

**MINUTES OF THE MEETING OF THE
LEGISLATIVE COMMISSION'S SUBCOMMITTEE ON THE STUDY
OF THE INTEGRATION OF STATE AND LOCAL
CHILD WELFARE SYSTEMS IN NEVADA
(Assembly Concurrent Resolution No. 53, File No. 141, *Statutes of Nevada 1999*)
November 28, 2000
Las Vegas, Nevada**

The seventh meeting of the Legislative Commission's Subcommittee on the Study of the Integration of State and Local Child Welfare Systems in Nevada (A.C.R. 53) was held on Tuesday, November 28, 2000, at 9:30 a.m., in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. This meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Pages 2 and 3 of these minutes contain the "Meeting Notice and Agenda."

SUBCOMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblywoman Barbara E. Buckley, Chairwoman
Senator Maggie A. Carlton
Senator Bob Coffin
Senator Jon C. Porter
Senator Raymond D. Rawson
Assemblyman Bernie Anderson
Assemblyman John C. Carpenter
Assemblywoman Ellen M. Koivisto

SUBCOMMITTEE MEMBERS PRESENT IN CARSON CITY:

Speaker Joseph E. Dini, Jr.

SUBCOMMITTEE MEMBER EXCUSED

Senator Maurice E. Washington

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Allison Combs, Principal Research Analyst, Research Division
Risa Lang Principal Deputy Legislative Counsel, Legal Division
Mark Stevens, Assembly Fiscal Analyst, Fiscal Analysis Division
Larry L. Peri, Senior Program Analyst, Fiscal Analysis Division
Kennedy, Senior Research Secretary, Research Division

MEETING NOTICE AND AGENDA

Name of Organization:	Legislative Commission's Subcommittee to Study the Integration of State and Local Child Welfare Systems in Nevada (Assembly Concurrent Resolution No. 53, File No. 141, <i>Statutes of Nevada 1999</i>)
Date and Time of Meeting:	Tuesday, November 28, 2000 9:30 a.m.
Place of Meeting:	Grant Sawyer State Office Building Room 4401 555 East Washington Avenue Las Vegas, Nevada
Note:	Some members of the committee may be attending the meeting and other persons may observe the meeting and provide testimony, through a simultaneous video conference conducted at the following location:

Legislative Building
Room 3138
401 South Carson Street
Carson City, Nevada

If you cannot attend the meeting, you can listen to it live over the Internet. The address for the Legislative Web site is <http://www.leg.state.nv.us>. For audio broadcasts, click on the link "Listen to Meetings Live on the Internet."

A G E N D A

- I. Opening Remarks
Assemblywoman Barbara E. Buckley, Chairwoman
- *II. Approval of Minutes of Meeting Held on August 9, 2000, in Las Vegas, Nevada
- III. Update on Issues Relating to the Recommended Model for Integrating Nevada's Child Welfare System
 - A. Summary of Cost Estimates Submitted by Nevada's Division of Child and Family Services (DCFS) and Clark and Washoe Counties
Larry L. Peri, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau
 - B. Overview of Transition Plans and Related Cost Estimates Developed by Clark County
Kirby Burgess, Director, Department of Youth and Family Services (DYFS), Clark County
Adrienne Cox, Assistant Director, DYFS, Clark County
Susan Laveway, Assistant Director, Clark County Director of Finance
 - C. Overview of Transition Plans and Related Cost Estimates Developed by Washoe County
Michael Capello, Director, Department of Social Services, Washoe County
Sharron Gibbons, Children's Services Coordinator, Department of Social Services, Washoe County
 - D. Transferring Certain Licensure and Eligibility Functions from the State
Michael Capello, Director, Department of Social Services, Washoe County
 - E. Personnel Issues
Kirby Burgess, Director, DYFS, Clark County
 - F. Comments Concerning the Implementation of the Model from the Children's Advocacy Alliance (CAA)
Donna Husted, Vice President, CAA
Frank McKoy, Vice President, CAA
Cynthia Musgrove, Secretary, CAA
- IV. Informational Presentation on Kinship Care Programs by DCFS
Stephen A. Shaw, Administrator, DCFS
- *V. Subcommittee Discussion of Possible Modifications in the Model for Integrating Nevada's Child Welfare System and Final Recommendations for the 2001 Legislative Session
- VI. Public Testimony
- VII. Adjournment

*Denotes items on which the committee may take action.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Kennedy at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue.

OPENING REMARKS

Assemblywoman Barbara E. Buckley, Chairwoman, called the meeting to order at 9:47 a.m. and directed the secretary to call roll. She welcomed all participants to the final A.C.R. 53 Subcommittee hearing and reviewed the purpose of the study. She explained that in earlier meetings the Subcommittee adopted a proposed model to end bifurcation in the state and county child welfare systems and recommended improvements including increased funding for: (1) foster care reimbursement; and (2) treatment for children with severe emotional disturbance (SED). Recommendations also included lower caseload ratios for workers, and transferring responsibilities from the state to the counties. The Subcommittee requested that representatives from the State and the counties present more detailed information regarding cost estimates and transition plans.

APPROVAL OF MINUTES OF MEETING HELD ON AUGUST 9, 2000, IN LAS VEGAS, NEVADA

SENATOR RAWSON MOVED FOR APPROVAL OF THE MINUTES OF THE MEETING HELD ON AUGUST 9, 2000, IN LAS VEGAS. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

UPDATE ON ISSUES RELATING TO THE RECOMMENDED MODEL FOR INTEGRATING NEVADA'S CHILD WELFARE SYSTEM

A. SUMMARY OF COST ESTIMATES SUBMITTED BY NEVADA'S DIVISION OF CHILD AND FAMILY SERVICES (DCFS) AND CLARK AND WASHOE COUNTIES

Larry L. Peri

Larry L. Peri, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau (LCB), Carson City, Nevada, referred Subcommittee members to a document compiled by the LCB (Exhibit A, Tab C), and explained that the summary of costs is divided into three fiscal years and lists projections for Recommendation Nos. 1 and 2 as provided by the DCFS and Clark and Washoe Counties as follows:

- Fiscal Year (FY) 2002 requires \$6,886,221 million in estimated additional costs;
- FY 2003 requires \$12,657,443 million in estimated additional costs; and
- FY 2004 requires \$12,607,836 million in estimated additional costs.

