

NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON CHILDREN, YOUTH AND FAMILIES
(Nevada Revised Statutes 218.53723)

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Nevada Legislature's Committee on Children, Youth and Families (*Nevada Revised Statutes* 218.53723) was held on Thursday, April 22, 2004, at 10 a.m. in Room 4401 of the Grant Sawyer State Office Building. The meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's Web site at www.leg.state.nv.us/Session/72nd2003/Interim. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Raymond D. Rawson, Chairman
Assemblywoman Barbara E. Buckley, Vice Chairwoman
Senator Maggie A. Carlton
Assemblywoman Chris Giunchigliani
Assemblyman Rod Sherer

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator Bernice Mathews
Senator Maurice E. Washington
Assemblyman John C. Carpenter
Assemblywoman Sheila Leslie

COMMITTEE MEMBER ABSENT:

Senator Valerie Wiener

LEGISLATIVE COUNSEL BUREAU (LCB) STAFF PRESENT:

Allison Combs, Chief Principal Research Analyst, Research Division
Larry L. Peri, Senior Program Analyst, Fiscal Analysis Division
Risa B. Lang, Principal Deputy Legislative Counsel, Legal Division
Heidi Chlarson, Deputy Legislative Counsel, Legal Division
Ricka Benum, Senior Research Secretary, Research Division

OPENING REMARKS

Chairman Rawson called the meeting to order.

APPROVAL OF MINUTES OF THE FEBRUARY 12, 2004, MEETING

The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED FOR APPROVAL OF THE MINUTES OF THE LEGISLATIVE COMMITTEE ON CHILDREN, YOUTH AND FAMILIES' FEBRUARY 12, 2004, MEETING IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER AND PASSED UNANIMOUSLY.

UPDATE ON ISSUES RELATING TO THE OVERSIGHT OF THE CHILD WELFARE SYSTEM

A. Presentation on the Findings of the United States Department of Health and Human Services' February 2004, review of Nevada's Child and Family Services

- Jone M. Bosworth, Administrator, Division of Child and Family Services (DCFS), Department of Human Resources (DHR), provided an overview of the review process performed in February 2004, for 50 in-home and out-of-home placements of children in the child welfare system. She stated the written report should be available on June 1, 2004. She anticipates Nevada will not be in conformity with any of the seven child and family outcomes. However, Nevada may be in conformity with some of the systemic factors, which include agency responsiveness, information system technology, quality assurance judicial case review and foster parent licensing and recruitment.

Ms. Bosworth told the Committee that four of Nevada's promising practices will be recognized as models for the rest of the nation. The four practices identified were:

1. The Model Court Project in Washoe County;
2. The use of the statewide Wraparound Process;
3. The Neighborhood Care Center service model in southern Nevada; and
4. The transition from foster care funds provided by Assembly Bill 94 (Chapter 603, *Statutes of Nevada 2001*).

Ms. Bosworth stated that regarding safety, the federal reviewers emphasized the need to:

1. Assess risk and safety of children at home;
2. Involve families in the development of their permanency goals and planning;
3. Locate and hire bilingual staff and providers; and
4. Develop consistent statewide standard policies across agencies and in each region.

The Division met with a diverse group of 150 external stakeholders including county and state staff to provide input for the state plan specifically on the items identified for improvement. The group included tribal representatives, community organizations, judges, attorneys, primary care physicians, a representative from the Office of the Governor, and rural and urban DCFS staff, which provided significant input on the need for skill-based training to be able to achieve outcomes for families.

Ms. Bosworth stated that Nevada has 90 days from the date the federal report is issued to create the program improvement plan and added that work on the plan began in January 2004.

- Assemblywoman Giunchigliani asked for clarification of the services for children in foster care, which are typically more extensive than services in relatives' homes. She stated the Kinship Care Subcommittee recommendations will include the funding source, rates, and service issues. Assemblywoman Giunchigliani asked how the DCFS Improvement Plan will address the need for Spanish-speaking providers and staff. She also requested clarification on how DCFS will "hold counties accountable." She suggested including local governments, so they become partners in the Plan which will help with the accountability issue and will streamline activities.

