93 percent of the cases were for neglect, and substance abuse was identified at the onset of the case as a primary factor in 59 percent of all neglect cases.

Mr. Martin stated that the Clark County Coroner has reported that for the 3-year period between 2003 and 2005, there were 22 premature infant deaths where methamphetamine was present. In the same time period, there were 7 accidental deaths of children under 18 where methamphetamine was present and there were 2 deaths where methamphetamine was the cause. Mr. Martin stated that these cases do not consider the use of methamphetamines by the parent at the time of the child’s death.

Mr. Martin said that recent information received from University Medical Center (UMC) and Sunrise Hospital indicates that for a 13-month period of time between November of 2004 and November of 2005, the UMC Neonatal Intensive Care Unit made 232 referrals to Clark County CPS. Between January of 2006 and February 24, 2006, Sunrise Hospital Neonatal Unit referred 23 children out of 116 admissions to CPS, which represents nearly 20 percent of the neonatal population. Mr. Martin indicated that those statistics are very telling regarding the major impact that methamphetamine use is having on the system.

In talking with a number of treatment providers in the community, Mr. Martin said that they all share the idea that treatment of methamphetamine abuse is very similar to treatment for many other drug addictions. Treatment includes short-term inpatient treatment followed by long-term sustained supportive outpatient care. Again, the county is finding that there are limited treatment beds available because the number of beds has not kept pace with the growth in the county and the growth in the drug-addicted population.

Mr. Martin stated that in February of 2006, the county hosted a symposium regarding methamphetamine abuse that included a number of care providers, Legislators, drug court judges, representatives from the faith-based community, law enforcement and medical professionals. The needs of the community in order to address the issue of methamphetamine abuse were discussed and Mr. Martin said that additional treatment slots were determined to be a significant need, along with additional prevention and education regarding the impact of methamphetamine abuse.

Mr. Martin commented that he has seen the prevention campaign spots that are being used in Montana to prevent methamphetamine use and he agrees with Mr. Anderson and Chairwoman Leslie that the spots are telling and hard-hitting. He stated that he feels it is important that people actually see the effects that methamphetamine use has on the system, on the body, on families and on children. Mr. Martin indicated that the issues have to be "brought home" on both the county and state level and he supports a statewide prevention campaign so that people are aware that the methamphetamine problem is serious.

Chairwoman Leslie thanked Mr. Martin for his presentation and noted that the statistics he presented in his report are overwhelming and staggering. Just the sheer number of children coming into the county's care and the significant increase over the past two years is very sobering.

Chairwoman Leslie said she would take issue with one of Mr. Martin's statements regarding treatment for methamphetamine use. She explained that she also sits as the Chairwoman of the Legislative Committee on Health Care Subcommittee to Study Services for the Treatment and Prevention of Substance Abuse. At a recent meeting of that subcommittee, a doctor testified that the treatment for methamphetamine addiction is different than that for other addictions. Chairwoman Leslie indicated that the testimony from the doctor was quite compelling and she encouraged Mr. Martin to view the video of that meeting. She indicated that she has been conversing with persons involved in substance abuse treatment throughout the State because she believes that Nevada has to begin addressing methamphetamine addiction in a manner different than other drug addictions.

Chairwoman Leslie stated that methamphetamine use is an epidemic and that there are various community groups throughout the State working to address the problem. She indicated that county and state entities should work together with law enforcement in an attempt to get a handle on the problem. Chairwoman Leslie pointed out that within Clark County alone, the impact that methamphetamine use is having on CPS entities over the past approximately 18 months is growing. The figures from Sunrise Hospital indicate that 20 percent of its newborn caseload is being referred to CPS because of parental substance abuse. Chairwoman Leslie said that, while everyone is worried about a future outbreak of the avian or "bird" flu, the methamphetamine epidemic is actually happening today.

Chairwoman Leslie said that she is on a personal crusade and she knows that Mr. Martin joins her in the effort to do more to address the problem. If something is not done soon, there simply will not be enough facilities in Clark County to deal with the children and infants who are affected by methamphetamine abuse.

Chairwoman Leslie reiterated that she believes that Nevada has to get on board with the most current treatment methods available for methamphetamine abuse because Nevada leads the nation in per capita methamphetamine use. She pointed out that 2.2 percent of Nevada's population is actively abusing the drug.