Continuing, Mr. Peri noted that the Washoe County Pilot Program expansion figures are not inclusive of federal fund offsets and DCFS is considering withdrawal of this proposal. He updated Subcommittee members on estimated costs for elements in the model including: (1) enhanced staff ratios; (2) foster parent reimbursement rates; (3) expansion of services for severely emotionally disturbed children; (4) regulatory oversight by the DCFS; and (5) match-up services in rural Nevada. He said that Washoe County is currently staffed at the recommended staff ratio of 1 worker to 28 children and their estimates reflect the continuance of that ratio.

Responding to questions by the Subcommittee, Mr. Peri explained how the projected federal funding patterns change

to coincide with the implementation of the transition plan. He noted the need to examine specific analysis by MAXIMUS Inc., and noted that services and costs increase proportionally.

Chairwoman Buckley requested that MAXIMUS Inc., be consulted for federal funding augmentation and stressed the importance of restoring funding for children's mental health programs in the proposed budget.

Concluding, Mr. Peri pointed out the difficulty in projecting increases in caseloads and subsequent costs from inflationary factors. He agreed with Assemblyman Anderson that both costs and reimbursements will increase over time.

Responding to a question by Senator Coffin, Mark Stevens, Assembly Fiscal Analyst, Fiscal Division, Carson City, reported that agency requests will be in an electronic file system for the 2001 executive budget and this format has not changed since the 1999 Session.

Chairwoman Buckley said she told Nevada Governor Kenny Guinn the costs are an estimated \$10 to \$15 million per year and he "indicated that he had an open mind to including it in the budget, pending availability of funds and legislative branch priority."

B. OVERVIEW OF TRANSITION PLANS AND RELATED COST ESTIMATES DEVELOPED BY CLARK COUNTY

Kirby Burgess

Kirby Burgess, Director, Department of Youth and Family Services (DYFS), Clark County, Las Vegas, Nevada, presented a plan and related costs for the transition of services in Clark County. Mr. Burgess pointed out that Clark County is the largest county in Nevada, and as such, has more children. Clark County's case manager goal is 1 staff member for every 28 cases. He said the overall cost of meeting the goal is justified through DYFS's attempts to provide improved services for families and children.

Adrienne Cox

Adrienne Cox, Assistant Director, DYFS, Clark County, Las Vegas, gave a brief overview of Clark County's transition plan. She commended representatives from the DCFS for lending support and participation in this effort.

Ms. Cox referred to Exhibit B to these minutes and said Clark County cannot address case management duties for foster care and adoption without developing an infrastructure containing the following elements:

- A system for foster parent reimbursement;
- A foster parent recruitment and licensing program;
- Systematic changes to increase federal reimbursements, particularly additional Title IV-E funds, Medicaid, and Temporary Assistance for Needy Families (TANF) reimbursements; and
- An integrated automated information system.

Continuing, Ms. Cox said that when these things have been accomplished, the DYFS will begin to transition child welfare services of foster care and adoption from the state to Clark County. The assumption of foster care cases is scheduled to begin on July 1, 2002. She said this is an aggressive plan with a one-year transition period and is contingent upon Clark County's ability to complete the development of an infrastructure.

Concluding, Ms. Cox discussed Clark County's vision of child welfare services and said that DYFS plans to "proceed thoughtfully, measure outcomes, and stay in compliance with the Federal Adoption and Safe Family Act (AFSA) and state law." Included in the vision are: (1) the expansion of shelter homes, which are the same as the state system's foster homes; (2) the reduction of participants in Child Protective Services (CPS) by two-thirds; and (3) adherence to recommendations by the Child Welfare League of America (CWLA) which suggests the functions of eligibility and

licensure stay with the responsible agency, identification of a “transition manager,” engage Clark County stakeholders through the creation of “process improvement teams,” and to continue to disregard social worker licensure and focus instead on supervisory staff. This enhanced system is estimated to cost approximately \$9.3 million per year for the first year with a \$5.3 start-up cost. The cost for Clark County to replicate the current system is \$5.6 million per year with a \$2.6 million start-up cost.

Susan Laveway

Susan Laveway, Assistant Director, Clark County Director of Finance, Las Vegas, said the transition from State to county child welfare services is a joint effort of the DCFS, Washoe County Social Services, and the Legislature. The estimates for phase-in implementation begin in Fiscal Year (FY) 2002 and will be completed in FY 2004. She suggested comparing Exhibit A, Tab C, with Exhibit B, Tabs C, D, and E, as she presented Clark County’s fiscal estimates for the Subcommittee’s Recommendation No. 1 (*Draft legislation to implement the proposed model that transfers foster care and adoption services to Clark and Washoe Counties and to continue and expand the operation of pilot programs for two more years*):

- Incremental costs in FY 2002 total \$1.8 million and are associated with implementation of processes and systems required to maximize federal reimbursements, primarily the eligibility function, and to ensure ongoing Title IV-E funding through an accepted statewide computer system. Approximately \$600,000 of this cost is associated with information technology capital (IT Capital).
- Incremental costs in FY 2003 total \$6.9 million and are associated with the continued phase-in of the eligibility function along with the transition of licensing and case management services. Of this projected figure, \$5.5 million are operating costs and \$1.4 million are capital costs.
- Incremental costs in FY 2004 total \$5.6 million. The decrease in the incremental costs from FY 2002 to FY 2004 results in a corresponding reduction of federal funds.