- Ms. Bosworth explained more services are provided once a child is out of the home and placed in foster care. She reported that one of the recommendations made by stakeholders was that a statewide culture and diversity commission be established to focus on developing strategies for recruiting a more diverse workforce statewide. She explained that a stipend program was established through the Title IV-E program which allows for a stipend to be paid to individuals willing to work in rural areas of Nevada for two years, as well as, stipends to students employed by DCFS who may be bilingual.

Continuing, Ms. Bosworth explained that individuals working in rural areas have commented on the lack of managerial support and stated the support is especially needed for students who may be new to their jobs.

She added there is a need to examine statewide policies governing waivers because relatives may have something in their backgrounds that needs to be waived in order for the children to live in the household. She stated that approximately 40 percent of the waiver cases are in Clark County. To determine if program goals and benchmarks are met, Ms. Bosworth stressed the need for a feedback mechanism as part of the Plan. The benchmarks for determining exact percentages will need to be refined once the federal report is received and then will be monitored for accountability. DCFS has begun to prepare the two-year Program Improvement Plan which will be built into the five-year plan. She stated the Improvement Plan would be placed on the DCFS Web site by June 4, 2004, to receive public comment, and the five-year plan will be submitted by to the federal government by June 30, 2004.

- Chairman Rawson requested information on what accomplishments might be expected over the next five years toward addressing the 20 areas of improvement and added the state will have regulatory oversight. Ms. Bosworth was optimistic that Nevada could move higher than its current rating but indicated that Nevada has a unique challenge of dealing with phenomenal growth. Chairman Rawson challenged legislators and all individuals working in this field to move Nevada into the top 10 percentile in the nation and stressed the need to have an individual assigned to monitor the progress in each of the 20 areas identified for improvement and to report to the Committee.

B. Overview on Contracting Process for Therapeutic Foster Care and Therapeutic Care Homes

- Diane Comeaux, Deputy Administrator, DCFS, DHR, provided information on the contracting process for clinical staff; the number of statewide providers and their rates; the number of contracted beds statewide; and the number of children placed in higher levels of care and budgeted amounts. Ms. Comeaux identified areas needing improvement in the contracting process. She stated the most significant problem area is that the program is under-funded, and the Division is under-staffed in the area of contract monitoring. Other improvement areas were identified as:

1. There is no reject/no eject clause negotiated for contracts;
2. There are no provider incentives to move kids to lower levels of care or permanency;
3. Placement moves are high because of shelter care use;
4. The service array is inadequate to meet family needs; and
5. The culturally competent service array is not adequate to reunify and/or provide permanency for children free for adoption.

Ms. Comeaux commented on performance-based contracting as an option and stated that the Division has set a goal to achieve performance-based contracting over the next several years. In order to achieve the goal a multi-disciplinary contracting team will be established; an evaluation of the public/private partnership will be conducted; an examination of the Division's capability to support the contracting changes will be performed; extensive training of Division staff and providers will be conducted; and technical assistance will be given to providers. Please see [Exhibit C](#) for detailed information of Ms. Comeaux's presentation.

- Assemblywoman Buckley pointed out that Nevada failed all areas of the Child and Family Services Review (CFSR) and suggested the extension of contracts for six months to provide immediate assistance for children

in the foster care program.

- Chairman Rawson commented on the under-funding issue and stated that requests for funding may be presented to the Legislature. He also supported setting the target dates to implement performance-based contracting at six months rather than 18 months.
- Assemblywoman Giunchigliani requested further clarification of the term “under-funded,” and asked what specific funding areas are lacking. She stated more information is needed regarding provider rates and specific costs. Ms. Giunchigliani commented that training providers for the change to performance-based contracting will be a challenge.
- Jone Bosworth stated the CFSR process has identified two key areas where states can improve outcomes:
 1. Increase case worker visits along with improved assessments; and
 2. Involve the family and youth in their case planning process.
- Senator Washington asked for the number of providers that would participate in the performance-based contracts process. Ms. Comeaux explained that performance-based contracting will provide more than one level of service from each provider so a child can be “stepped down,” without the need to change providers.

C. Update on the Use of Funds for Youth Transitioning Out of Foster Care

- Jone M. Bosworth, Administrator, DCFS, DHR, stated the areas that have been addressed are: (1) A memorandum was sent to the counties and rural DCFS staff on the use of A.B. 94 funds; (2) Training and technical assistance has occurred to improve outreach efforts; and (3) Increased budget allocations have been made to counties. Ms. Bosworth reported that 199 children have been served in Fiscal Year 2004 and since July 1, 2003, slightly more than \$550,000 has been expended.