Mr. Martin said that he would like to view the video of the meeting referenced by Chairwoman Leslie and he agreed that the statistics received from UMC and Sunrise Hospital are sobering. He stated that Clark County held the symposium to bring medical professionals together to discuss the trend in methamphetamine abuse and that the medical professionals also voiced concerns. The concern surrounds the fragility of the children once they enter the system and once a child is released to Child Haven, the need for constant monitoring. Mr. Martin noted that the medical professionals also expressed real concern that Child Haven has the appropriate professional medical staff in place because these children require a significant amount of care and attention when they enter the system. Mr. Martin acknowledged that the rise in

methamphetamine abuse is creating a huge change in how the system works.

Chairwoman Leslie thanked Mr. Martin again for his presentation and recognized Mr. Serrano.

Mr. Serrano advised that he would like to address the problem facing Ms. Buckley's constituent in Las Vegas and that he will instruct Ms. Merrifield to contact Ms. Buckley for pertinent details in an attempt to resolve the matter as quickly as possible. Ms. Buckley thanked Mr. Serrano and indicated that she will contact Ms. Merrifield after the meeting is adjourned. She thanked Mr. Serrano for his quick response to the problem.

Mr. Serrano stated that DCFS is the direct service provider in 15 of Nevada's 17 counties. He indicated that the following persons would like to make a brief presentation before the Subcommittee:

- Patricia Hedgecoth, Social Services Manager, DCFS, Rural Manager.
- Larry Robb, Social Services Manager, DCFS, Elko District Office Manager.
- Novia Anderson, Social Services Manager, DCFS, Pahrump District Office Manager.

Mr. Serrano stated that his goal is to have his staff provide a brief overview of their respective areas of the State and to make these staff members available to the Subcommittee to answer questions regarding the impact of methamphetamine abuse on families throughout the State.

Chairwoman Leslie asked Ms. Hedgecoth, Mr. Robb and Ms. Anderson to come forward and lead the Subcommittee through the documents included in Exhibit A, Tab VII "Information From Child & Family Services."

Ms. Hedgecoth introduced herself to the Subcommittee and stated that the rural areas encounter the same issues as those faced by Washoe County. There has been a steady increase in reporting and caring for children and the rural areas also experience difficulties in terms of meeting the treatment needs for adults. Ms. Hedgecoth explained that DCFS is providing more and more drug testing and evaluations in the rural areas. She noted that the area is underreported and DCFS is working with the Unified Nevada Information Technology for Youth (UNITY) system to correct that issue in terms of being able to provide better data.

Chairwoman Leslie referenced the charts contained in Exhibit A and asked whether the information pertained to the rural areas, excluding data from Clark and Washoe Counties. Ms. Hedgecoth stated that was correct.

Mr. Robb introduced himself to the Subcommittee and advised that his district encompasses Humboldt, Lander, Eureka, Elko and White Pine Counties. Mr. Robb stated that the impact of methamphetamine use in casework has been significant, as suggested by the data provided in the exhibit.

Chairwoman Leslie asked Mr. Robb to describe the treatment resources available in rural Nevada. She stated that some of the best drug treatment in the State is available in rural counties and that Washoe County often sends people to programs in Elko and Fallon for inpatient drug treatment. She asked whether the treatment programs were sufficient to meet the needs of the rural areas.

Mr. Robb stated that while he does not believe there can ever be enough treatment, the rural counties have tremendous resources available. Accessing those resources for DCFS clients is somewhat unique as the clients themselves may not feel compelled to receive treatment. Mr. Robb noted that the national trend also holds true for rural Nevada in that parents may not want, or may be unable, to access treatment.

Chairwoman Leslie stated that at one point, there were many methamphetamine labs in rural Nevada and that problem was rampant, but it appears that law enforcement entities have worked together across county lines to eliminate those labs. Chairwoman Leslie said that Washoe County is now experiencing the problem of methamphetamine being brought into the United States from Mexico as part of the drug cartel. She said it is somewhat ironic that law enforcement has eliminated "meth" labs, yet there is more "meth" on the streets and it is cheaper and more pure than ever before. Chairwoman Leslie asked whether rural Nevada faced that problem as well.

Mr. Robb said that his staff has reported an increase in methamphetamine use. The unique situation in border counties is that families quickly cross state lines to avoid involvement with DCFS. He stated that that is something not tracked in

terms of statistics, but that it occurs quite often.