Responding to a question by Chairwoman Buckley, Ms. Laveway explained that IT Capital occurring in FY 2002 does not have a federal match because it was previously committed to startup and implementation of a statewide computer system. These are “one-shot” expenditures.

Chairwoman Buckley suggested that Subcommittee members consider a “one-shot” bill as a recommendation later in the meeting.

Ms. Laveway further explained that growth and inflation factors are not included in the cost estimates, which are based on FY 2000 budget figures. She continued her presentation with Recommendation No. 2 (*Recommend that the Legislature also consider improving certain components of the child welfare system to adequate levels if sufficient funds are available*):

- Fiscal Year 2002 identifies \$3 million of funding for a fully integrated Statewide Automated Child Welfare Information System (SACWIS), which is designated UNITY in Nevada. There are no anticipated federal reimbursements for this initiative.
- The projected additional incremental cost for Recommendation No. 2 in FY 2003 is \$4 million and includes \$1.8 million for hiring 19 additional staff to achieve a reduced caseload ratio of 1 staff member to 28 children. Also, this includes \$2.3 million for increasing the foster care daily reimbursement rate of \$18.50 for children age 12 and under, and \$20.95 for children over the age of 12.
- The projected additional incremental program cost for Recommendation No. 2 in FY 2004 is \$3.7 million and there are no capital expenditures projected. Additional federal funds cover \$1.3 million and the unmet need is \$2.4 million.

Concluding, Ms. Laveway explained that growth, SACWIS compliance issues, the transitioning of state employees, eligibility and licensure issues, and federal reimbursements are all factors which require further information and

refinement of Clark County's estimate.

Assemblyman Anderson commented that the IT issue needs further explanation. He said that the State received funding in the initial phase of SACWIS, but Clark County was excluded because of its choice to pursue upgrading its federally unrecognized FAMILYTRACS computer system.

Responding to Assemblyman Anderson, Mr. Burgess explained that Clark County's computer system will operate "in parallel" with the federally approved UNITY system. He said that Clark County recognizes the "comprehensive" value of the FAMILYTRACS database with regard to case management systems and will continue to develop it until it is recognized by the Federal Government. He responded that the Clark County Board of Commissioners has limited knowledge of the plan not to discard FAMILYTRACS, saying "[the Board] has begun to be briefed on this issue." He further explained the IT Capital costs are for obsolescence and replacement and "other kinds of things that we need" for the FAMILYTRACS system. Assemblyman Anderson pointed out that the Subcommittee identified this issue as a major problem and potential obstacle for integration in previous meetings. Mr. Burgess agreed.

Discussion ensued regarding details of Clark County's fiscal estimates and Ms. Cox responded that Clark County's current monthly ratio is 1 CPS investigator to 25 families. Each family has an average of 1.7 children and the ratio is 1 caseworker to 34 children.

Chairwoman Buckley noted that Clark County's vision relies heavily on use of the Child Haven campus and inquired how siblings will be managed in the new system. Ms. Cox responded that Clark County is studying methods to improve services to children while simultaneously increasing federal reimbursements. There is no definitive conclusion at this time, however, Clark County is entertaining theories to alter maximum occupancy rates at Child Haven, create special cottages, and develop privatized/alternatively-administered shelters. All of the proposed solutions are dependent upon procuring Title IV-E funding.

Chairwoman Buckley commented that Nevada needs to mirror the State of Utah's efforts to recruit and retain foster care parents. She suggested that this issue be included in a "one-shot" appropriation, and that either the state or the counties incorporate it as a marketing plan.

Responding to the Chair's suggestion, Mr. Burgess said Clark County would be remiss if it did not act on every opportunity to receive funding for children and expressed interest in participating in a subsidized plan to recruit and retain foster care parents.

Assemblyman Anderson agreed with Ms. Buckley that Clark County has demonstrated effort toward integration. However, he cautioned that providing better services is not solely an element of funding.

Speaker Dini expressed interest in the administrative component of the Child Haven facility and reminded members of how fiscal pressures and a legislative decision ended the Children's Home in rural Nevada. Ms. Cox explained the Child Haven campus has six cottages staffed by shift employees and overtime costs are negligible. She said Child Haven is an expensive means of providing protective custody and has a "no eject, no reject policy."

C. OVERVIEW OF TRANSITION PLANS AND RELATED COST ESTIMATES DEVELOPED BY WASHOE COUNTY

Michael Capello

Michael Capello, Director, Department of Social Services, Washoe County, Reno, presented Washoe County's integration plan (Exhibit C) and said transitioning child welfare services with the State is enhanced by Washoe County's current experience with a foster care program. He explained that staff works with parents toward reunification for approximately six months before the children are transferred to the DCFS. Additionally, Washoe County's Pilot Program is a joint effort with the DCFS and staff united to provide services to families in northern Nevada. Mr. Capello said the transition plan is an extension of services and programs currently in place, with the exception of an adoption component. The Washoe County Department of Social Services is enthusiastic to learn and be responsible for the final step in placing a child.