Ms. Bosworth indicated that caps on individual awards are no longer being used and decisions are being made on a case-by-case basis. She added that an allocation of \$2.8 million has been given to the counties and any unused portion would be carried forward to the 2005 allocation. Please see [Exhibit B](#), pages 24 and 25.

Assemblywoman Leslie clarified that DCFS has initiated a bill draft request which proposed to clarify the language of A.B. 94 to define eligible youth who may access funds for transition from foster care. Ms. Bosworth stated that additional clarification is needed for youth that enter the juvenile justice system after being in foster care to allow them access to transitional funds as well, and indicated that the request was also included in the bill draft.

D. Overview of Placements of Siblings Within the Foster Care System

- Jone M. Bosworth, Administrator, DCFS, DHR, ([Exhibit B](#), pages 26 to 29) noted that the federal reviewers found this area as a strength of DCFS, but one vulnerability is when youth need treatment, they may be separated from their siblings. She added that sometimes, within shelter care and due to age, siblings can be separated.

REVIEW AND UPDATE ON ISSUES RELATING TO THE INTEGRATED CHILD WELFARE SYSTEM

A. Update on Progress Toward Integration of Child Welfare Services in Clark County

- Susan Klein-Rothschild, Director, Clark County Department of Family Services, presented objectives for the action plan for Clark County. Ms. Klein-Rothschild reported that:
 1. Phase 1, October 2003, transferred ten positions in Family Preservation Services to Clark County;

2. Phase 2, April 1, 2004, transferred 42 positions to Clark County in addition to a number of programs that have been completed; and

3. Phase 3, October 1, 2004, the transfer of a majority of case workers and eligibility workers to Clark County is anticipated to be completed on time.

Services have been co-located in two neighborhoods and are very close to completion at a third site in Henderson. Long-term planning includes locating staff in the east and north neighborhoods to provide services more effectively. Ms. Klein-Rothschild explained that Clark County has traditionally had approximately 20 beds in licensed family foster homes and many children were cared for at Child Haven. In the last two years, efforts were made to expand the number of shelter beds, in order to have options for child placements. The number of placements has increased to an average of 60 children per day placed in licensed family foster homes and most are under five years of age. The Department is working to expand shelter homes for siblings so children can be moved into foster homes immediately to minimize the number of placements and increase permanency. Please see [Exhibit B](#), pages 52 and 53, for detailed information of Ms. Klein-Rothschild's presentation.

- Assemblywoman Buckley requested a time line with goals within the plan to provide a method for monitoring progress and asked that it be placed on the next Committee's agenda.

B. Overview of the Caseload Evaluation Organization (CLEO) Within the Department of Human Resources and Its Role in Analyzing the Future Funding Needs of Child Welfare Services in Nevada

- Michael J. Willden, Director, DHR, commented on the future funding formula and expressed the importance of good, accurate projections and historical information about caseloads/workloads. Mr. Willden explained that the CLEO process involves quarterly meetings of representatives of each Division in the Department, who examine recognized caseloads and who use CLEO to assist in developing caseload/workload forecasts. Please see [Exhibit B](#), page 56, for detailed information about Mr. Willden's presentation.

C. Discussion of Draft Proposal to Transfer From the State to Washoe County Responsibility for Certain Higher Levels of Care Within the Child Welfare System

- Michael Capello, Director, Washoe County Department of Social Services, reported on the therapeutic foster care process. Currently there are two providers for therapeutic foster care in Washoe County, Maple Star, and Koinonia. There is a limit of two children that can be placed in a therapeutic foster home, and there can only be two children already in the home. Consequently, this limits the number of homes that can qualify. In Washoe County there are nine homes with 18 beds available. Therapeutic foster care is a small component of the overall system of care.

He explained that the two providers also are contracted to provide other levels of care, which meets the goal of having one provider provide multiple levels of care to reduce the number of placements for the child. He stated moving this level of care to Washoe County could be done, but questioned if it was strategically feasible without taking into consideration the array of higher level of care services. He discussed projected costs based on current utilization, which is \$70 per day for the agency, with \$35 of that amount paid to the parent, as compared to \$30 per day for a standard foster home.