Ms. Anderson introduced herself to the Subcommittee and indicated that she is the Manager of the Pahrump District of DCFS, which is the overflow for Las Vegas. As mentioned by Mr. Robb, Pahrump is also a border location being very close to the California border. Ms. Anderson said there are many families who go back and forth across the border, and those tend to be the families that DCFS has had contact with because of drug issues.

Chairwoman Leslie asked Assemblyman Carpenter if he had any questions of the rural delegation. Mr. Carpenter said that there is a real problem in the Elko area with methamphetamine use, but it appears that progress has been made just within the past month. He explained that the Indian tribe in the Elko area hosted a program that included an expert speaker from Oklahoma, along with local law enforcement representatives and the drug court judge. Mr. Carpenter stated that the program was very well-done and he believes that everyone is getting the message that methamphetamine is not a drug to become involved with. Mr. Carpenter noted that another symposium is scheduled in Winnemucca that will also delve into the issue of methamphetamine abuse. He commented that he believes that the Legislature needs to make changes in the state's drug laws, particularly regarding the amount of methamphetamine a person can have in possession before it constitutes "trafficking."

According to Mr. Carpenter, the drug court program in the Elko area is working quite well and the judge is not afraid to impose a prison sentence or take whatever action that he deems necessary. Mr. Carpenter said that if the judge determines that probation is in order, he usually imposes a term of probation that lasts for several years. The persons attending the drug court program in Elko are doing remarkably well and Mr. Carpenter reported that he actually employs a client of the drug court program. He agrees that methamphetamine abuse is a significant problem in rural Nevada and all entities need to work together to address the problem.

Mr. Carpenter advised that there have been four or five infant deaths attributed to methamphetamine abuse in the Elko area and rural Nevada is lucky to have dedicated staff who attempt to keep on top of the situation. He indicated that there were two people present in Elko who would like to address the Subcommittee during public comment.

Chairwoman Leslie thanked Mr. Carpenter and recognized Assemblyman Anderson.

Mr. Anderson asked Mr. Robb about the issue of sovereignty for the Indian tribes and whether that has been problematic in the rural areas. He advised that Washoe County has had a similar set of problems with child placement in the past. Mr. Robb said that DCFS has a good working relationship with the tribes in northeastern Nevada and tribal sovereignty has not obstructed the ability of the tribe or DCFS to take the action necessary to protect children.

Mr. Carpenter stated that the tribe in Elko does have a working relationship with law enforcement entities but in reality, most cases work through federal entities such as the Federal Bureau of Investigation (FBI). Mr. Carpenter said that the FBI office in Elko is now staffed with two officers, which should help a great deal in regard to the problem with the reservation. The authorities on the reservation are also very concerned about drug abuse among Native Americans and are attempting to get a handle on the situation. Mr. Carpenter noted that the increase in law enforcement on the reservation will indeed help the situation.

Chairwoman Leslie opened public comment and Ms. Buckley advised that there were two persons in Las Vegas who wished to testify. Chairwoman Leslie stated that she would first recognize the persons in Elko who wished to present testimony.

Mr. Carpenter stated that there were two people present in Elko to present testimony and he introduced Dale Warmuth, Superintendent, Nevada Youth Training Center (NYTC), to the Subcommittee.

Mr. Warmuth indicated that NYTC is facing some of the same issues regarding methamphetamine use as everyone else in the community. He explained that NYTC has noted significant behavioral problems with the juveniles in the facility's care who abuse methamphetamine. Thankfully, said Mr. Warmuth, past Legislatures have provided NYTC with sufficient resources to address some of the problem areas in dealing with its clients, such as the staff/client ratios.

NYTC has experienced severe difficulty in hiring direct care staff, particularly over the past eight to ten months. Some of the other industries in Elko County have been hiring and it has been quite difficult to hire qualified staff at NYTC.

Mr. Warmuth said that another difficulty is that most of the newly hired staff have very little experience in working with delinquent juveniles. Thus, the training process is taking quite a bit longer than normal.