Continuing, Mr. Capello presented an overview of the preliminary plan for integration by the Washoe County

Department of Social Services:

- Phase I addresses the entire population of new children in the foster care system and will require additional staff and “ramped up” services. If current trends continue, Washoe County can transfer one unit of child welfare workers (approximately 18 staff members) from State employment on October 1, 2001. Two additional employees are needed; one to offer expertise in social service policy, and another in clerical. The cost of Phase I is \$3.6 million with an estimated additional cost (unmet need) of \$819,385.
- Phase II expands integrated child welfare services to all children remaining in DCFS custody as of July 1, 2002. This will involve transferring approximately 32.5 remaining positions and requires the addition of one account clerk for Washoe County. The detail of specific positions and dates of transfer can be referenced in Exhibit C, Tab “Transition Org. Charts.” The estimated additional cost (unmet need) of Phase II is \$1,569,619.
- Phase III addresses case management staff ratios. The current “front-end” foster care system in Washoe County is funded at a ratio of 1 staff to 28 children. Washoe County distinguishes a case differently from an investigation in the foster care system. In the investigation stage, the count is differentiated by family or report, and the standard varies by the age of the participants. For example, ratios for reports involving children under the age of 6 years is 1 investigator to 12 reports per month. For children over the age of 6 years, the ratio is 1 investigator to 15 reports per month. Some ratios include children already placed in foster care and this accounts for the significantly increased demand on the caseworker. In Phase III, old and new caseloads will be examined for financial feasibility with the 1 staff to 28 children ratio, and projections indicate that 11 additional full time employees are needed in Phase III.

Sharron Gibbons

Sharron Gibbons, Children’s Services Coordinator, Department of Social Services, Washoe County, Reno, presented Washoe County’s development of cost estimates (Exhibit C, Tab “Expenditure/Revenue Summary”) and explained the methodology. A page submitted by Ms. Gibbons entitled “Errata” with changes to Washoe County’s cost estimates is included in the first section of Exhibit C. Potential expenditures are calculated item-by-item using figures from FY 2000 and compared against funding transferred from DCFS. Ms. Gibbons presented the following cost estimates:

- FY 2002 -- the total additional cost is \$1,381,692;
- FY 2003 -- the total additional cost is \$3,223,243; and
- FY 2004 -- the total additional cost is \$3,893,674.

Continuing, Ms. Gibbons listed three sources of federal revenue: (1) Title IV-E funds residential care and placement of children; (2) the Targeted Case Management Program under Medicaid and funds administrative costs and case worker salaries; and (3) the TANF emergency assistance program is capped at \$1.8 million per year. Pro rating the additional expenditures, Washoe County compared federal revenue against net shortfalls for each year of the integration as follows:

- FY 2002 -- \$641,607 in federal revenue with a net shortfall of \$740,085;
- FY 2003 -- \$1,638,924 million in federal revenue with a net shortfall of \$1.5 million; and
- FY 2004 -- \$1,878,310 million in federal revenue with a net shortfall of \$2 million.

Responding to a question by Assemblyman Carpenter, Ms. Gibbons explained that federal reimbursements account for approximately 50 percent, or \$600,000 of the \$1.3 million estimated additional expenditures in the first year of the transition into integration.

Continuing, Ms. Gibbons proposed a plan to decrease the reimbursement rate for children in foster care from \$44 per day (initial emergency placement) to \$30 per day after 90 days, which represents an annual potential savings of \$147,700. In the first year, this savings is reflected in reductions in the total additional costs to \$592,385, \$1,436,619 in the second year, and \$1, 867,664 in the third year. One-time expenditures including computers and vehicles are listed as additional costs in Washoe County's net estimates. Ms. Gibbons listed the one-time and net costs for the plan:

- FY 2002 -- \$227,000 in one-time expenditures with a total net cost of \$819,385;
- FY 2003 -- \$133,000 in one-time expenditures with a total net cost of \$1,569,619; and
- FY 2004 -- \$111,000 in one-time expenditures with a total net cost of \$1,978,664.

Speaker Dini noted that Washoe County's projections for FY 2002 are based on nine months, which causes the federal reimbursement to appear less than it is. Ms. Gibbons agreed.

Concluding, Mr. Capello said the expansion of the Washoe County Pilot Program is no longer an option because it is not feasible to continue dual staffing and supervision with DCFS. This decision not to expand is made based on the intention to move toward full integration of the child welfare system.

Responding to comments from Assemblyman Anderson regarding staff vacancies, Mr. Capello reported that no conclusion on the origin of applicant pools has been reached, although there is preliminary discussion regarding the management of positions. He expressed the need for the creation of a transition manager position responsible for addressing the "fine points of each agency involved" and assisting with commitment of resources.

D. TRANSFERRING CERTAIN LICENSURE AND ELIGIBILITY FUNCTIONS FROM THE STATE

Michael Capello

Michael Capello, previously identified in these minutes, referred to a document summarizing the consensus of Clark and Washoe Counties and DCFS, regarding the CWLA's recommendations for the child welfare eligibility determination function and licensure of foster homes (Exhibit A, Tab F). Originally, Washoe County agreed that the State should retain these responsibilities, but changed that decision. Mr. Capello asked the Subcommittee to amend the original A.C.R. 53 recommendation to reflect this change.

Responding to Chairwoman Buckley's request for further explanation, Mr. Capello said that the entity that incurs the cost of care should have a direct avenue to secure federal funding, and in the case of the child welfare eligibility function, that entity is the county, not the State. Additionally, an outside entity, such as the State, may interfere with the decision making process, some of which has critical time limitations. In terms of the licensing issue, Mr. Capello said the original model suggested that the State retain responsibility for the higher levels of care and foster care licensure. However, the counties can be "caught in a vacuum" when the State does not license an adequate number of foster homes. If the responsibility belongs to the counties, it will allow greater control over local licensing of foster homes and the ability to impact the placement resource system.

Stephen A. Shaw

Stephen A. Shaw, Administrator, DCFS, Reno, Nevada, said he too initially held a different position on this issue, but has since changed his stand. He cautioned that the counties must "maintain vigilance" in keeping standards high to avoid licensing based on need. In his opinion, there is a natural tendency to license a foster home during a shortage, and this must be avoided. He said that counties should expect the liabilities associated with the responsibility to license a foster home or determine eligibility.

Assemblyman Anderson questioned how standards in staff ratio could be maintained if both the licensing of foster care programs and the eligibility of program admittance are held by the same entity.

