

**MINUTES OF THE
LEGISLATIVE COMMITTEE ON CHILDREN,
YOUTH AND FAMILIES
(*Nevada Revised Statutes 218.53723*)
February 14, 2002**

The second meeting of the Legislative Committee on Children, Youth and Families (*Nevada Revised Statutes 218.53723*) was held at 10:00 a.m. on February 14, 2002, at the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada. The meeting was videoconferenced to the Legislative Building, 401 South Carson Street, Room 2135, Carson City, Nevada. Exhibit A is the Meeting Packet and Agenda; Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Chairwoman Barbara Buckley
Senator Joseph Neal, Jr.
Senator Raymond Rawson
Senator Maurice Washington
Senator Valerie Wiener
Assemblywoman Ellen Koivisto

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Assemblyman John Carpenter
Assemblyman Joseph Dini, Jr.
Assemblywoman Sheila Leslie

COMMITTEE MEMBERS EXCUSED:

Senator Mark James

STAFF MEMBERS PRESENT:

Mark Stevens, Assembly Fiscal Analyst, LCB Fiscal Analysis Division
Larry Peri, Senior Program Analyst, LCB Fiscal Analysis Division
Allison Combs, Principal Research Analyst, LCB Research Division
Leslie Hamner, Senior Deputy Legislative Counsel, LCB Legal Division
Sherie Silva, Secretary, LCB Fiscal Analysis Division

EXHIBITS:

Exhibit A - Meeting Packet and Agenda
Exhibit B - Attendance Roster
Exhibit C - Progression of a Child through the Child Welfare System (Slide Presentation) – Mr. Edward Cotton, Administrator, State Division of Child and Family Services (DCFS), State Department of Human Resources
Exhibit D - Mental Health Consortiums (Slide Presentation) – Dr. Jim Rast, Vroon VanDenBerg
Exhibit E - Written Public Testimony Submitted by Mr. Bryan Link

A. ROLL CALL

Chairwoman Buckley called the meeting to order at 10:12 a.m. and reviewed the agenda items. The secretary called the roll; all members were present with the exception of Senator Mark James.

B. APPROVAL OF MINUTES OF THE NOVEMBER 14, 2001 MEETING

Chairwoman Buckley asked for a motion to approve the minutes of November 14, 2001.

SENATOR RAWSON MOVED FOR APPROVAL OF THE MINUTES OF THE NOVEMBER 14, 2001 MEETING; MOTION WAS SECONDED BY SENATOR WIENER AND CARRIED UNANIMOUSLY.

C. DISCUSSION AND COMPARISON OF THE PRESENT CHILD WELFARE SYSTEM VERSUS THE APPROVED INTEGRATED CHILD WELFARE SYSTEM

1. General Overview of the Child Welfare Hearing Process and Anticipated Benefits and Improvements to the Child Welfare System Based on Implementation of Child Welfare Integration.

Chairwoman Buckley introduced Judge Gerald Hardcastle, noting that he is the primary judge involved in Clark County's child welfare system, as well as the creator of many systems to help children. Testifying from Carson City was Judge Deborah Schumacher from the Second Judicial District, who has also been very involved in family and children's issues.

Judge Hardcastle thanked the committee for the opportunity to speak regarding the integration of the child welfare system. Although he had reviewed the agenda, he wanted to make additional remarks that might be helpful to the committee; his prepared statement follows:

Initially it must be noted that the efforts of the Nevada Legislature and its committees, as well as the efforts of the child welfare agencies, must be commended for the commitment to this issue. The common thinking is that the present child welfare system is administratively unsound and does not effectively serve the best interests of the abused and neglected children. The dynamic but careful attention that has been paid in undoing the flawed system says many good things about Nevada and our commitment to children.

I would like to voice a few thoughts and I am going to skip over one point. I think I can make it very summarily by simply saying that from my perception, the issue of abused and neglected children is not a court issue by and large. It is a legislative issue and it is an executive issue. While the court provides oversight to the efforts of agencies, the fundamental responsibility for the care of abused and neglected children is an executive responsibility—it is a legislative responsibility. The Legislature does not give me funds; the Legislature does not give me control over the hiring or firing of staff; I have very limited authority over abused and neglected children. This does not mean that the courts do not play an important role, but I think it needs to be recognized that, in my mind, the fundamental responsibility for these children rests with the Executive and Legislative Branches and not necessarily with the courts. Historically, the courts have played a very important role, but without the assistance of the Legislature and without the continued monitoring by the Legislature and participation by the Executive Branch of government, very obviously these children are going to be left out in the cold. What is important about undoing the flawed system is that there is, and has been, a very direct acceptance of that responsibility by the Legislature. They have determined that this is an important issue. More than anything that can be done to the courts or by the courts, quite frankly, this is the most significant contribution to the better treatment of abused and neglected children. This simply is something that needs to be done. I made the comment quite a while ago that, in my opinion, this just has to be done—we need to design the system to make it better for children, and that has been accomplished in basically one session of the Legislature.

The Legislature has spent much time considering the relative merits of the bifurcated system versus the integrated system. I want to make only one observation in that regard, and it is based on my experience as a juvenile court judge when the Department of Family and Youth Services was separated from juvenile court. When I became the juvenile court judge in 1994, legislative authority had been previously granted to allow the county to separate juvenile probation, child protective services and related services from the courts. Prior to that date, those services were under the direct supervision of the juvenile court. The result was the creation of a new county agency, the Department of Family and Youth Services, with direct supervision by the county

commissioners. It was done presumptively upon the premise that the county commissioners would be more amenable to providing funding to an agency for which they had direct supervisory control. That presumption has come true. Clark County government has made a great financial commitment, and it stands much improved from what would have been reasonably expected had the services remained attached to the court. I trust that the Clark County government will accept the responsibility of an integrated system. Clark County has made a commendable commitment to its children. Supported by adequate state funding, the placement of control of services in the community that understands the needs of children in the community is the appropriate procedure.