Continuing, Mr. Capello explained that many foster families can access clinical support directly from Washoe County staff, for example, to deal with behavioral challenges. He recommended continued examination of the therapeutic foster care process including placement options, quality of placement, and stability of placement in the state's improvement plan.

Mr. Cappello explained that the state's report on sources of funding indicates that 41 percent of the funding for higher levels of care is Medicaid. The Medicaid director has indicated that Washoe County would be subject to the Medicaid utilization review, as well as federal requirements for that source of funding. The state's funding portion is 30 percent and could allow more flexibility. He further explained that Medicaid, which is the key part of the funding, has a lack of flexibility; however the program offers a wider continuum, a larger support system, and services which are purchased on a statewide basis. Please see [Exhibit B](#), pages

62 to 65, for detailed information on Mr. Capello's presentation.

- Chairman Rawson requested an examination of Medicaid issues regarding the levels of state policy and federal regulation.
- Michael J. Willden, Director, DHR, commented on other issues involving Medicaid such as targeted case management, utilization review, and medical necessity that are currently being studied in the context of child welfare integration. Mr. Willden stated that possible waivers need to be examined and strongly recommended that Nevada not accept a Medicaid block grant because of the lack of many optional coverage groups or services and a block grant would not meet the needs of Nevada's growing population.

UPDATE ON ISSUES RELATING TO KINSHIP CARE OF CHILDREN

- Nancy K. Ford, Administrator, Welfare Division, DHR, reported results of a public workshop held on April 6, 2004, to discuss different ways the Kinship Care Program could be adjusted. The three options identified were:
 1. Reduce the age limit (currently 62);
 2. Increase the income level (currently 275 percent of poverty); and
 3. Increase the grants to the original intended grant level of 90 percent of state foster care rates for every child in the household.

The consensus of the participants was to increase the grant level which will be discussed at a public meeting on June 18, 2004, to reinstate the 90 percent of state foster care rate levels. Ms. Ford stated that the program would require close monitoring if the rate level is increased, but there would be capacity to accept new applicants who are eligible for the program.

- Assemblywoman Giunchigliani added that the greatest concern was the increase in the rate level. She added the issue regarding age can be handled through the regulatory process, but another issue is the lack of public knowledge about the program. Other problems arise with the income requirements for some grandparents, additional costs for caring for a grandchild with a disability, and the cost of changing to another residence, if necessary. Another topic discussed was whether the program should be funded through the Temporary Assistance to Needy Families (TANF) program, the State General Fund, or possibly another department. Ms. Giunchigliani referred to a letter from Emma Williams-Love, Executive Director of Grandparents Raising Their Grandchildren, which identifies the allowance level issue and expansion of services for children with learning disabilities. Please see [Exhibit D](#) for a report on the Kinship Care Subcommittee. Please see [Exhibit E](#) for a copy of Mrs. Williams-Love's letter.

UPDATE ON ISSUES RELATING TO ADOPTION

- Senator Maggie Carlton referred to [Exhibit B](#), page 29, which explains the budget for the State Register for Adoptions, and page 44 for information on who can access the State Register and the number of matches that have been made. Senator Carlton reviewed the recommendations presented on page 5 and 6 of [Exhibit F](#), the "Report of the Subcommittee on Adoption," and expressed the need to share medical information. She added that further discussions with judicial representatives will be held to determine how courts can assist and what person or entity would be the best intermediary, taking care to address confidentiality issues.

DISCUSSION OF FUTURE COMMITTEE MEETING TOPICS AND DATES

- Chairman Rawson stated the next Committee meeting is scheduled for June 17, 2004, at 10 a.m.
- Assemblywoman Leslie requested an update on A.B. 381 (Chapter 164, *Statutes of Nevada 2003*) regarding multidisciplinary team review of the death of a child. One dollar was added to the fee for requesting a child's death certificate that would provide funding to produce and distribute information regarding avoidable child

deaths.

- Assemblywoman Giunchigliani suggested a follow up on performance-based contracts to discuss renegotiating versus extending contracts. She also asked for examples of standard contracts for review.