Mr. Capello responded that Washoe County will adhere to licensing regulations and standards. Additionally, these

regulations are tied to federal law, which operates within another set of restrictions, policies, and procedures. He said that he did not share the opinion that standards will be lowered given the safeguards within federal law and regulations.

Mr. Shaw said that an adequately funded child welfare system would be the best safeguard against the practice of “cutting corners.”

Mr. Capello agreed and said there is room for improvement and expedition in the current licensing process. The initial recruitment of foster homes is successful, yet the lag in time created by the licensing process is responsible for many foster families voluntarily leaving the system.

Responding to a question by Assemblyman Carpenter, Mr. Shaw said there are differences in jurisdictions when placing a child into a temporary foster home. Both the DCFS and Washoe County utilize emergency shelter care for children until placement in a licensed home is established. In situations where licensed homes are not available, there is an emergency contingency plan, which utilizes unlicensed homes of relatives, pending completion of a safety check. The relative’s home is later licensed. This contingency plan reimburses with “pure State” funds (forfeiting matched federal reimbursement) and is an example of different State licensing standards for relative versus non-relative homes. Federal law flexibility allows for licensing of a non-relative foster home lacking in the square footage requirement.

E. PERSONNEL ISSUES

Kirby Burgess

Kirby Burgess, previously identified in these minutes, referred Subcommittee members to Exhibit A, Tab E, and said this is the “singular, important issue, especially to the employees.” The personnel subcommittee will continue to meet to resolve the problems and cautioned that some issues will require changes originating from: (1) legislation; (2) the Clark County Board of Commissioners; and (3) the respective unions.

Chairwoman Buckley pointed out that the counties have agreed to accept all State workers and forego screening processes.

Continuing, Mr. Burgess said the State workers possess knowledge and skills in the areas of adoptions, foster care, and licensing and are vital in the goal to end bifurcation. He presented the following issues that are outlined under Exhibit A, Tab E and are considered “hot buttons”:

- Salary -- Washoe County retains its salary rate. Clark County recommends prorating salary for employees due merit increased within 12 months of transfer.
- Benefits -- There is no anticipated problem with longevity pay, insurance benefits, and leave accrual in Washoe County. However, since Clark County’s longevity benefits are greater than State payouts, a proposed compensatory method includes longevity pay in former State workers’ base salary.

Responding to a question by Assemblywoman Koivisto, Mr. Burgess deferred to Ms. Laveway who explained that 99 percent of State workers fit into a comparable accounting schedule. Those employees will transfer to Clark County at the same rate of pay. However, there are some exceptions and those cases will receive the lowest minimum schedule.

Chairwoman Buckley suggested that the personnel subcommittee present a case study of a State worker transferred to Clark County demonstrating longevity benefits and salary.

Ms. Laveway presented a social worker case study, saying that a \$40,000 salary transfers to “mid-range county compensation” after two and one-half years. The county ranges are broader than the State, and it takes an estimated five to seven years to “top out” on the county scale.

Mr. Burgess added that annual increases include: (1) merit - up to 6 percent; and (2) cost-of-living salary - up to 4 percent. He said it was his opinion that State employees will recognize a significant overall salary raise upon

transferring to Clark County.

Responding to a question by Mr. Shaw, Ms. Laveway said that Clark County compares adult social services to the State social worker position. She declined to address the comparison between the County investigator and the State social worker positions.

Mr. Burgess commented that all of the answers to each position and scenario “are not available” and the personnel subcommittee will continue to address this issue. Clark County has a social worker classification within the social service department, and those employees are paid at the same rate as a CPS Worker I/II. He anticipates that State social workers will transfer into a mid-range placement in the county, however, no decreases in salaries will occur.

Responding to a question by Senator Rawson, Mr. Burgess stated that one labor union represents all county employees, and the only option is whether to join. Regardless of membership, the union is expected to represent all county employees in bargaining conferences.

Responding to a question by Senator Carlton, Ms. Laveway said the comparison of positions for transfer is evaluated by salaries and job descriptions.

Mr. Shaw reported that Clark County’s union representative attended the personnel subcommittee meeting and advised the development of a new classification for CPS workers. Clark County’s employees are unlicensed and have Bachelors or Masters degrees. However, Washoe County’s employees are licensed social workers. He said that comparisons between Clark County’s adult social services and the State’s social workers “does a disservice” to the process because the pay differential is 20 to 30 percent for unlicensed employees. Mr. Shaw said that Clark County was initially granted an exception from the State Board of Examiners for Social Workers to resolve a recruitment issue, but has adopted a permanent hiring practice of accepting unlicensed social workers.

Ms. Laveway responded to Mr. Shaw by saying “it appears” that county investigators are at the same level as State social workers. Mr. Shaw said he has no objection pending verification of Ms. Laveway’s comment.

Responding to questions by Subcommittee members, Mr. Burgess said longevity benefits are paid after eight years of employment with Clark County. He could not address how State workers transfer years accrued within the State system, or how senior State workers will benefit if retirement occurs prior to the eight-year mark. This difficult issue requires guidance and a formula for factoring longevity benefits into retirement. The goal is to maintain a State employee’s current longevity benefit, however, county workers receive a substantially larger check, which may not promote good employee relations. He said the personnel subcommittee is examining all possibilities of an equitable transfer and will continue to brief the Clark County Board of Commissioners.

Chairwoman Buckley encouraged Mr. Burgess to find a resolution to transfer State employees to the counties, while honoring the goals of a fair classification system, allowance of equitable reward for experience, and consideration of financial cost. She noted that this issue could either become a “vehicle to rectify all past wrongs” in terms of State employees’ issues, or become so cumbersome that all of the efforts of the Subcommittee “topple.”

Mr. Burgess said the personnel subcommittee will present a profile or case study of how a State worker transfers into the County system.