On a more positive note, Mr. Warmuth said that NYTC has brought in a nationally recognized program to try and help juvenile offenders change the way that they think. The program is called "Thinking for a Change," and it is an integrated, cognitive, behavioral change program that includes cognitive restructuring, social skills development and problem-solving skills development. Mr. Warmuth reported that staff is encouraged based on the research, regarding how the program affects juvenile's behavior and reaction toward staff. He also noted that the program has proven to be very effective for children with special needs.

Additionally, stated Mr. Warmuth, the vocational training program at NYTC has been significantly intensified and has received certification from the National Center for Construction Education and Research. Mr. Warmuth reported that NYTC is offering a core curriculum that measures children's proficiency levels and that information is entered into a national database where future employers can match proficiency levels with jobs in a specific vocational trade.

Mr. Warmuth said that through a grant, NYTC has been able to purchase tire mounting and balancing equipment from the Hunter Engineering Company. He noted that tire mounting and balancing is a fairly basic skill, but he believes that many of the children leaving NYTC can secure jobs in that field in the community. Mr. Warmuth said that all children who complete the vocational program at NYTC are certified in tire mounting and balancing and receive a Hunter Engineering Company certificate that is recognized throughout the industry.

Mr. Warmuth reported that the videoconference equipment that NYTC was able to purchase is operational and NYTC sends its treatment teams throughout the parole offices. The equipment is also used for family visits and for additional psychiatric and psychological evaluations. Mr. Warmuth stated that the equipment is also used for interviews for possible future placements for children, which eliminates phone conferences or actually traveling to the facility in Elko.

Chairwoman Leslie thanked Mr. Warmuth for his testimony and informed the Subcommittee that a meeting will be scheduled in Elko in the future so that members can view the improvements at NYTC first-hand.

Chairwoman Leslie asked Mr. Carpenter if there was further public testimony from Elko and Mr. Carpenter stated that Pat Plaster would like to provide further testimony to the Subcommittee.

Ms. Plaster stated that it has been a pleasure to observe the Subcommittee and see how hard it is working to address the problems in the rural areas as well as in Reno and Las Vegas.

Ms. Plaster indicated that the county's probation department also struggles to retain qualified staff because of the other industries in the area that hire at much more lucrative wages. The Elko County Juvenile Probation Department, in an attempt to gain a hold on the methamphetamine problem, has developed a progression of programs that begins with entry level youth. Ms. Plaster stated that the Department also has a 45-day outpatient drug and alcohol program called TESA, Treatment and Education of Substance Abuse. Over the past 18 months, the Department has also utilized a juvenile drug court, which addresses those youths exiting the TESA program and places them into a four-stage drug court program of approximately one year's duration.

Ms. Plaster said that those three components appear to be working, but there is much work yet to be done. The Department is attempting to keep in step with the Juvenile Detention Alternatives Initiative (JDAI) movement with which Washoe and Clark County are currently working. Ms. Plaster noted that the Department is also attempting to learn the new Medicaid process so the county will have additional options in placing youth into mental health treatment programs, rather than depending upon the State for such treatment.

Chairwoman Leslie thanked Ms. Plaster for her comments. She asked that persons from Las Vegas commence with public testimony.

Dr. Neha Mehta, Co-Chair, Clark County CDR team, indicated that she had presented testimony before the Subcommittee during the initial hearing in January of 2006. By way of clarification, she explained that the Clark County CDR team actually reviews all child fatalities as a result of motor vehicle accidents and all cases that are accepted by the Clark County Coroner's Office. According to Dr. Mehta, a list of names of the children who have died is submitted to

Clark County CPS and CPS runs the names through its database to identify any additional children who had prior CPS involvement. Dr. Mehta explained that this is how the CDR team's list is compiled. She noted that she has stated in the past that her concern is that perhaps the Coroner's Office is not investigating all the cases that should be investigated.

Dr. Mehta indicated that she wanted to update the Subcommittee regarding the fact that the CDR team is still not receiving information from CPS in any type of detailed format for the team's child fatality review process.

Dr. Mehta referenced page 51 of the *2004 Statewide Child Death Report (Exhibit D)* and indicated that she asked that a section be included in the Report regarding the deaths of children with current or prior CPS history. She said that she has requested that a more detailed section regarding current or prior CPS history also be included in the *2005 Statewide Child Death Report*. Dr. Mehta stated that it is her belief that the section will be an area of concern in the 2005 report. In addition, Dr. Mehta stated that page 55 of the *2004 Statewide Child Death Report* listed the recommendations from the various CDR teams.