PUBLIC TESTIMONY

- Angela Howald, birth mother, presented information on the post adoption contact agreement and stated that no written agreement should be legalized in the State of Nevada providing for birth parents to visit their child once they are relinquished. Please see [Exhibit G](#) for detailed information on Ms. Howald's presentation.
- Mark Nichols, Executive Director, National Association of Social Workers (NASW), Nevada Chapter, presented information on staff ratios of service positions as compared to law enforcement staff ratios ([Exhibit H](#)), and stated that Clark County's Child Protective System is significantly understaffed. Mr. Nichols requested support for prevention and early treatment programs, which may reduce the likelihood that people will move to the criminal justice system. Mr. Nichols expressed concern that Clark County is filling social worker positions with persons holding the newly created title of Family Service Specialist, and presented responsibilities listed on the position announcement.
- Chairman Rawson requested the topic of Family Service Specialist positions be included on a future agenda and be addressed by representatives from Clark County.
- Pamela B. Ponsart, birth mother, presented information on birth mother confidentiality and stated that she was not promised total confidentiality when she relinquished her daughter in 1962. She advocated the restoration of the open records statute allowing adult adoptees access to their birth and adoption records. Please see [Exhibit I](#) for detailed information on Ms. Ponsart's presentation.
- Janet Nordine, Nevada Open and Leadership Circle, provided current information regarding adoption data from the State of Alabama, a Contact Preference Form from the States of Oregon and Alabama, and support letters for repealing the 1953 and 1973 Nevada statute to restore an adult adoptee's right to access state records kept by the Office of Vital Records and Statistics and courts of adoption. Please see [Exhibit J](#) for detailed information on Ms. Nordine's presentation.
- Richard C. Rinker, Nevada Open and adult adoptee, provided testimony in support of changing Nevada law to allow an adult adoptee access to original adoption files. Please see [Exhibit K](#) for detailed information on Mr. Rinker's presentation.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1:13 p.m.

Respectfully submitted,

Lucinda Benjamin
Senior Research Secretary

Allison Combs
Chief Principal Research Analyst

APPROVED BY:

Senator Raymond D. Rawson, Chairman

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda.”

[Exhibit B](#) is the Committee packet titled “Legislative Committee on Child, Youth and Families, Thursday, April 22, 2004 – 10 a.m.,” provided by Allison Combs, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau, and Larry L. Peri, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau.

[Exhibit C](#) is a Microsoft PowerPoint presentation titled “Higher Levels of Care Contracting Process,” provided by Diane Comeaux, Deputy Administrator, Division of Child and Family Services, Department of Human Resources.

[Exhibit D](#) is a report titled *Report of the Subcommittee on Kinship Care to the Committee on Children, Youth and Families (Nevada Revised Statutes 218.53723), April 22, 2004,* presented by Assemblywoman Chris Giunchigliani.

[Exhibit E](#) is written testimony presented by Emma Williams-Love, Executive Director, Grandparents Raising Their Grandchildren-Navigation Project, Bethel African Methodist Episcopal (AME) Church.

[Exhibit F](#) is a report titled *Report of the Subcommittee on Adoption to the Committee on Children, Youth and Families (Nevada Revised Statutes 218.53723), April 22, 2004,* presented by Senator Maggie A. Carlton.

[Exhibit G](#) is written testimony presented by Angela Howald, birth mother, regarding Post Adoption Contact Visitation Agreements.

[Exhibit H](#) is a letter to the editor of the *Las Vegas Review Journal* titled “Remember: An Ounce of Prevention is Worth a Pound of Cure, Social Worker Funding Deserves as Much Attention as the Police Budget,” written and presented by Mark Nichols, Executive Director, National Association of Social Workers (NASW), Nevada Chapter.

[Exhibit I](#) is written testimony presented by Pamela Burdick Ponsart, birth mother, regarding the issue of birthparent confidentiality and the right of adult adoptees to have unrestricted access to birth and adoption records.

[Exhibit J](#) is a letter to the Committee from the Nevada Open Leaders Circle presenting Nevada Open’s intent to repeal 1953 and 1973 statutes; 2002 Alabama Abortion Data: Pre and Post Opening of Adoptee Records; 2003 Contact Preference Forms Data of Oregon and Alabama; and support letters presented by Janet P. Nordine, Nevada Open Leaders Circle.

[Exhibit K](#) is written testimony presented by Richard C. Rinker, Nevada Open representative and adult adoptee, advocating revision of Chapter 127, *Nevada Revised Statutes*, to allow adult adoptees access to original adoption files.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.