Ms. Laveway addressed the logic for not recognizing federal revenue for FY 2002 in Recommendation No. 2 in Exhibit A, Tab C. She said this information belongs solely to IT and SACWIS capital expenditures and the federal reimbursement is unknown at this time. In the following two years, the ongoing operational expenses are associated with higher cost of care reimbursements and lower case load ratios.

F. COMMENTS CONCERNING THE IMPLEMENTATION OF THE MODEL FROM THE CHILDREN’S ADVOCACY ALLIANCE (CAA)

Donna Husted

Donna Husted, Vice President, CAA, Henderson, Nevada, said the CAA was formed three years prior and seeks to abolish Nevada’s bifurcated child welfare system. She agreed that the Subcommittee’s model, if properly funded,

was viable. She expressed a concern for compliance to the enhanced system and said the CAA disagrees with the solution of “putting one under-funded system into another.”

Concluding, Ms. Husted asked for full support from the Nevada Legislature and Governor Guinn to address the expanding problems in child welfare. In her opinion, delaying the end of bifurcation will cause increased expenses. She praised Mr. Shaw’s efforts and acknowledged that DCFS is under funded. She reported that Nevada is nationally ranked in the fourth best percentage for adoptions in 1998 to 1999.

Frank McKoy

Frank McKoy, First Vice President, CAA, Las Vegas, expressed three concerns of the CAA:

1. State workers must be treated equitably during the transfer to the county’s employment and legislation may be necessary to ensure a mechanism to guarantee this;
2. County oversight by the State is crucial; and
3. The 2001 Legislature must adopt the A.C.R. 53 recommendations and Governor Guinn must sign the bill.

Gard Jameson

Gard Jameson, Treasurer, CAA, Las Vegas, said the CAA is hopeful that the Governor will include the recommendations of the A.C.R. 53 Subcommittee. He read a portion of a letter to the Governor’s office from the CAA, which encourages the inclusion of the integration of the child welfare systems in Nevada into the budget:

As a result of our commitment to the abolishment of Nevada’s bifurcated child welfare system, we instituted the Foster Care Millennium Initiative, a two-year process bringing together all the stakeholders involved in the child welfare system to deeply consider the problem of bifurcation and its resolution. Your office attended at least one of these meetings. Every person involved in the Initiative agreed that the current system is not functional. Every person who participated in the Initiative was in consensus on the points of resolution. You should know that the recommendations that emerged from the Foster Care Millennium Initiative are in harmony with the current bill before the Legislature.

Concluding, Mr. Jameson suggested the expansion of a monitoring committee to include citizens and stakeholders to “raise the standards in terms of what is coming out on the back side.” The first report card on children’s issues in Nevada will be presented on January 12, 2001. Mr. Jameson extended an invitation to all interested parties to the event.

INFORMATION PRESENTATION ON KINSHIP CARE PROGRAMS BY DCFS

Stephen A. Shaw

Stephen A. Shaw, previously identified in these minutes, introduced Jane Horner, grandparent and reported that Mrs. Horner hosted a three-hour meeting in her Boulder City, Nevada, home on November 20, 2000, to determine a skeletal structure for the kinship care bill draft. The following list represents the elements and provisions discussed at that meeting:

- No biological parent can be living in the home with the child;
- An age limit is not placed on grandparents, or any relative;
- An age limit is not placed on the child;
- The time the child must be with a relative is not limited; and

- Subsidy must equal the foster care rate.

Mr. Shaw said resolution is needed on several outstanding issues. However, the Subcommittee can anticipate the submission of a kinship care bill.

Jane Horner

Jane Horner, grandparent, Boulder City, said she is a licensed foster grandparent. In her opinion, grandparents need to be recognized and reimbursed for providing foster care to relatives. They will benefit the State by: (1) decreasing the caseworker load; and (2) lowering the court load.

Continuing, Mrs. Horner said it is her impression that the State of Nevada has an excess of funds and would not suffer fiscal setbacks as a result of reimbursing foster grandparents. She noted that many foster grandparents provide care through limited Social Security payments and do not seek to join “the system” out of fear that State representatives will take grandchildren out of the home.

Mrs. Horner concluded with three suggestions: (1) the creation of a foster grandparent pilot program; and (2) a bill to mandate reimbursement; and (2) allow foster grandparents access to resources. She said it is her opinion that Nevada should design a foster grandparent pilot program and address this issue using an equitable and progressive approach. Additionally, many unlicensed foster grandparents do not have accurate information on the policies and procedures of the child welfare system in Nevada, and that needs to be rectified.

Mr. Shaw said that the DCFS has participated in outreach targeted at educating grandparents to explain how the system works.

Responding to a comment by Assemblyman Carpenter, Mr. Shaw explained the DCFS policy to respond to cases where a child is threatened, and generally, relatives are the first homes of consideration for placement. However, caseworkers also consider placing a child with a grandparent rather than with “feuding relatives.”

Mrs. Horner noted that parents addicted to substances, deceased, or incarcerated, leave behind children with grandparents and what may have begun as a temporary arrangement between relatives turns into years and decades without financial assistance. She said that a stipulation would be included in the proposed foster grandparent pilot program to disallow parental involvement with the option to terminate parental rights.

Chairwoman Buckley commented that the Children’s Attorney Project has experience with parents who leave children with grandparents and the situation is further complicated when a grandparent applies for guardianship of the child but the judge does not have the benefit of a caseworker upon which to base a decision. She acknowledged the legal difficulties with this issue and said the judge should have the benefit of all relevant information in routine custody cases without the State’s participation, except in cases where the child suffers harm.