Dr. Mehta reported that she had met briefly with the group of national experts who reviewed the aforementioned 79 cases for DHHS and they seemed to be very qualified. She stated she was quite impressed with the caliber of questions that the experts asked and the intensity of their investigation. Dr. Mehta stated that she is anticipating receipt of the report from the experts and she asked whether a copy of the printed report will be available to the public on April 20, 2006. She also wondered whether there will be an opportunity for DHHS to change or alter the report from the blue ribbon committee.

Dr. Mehta asked that she be placed on the agenda for the next meeting of the Subcommittee so that she could present an update at that time.

Chairwoman Leslie asked Mr. Willden to reply to Dr. Mehta's question about the blue ribbon committee.

Mr. Willden advised that there will not be an opportunity for DHHS to review and alter the report from the expert panel to the blue ribbon committee. The report from Teri Covington will be accepted as written and the five-day lag is simply for DHHS to administratively process the report for presentation to the blue ribbon committee on April 20, 2006. Mr. Willden said he is attempting to ensure that there is little possibility that DHHS will be criticized for "white washing" or "altering" the report from the panel of experts. Mr. Willden reiterated that DHHS will not review, edit or alter the report from the panel of experts. To further address Dr. Mehta's inquiry, the contents of the report will be made public.

Chairwoman Leslie stated that she assumes the blue ribbon committee will accept public comment and testimony and Mr. Willden stated that this was correct.

The Chairwoman asked whether there was further public testimony to come before the Subcommittee.

Gard Jameson, President, Children's Advocacy Alliance (Alliance) referenced the *2004 Statewide Child Death Report (Exhibit D)*, and indicated that the report states that the greatest number of child deaths were natural deaths among infants less than one year of age. He said that it would be nice to have more information that would relate those "natural" deaths with CPS entities and CPS care. Also, he noted that there is an issue with respect to investigations and autopsies in Clark County. While virtually all cases are autopsied and investigated in Washoe County, there appears to be a discrepancy in Clark County with respect to investigations. Mr. Jameson said the question of "natural" deaths among infants less than one year of age is a significant issue for the Alliance.

Regarding the licensure issue, Mr. Jameson said that he is pleased to hear Mr. Martin say that the county is looking to the State to provide licensure of Child Haven and he is pleased with what the county has been doing in the interim, by attempting to provide self-policing at Child Haven.

Mr. Jameson said the larger question for the Alliance is the issue of infrastructure. He noted that Mr. Capello testified that capacity is not a significant problem in Washoe County, but certainly as the population in southern Nevada continues to grow, it appears that there is a "two-lane county road where there should be a six- to eight-lane freeway." Mr. Jameson asked the Subcommittee to review the issue of infrastructure and how Clark County will be addressing that issue over the next several years since a large growth in population is anticipated. Until that issue is seriously addressed, Mr. Jameson

opined that the county will continue to have too many children and infants in a space that simply will not accommodate them.

Mr. Jameson thought that a positive note from the 2005 Legislative Session was the expansion of the ability for health care professionals to be “good samaritans.” He stated that his wife is the incoming president of the Clark County Medical Society and that there is a deep interest in providing volunteers. He stated that two pediatricians at UMC have offered their services at Child Haven so that doctors will be available to oversee the cases along with the nurses, particularly in cottages where too many children are being housed. Mr. Jameson stated that he believes continuity of care is a significant issue, particularly for the children whose cases have been closed, so that there might be fewer child deaths than have occurred in the past.

Chairwoman Leslie thanked Mr. Jameson for his testimony and asked whether there was further testimony to come before the Subcommittee. Ms. Buckley advised that there was one more person in Las Vegas who would like to testify.

Isaac Henderson, Las Vegas resident, testified before the Subcommittee and offered suggestions that he felt might help the situation facing the State and Clark County CPS entities. His concerns were about the children in need and the possibility of further education for those children to help them achieve the “American Dream.” Mr. Henderson thanked the Subcommittee for its hard work to help the children.

With no further business to come before the Subcommittee, Chairwoman Leslie adjourned the meeting at 1:48 p.m.

Respectfully Submitted,

Carol Thomsen, Interim Secretary

APPROVED BY:

Assemblywoman Sheila Leslie, Chairwoman

DATE: _____