Mr. Shaw said that Clark County placed 15 percent of all children with relatives in 1989, compared to 25 percent in 1996. He estimated that approximately 40 percent of children taken into protective custody in the year 2000 are placed into relative’s homes. This phenomenon is occurring on a national level and relative foster homes are emerging as a resource. However, the Federal Government continues to impose “stronger standards” such as mandatory licensing. He said studies indicate that children benefit from placement in relative’s homes as evidenced by increased stability and fewer emotional disorders. He cautioned that not all grandparents are ideal parents and the challenge is to find a balance.

SUBCOMMITTEE DISCUSSION OF POSSIBLE MODIFICATIONS IN THE MODEL FOR INTEGRATING NEVADA’S CHILD WELFARE SYSTEM AND FINAL RECOMMENDATIONS FOR THE 2001 LEGISLATIVE SESSION

Senator Porter reaffirmed his position that the Subcommittee’s model deserves further consideration and expressed appreciation for everyone’s efforts. He suggested that issues for Subcommittee discussion include:

- Identification of “one-shots”;
- Eligibility and licensing;
- Funds to bring Clark County’s computer system into compliance;
- Commitment to mental health issues;
- Encouragement to stakeholders to provide adequate compensation for employees; and
- Withdrawing funding for future expansion of the Washoe County Pilot Program.

Assemblyman Anderson expressed his concern with having a “down time” in-between the discontinuance of the pilot program and the beginning of the new legislation. Chairwoman Buckley said if the legislation fails, an alternative measure will expand the existing Washoe County Pilot Program.

ASSEMBLYMAN ANDERSON MOVED FOR THE WITHDRAWAL OF THE PILOT PROGRAM FROM THE A.C.R. 53 SUBCOMMITTEE BILL DRAFT AND TO INDICATE IN THE FINAL REPORT THAT THE PILOT PROGRAMS BE RECONSIDERED DEPENDENT UPON DECISIONS MADE BY THE LEGISLATURE AND THE GOVERNOR’S OFFICE DURING THE 2001 LEGISLATIVE SESSION.

Discussion on the motion included Chairwoman Buckley noting the sunset provision of June 30, 2001, on Washoe County’s Pilot Program. The transition plan will not include an extension of the enabling legislation or an expansion of the pilot program to Clark County. The motion indicates that integration is imminent and there is no need for imposing the pilot program’s timeline on the transition.

WITH THE CALL OF A MOTION AND A SECOND, THE MOTION CARRIED UNANIMOUSLY.

Chairwoman Buckley led a discussion on shifting the responsibility of licensing and eligibility from the State to the counties. Committee members agreed that including this issue in the Subcommittee recommendations would ensure this issue is addressed during the 2001 Legislative Session.

ASSEMBLYMAN ANDERSON MOVED FOR THE TRANSFER OF CERTAIN LICENSURE AND ELIGIBILITY FUNCTIONS FROM THE DCFS TO CLARK AND WASHOE COUNTIES. THE MOTION WAS SECONDED BY SENATOR PORTER AND CARRIED UNANIMOUSLY.

Chairwoman Buckley clarified the proposal for “one-shot” appropriations to address the latest financial projections and funding issues. She responded to an earlier suggestion that the Subcommittee entertain a two-part analysis and separate the “one-shots.”

SENATOR CARLTON MOVED TO SEPARATE “ONE-SHOT” COSTS ASSOCIATED WITH THE RECOMMENDED TRANSFER OF CASE MANAGEMENT FUNCTIONS INTO A SEPARATE BILL DRAFT. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN KOIVISTO.

Discussion on the motion included Assemblyman Anderson’s comment that the “one shot” funds in a bill draft will include technological innovations necessary to address Clark County’s non-compliance. Chairwoman Buckley agreed and commented on the usefulness of a single bill draft that includes all “one shot” requests.

Speaker Dini expressed support for the single bill draft request on the provision that no ongoing expenses are included.

Senator Rawson noted a potential problem of “one shot” funds originating from separate sources as causing obligation

and confusion. He identified this as a critical item during the 2001 Session, and in the event of a shortage of ongoing funds, prudence should be exercised.

Chairwoman Buckley agreed “one shots” may include vacation and sick buy-outs for State workers to alleviate the anticipated shortage of ongoing funds. She suggested that Mr. Peri examine the model fiscal projections and separate “one shots,” which will lower the Subcommittee’s total ongoing request.

WITH THE CALL OF A MOTION AND A SECOND, THE MOTION CARRIED UNANIMOUSLY.

Senator Carlton suggested that the Subcommittee “take a stand” on mental health issues as a cost saving measure at the “front end” of the child welfare process. She stressed the importance of this issue saying it can make the difference between success and failure of a child or family.

SENATOR CARLTON MOVED FOR THE SUBCOMMITTEE TO CONTINUE ITS PREVIOUS RECOMMENDATION TO IMPROVE THE MENTAL HEALTH COMPONENT OF THE CHILD WELFARE SYSTEM TO ADEQUATE LEVELS. THE MOTION WAS SECONDED BY ASSEMBLYMAN ANDERSON.

Discussion on the motion included Senator Rawson’s suggestion for a less expensive phase-in plan as a way to further the Subcommittee’s efforts. At the Chair’s request, Mr. Peri referred members to Exhibit A, Tab G, and said the DCFS submitted costs in a staggered fashion for a total cost of \$6,078,603 for a fully implemented system.

Senator Coffin said \$6 million is not adequate in addressing all children in need of mental health intervention. He said the Subcommittee has focused on severe cases within the child welfare system, but there are many children in need throughout Nevada. He pointed out that the “money committees” (Senate Committee on Finance and Assembly Ways and Means) of the State Legislature could construe this request as a redirection to fund all children’s mental health treatment. He said that the Nevada Legislature has made progress in restoring the adult mental health treatment funding but now it is time for the children.

SENATOR CARLTON AMENDED HER ORIGINAL MOTION TO IMPROVE THE MENTAL HEALTH COMPONENT OF THE CHILD WELFARE SYSTEM TO ADEQUATE LEVELS, INCLUDING FULL OR PARTIAL ALLOCATION OF \$6 MILLION, AND TO DIRECT LCB STAFF AND DCFS TO PERFORM AN ANALYSIS OF THE FUTURE COSTS BASED ON POLICY CONSIDERATIONS, AND TO SUBMIT THE REVISED FIGURES AS PART OF THE A.C.R. 53 MODEL. THE AMENDED MOTION WAS SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

Senator Porter suggested that stakeholders continue to examine the transition plan in terms of salaries and benefits, and update Subcommittee members prior to the 2001 Legislative Session.

Senator Rawson reminded members that the joint budget review (Senate Committee on Finance and Assembly Ways and Means) begins on January 22, 2001, and revised figures, estimates, or reports must be submitted to the Subcommittee by that date.

PUBLIC COMMENT

Rosalind Tuana

Rosalind Tuana, Executive Director, Board of Examiners for Social Workers, Carson City, addressed the licensure issue and previous testimony. She said both the State and Washoe County employ licensed social workers from the investigation process forward. Clark County does not use licensed social workers and, as stated in Mr. Burgess’s testimony, that decision is based on a recommendation by the CWLA.

Additionally, Ms. Tuana reported there is not a shortage of social workers in Nevada and the attrition rate for this profession is due to high caseloads and low pay. She said Clark County is using an exception in the law, which

allows government employees not represented as social workers, to work unlicensed. She said it is her opinion that the public perceives CPS employees as social workers.

Concluding, Ms. Tuana said there are ample graduates both in the Bachelors and Masters programs from the two Schools of Social Work in Nevada. She urged the Subcommittee to consider hiring only licensed social workers because “the public deserves to be served by professionals.”

Dorothy Pomin

Dorothy Pomin, Family Foster Support Advocate, Sierra Association of Foster Families, Northern Region, Reno, expressed concerns that the needs of foster families are not being met. She places a high level of importance on foster families and finds the discrepancies in reimbursement rates discouraging. She said that families with foster children are difficult to retain because of the “out of pocket cost.” Adequate funding of the foster care system should be guaranteed for foster families regardless of the passage or failure of the plan to integrate state and local child welfare systems.

Alicia Smalley

Alicia Smalley, Field Coordinator, School of Social Work, University of Nevada, Reno, refuted earlier testimony indicating a shortage of social workers by noting that the School of Social Work has 70 interns currently working in the field, and it is time to raise the salaries of social workers statewide.

Emma Williams-Love

Emma Williams-Love, Executive Director, Grandparents Raising Grandchildren, Reno, said she is raising five grandchildren for which she receives \$541 per month. She expressed fears of losing her grandchildren and having the family split up if she obtained licensure. Mrs. Love said other grandparents share a similar view and she distributed a document outlining additional concerns (Exhibit D).

Deanna Blazzard

Deanna Blazzard, President, Foster Care and Adoption Association of Nevada, Las Vegas, expressed support for Clark County’s “new vision” of the Child Haven campus. She said that placing children into an appropriate setting in a timely matter is dependent upon a large pool of resources, which speaks to the need for an expanded foster parent recruitment effort. In her opinion, foster parents are the best recruiters if stress and financial demands do not taint the positive aspects of this endeavor.

Continuing, Ms. Blazzard said the results of a Foster Care Association survey indicated that foster parents are “somewhat satisfied,” and said there is room for improvement. She said the best recruitment program must start with a good retention program and suggested the following elements: (1) increase the foster care reimbursement rate; (2) design a respite care program to include foster families; (3) reduce the caseload ratio to ensure a quicker crisis response and a better support system in non crisis situations; (4) increase funding for other support services in departments outside of the government, for example, a mentoring program; and (5) provide frequent and higher quality training for foster parents.

Concluding, Ms. Blazzard announced an upcoming conference sponsored by the National Foster Parent Association. She said the conference will be in Las Vegas in the year 2002.

Diane Vargas

Diane Vargas, Child Advocate, Family-to-Family Connection, Las Vegas, suggested the possibility of establishing an independent foster care department. She said that standards change and “it is not in our best interest to have the fox watching the chicken coop.”

Assemblyman Anderson expressed his thanks and appreciation for the leadership of Chairwoman Buckley, and the efforts of the staff.

Chairwoman Buckley thanked members of the Subcommittee, staff, State and county representatives, and the audience for their participation in this study.

ADJOURNMENT

- There being no further business, the meeting was adjourned at 1:37 p.m. Exhibit E is the “Attendance Record” for this meeting.

Respectfully submitted,

Kennedy
Senior Research Secretary

Allison Combs
Principal Research Analyst

APPROVED BY:

Barbara E. Buckley, Chairwoman

Date: _

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LIST OF EXHIBITS

Exhibit A contains a one-volume set of documents that provide background information on selected agenda items. Arranged to correspond with the items on the meeting agenda, this document was prepared by Allison Combs, Principal Research Analyst, Research Division, Legislative Counsel Bureau, Carson City, Nevada, for members’ reference.

Exhibit B is a document titled “Clark County, Department of Family & Youth Services, Prepared for the A.C.R. 53 Meeting, November 28, 2000, Las Vegas, Nevada,” presented by Kirby Burgess, Director, Department of Youth and Family Services, Las Vegas, Nevada.

Exhibit C is a spiral bound publication titled “Washoe County Department of Social Services, Preliminary Plan for Integration of Local Child Welfare Services,” submitted by Michael Capello, Director, Department of Social Services, Washoe County, Reno, Nevada.

Exhibit D is a document distributed by Emma Williams-Love, Executive Director, Grandparents Raising Grandchildren, Reno, Nevada.

Exhibit E is the “Attendance Record” for this meeting.

Copies of the exhibits are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the library at 775/684-6827.