My concern is that the state may not adequately commit to an effort over which it will no longer have direct control. Whether admitted or not, there is a disconnect between the agencies in Carson City and those in Clark County. It may simply be the result of the fact that agencies in Carson City need to worry about more than children in Las Vegas, but the existence of that distance cannot be denied. We are blessed with having a community that will do whatever is reasonably requested; restoring control over child welfare services to the local community makes perfect sense.

I would like to make a few comments about the operation of the juvenile court specifically, and abuse and neglect matters. First, there is the hope that the court's operation will be seamless. A seamless process is one in which the number of courts, and the number of participants handling the case, are kept at a minimum. For example, from the time a child is removed until the time permanency for a child is achieved, the matter should be handled by one court—by one judge. Presently it is possible for a juvenile court to hear the abuse and neglect petition and another family court judge to hear the termination of parental rights or guardianship action. In Clark County, partly by court rule and partly as the result of administrative assignment of duties, I heard the abuse and neglect matters, the termination of parental actions involving abused and neglected children, and juvenile guardianships. While this exhausting result is attributable in part to good planning and in part to historical accident, the fact remains that juvenile court judges should be given the express authority to complete the permanency process.

Second, the concept of a seamless system also has application to legal representation. The lack of a seamless system is demonstrated by the present separation of duties between the District Attorney, who handles protective services matters, and the Attorney General, who handles foster care issues. It is important that one office learn the entire spectrum of issues. It can truly be said that presently one does not understand the duties of the other. While the District Attorney's office does an excellent job of prosecuting, it does not effectively understand case management, even in my experience to understanding the components of the Adoption and Safe Family Act in Title IV-E. It simply is not what it does. Conversely, the Attorney General's Office is comprised of attorneys who fail to have an equal appreciation of protective services investigation and prosecution. Regardless, both offices are blessed with having attorneys who are committed and good at what they are required to do.

The concept of a seamless system is beginning to take shape, even in the anticipation of the end of bifurcation. The community resource team in Clark County, under the guidance of the Division of Child and Family Services and with the participation of Child Protective Services, CASA, Attorneys for Children and Attorneys for Parents, is beginning to recognize that good planning requires a system without cracks. The greatest present difficulty is that the lines of responsibility blur because of the excessive number of agencies involved.

I have a few wishes I would like to briefly discuss that I think the Legislature may be able to help with in the long term. The first wish, while not essential to the end of the bifurcation system, will advance the needs of foster children. I wish that, except as required by federal law, our state would end the confidentiality attached to abuse and neglect proceedings. Confidentiality does not protect children from embarrassment; it protects the actions of agencies and courts from scrutiny and perhaps embarrassment. More importantly, it prevents the public from understanding the magnitude of issues facing abused and neglected children. In my experience, I have never seen confidentiality invoked to protect a child. I have seen many occasions where it was invoked to protect abusive and neglective parents and agencies.

My final wish for foster children, and the most important of all my wishes, is that the Legislature increase the period of time that the juvenile court has jurisdiction over foster children to the age of 21 years. This obviously is not a new issue. No foster child is reasonably capable of leaving foster care successfully at the age of 18 years. How our foster children leave foster care remains deplorable. They simply are not ready at 18 years. I could not have survived at 18 years, and they are less capable than I was. While A.B. 94 does provide some monies for children leaving foster care, I have not yet been advised as to how that money is going to be utilized. I support an effort to utilize those monies to provide health care for foster children leaving the system. However, the funding under A.B. 94 is a good first step, but it is certainly not the end of the journey. The issue of the miserable condition in which our children leave foster care begins with our decision that they are capable at 18 to provide for themselves. This flawed premise must be reexamined, and we must recognize that foster children will not be successful unless we continue to extend opportunities and services past the age of 18 years.

Finally, I want to say a few words about the legal representation in Clark County in the child welfare system. In Clark County there has been an increase in the formalization of the child welfare court process. This is being caused in part by the increased demands of the federal Adoption and Safe Families Act, and in part by the realization that effective legal representation for everyone, including parents and children as well as agencies, makes a difference for abused and neglected children. In Clark County, the Children's Attorneys Project under Nevada Legal Services has done much to assist abused and neglected children. There will soon be five attorneys helping abused and neglected children through the juvenile court process, as well as providing representation in guardianship and domestic actions. The Boyd School of Law also has a clinical program providing representation for children. To date, the efforts of the law students have been commendable. Recently two full-time attorney positions were funded by Clark County from the court's indigent representation fund to provide representation for parents in abuse and neglect cases, as well as termination of parental rights actions. The attorneys are part of the staff of the Clark County Special Public Defender's Office. Attorneys not only provide representation of clients, but they also serve to constantly challenge the court and the child welfare agencies to do better generally. There have been many challenges made to the mental health services, to permanency decisions and to agency practices by the attorneys practicing in this area.

By way of closing comment, on behalf of the court, we all look forward to the end of the bifurcation system and very much appreciate the efforts that have been made by the Legislature to do this very important job. It is fully anticipated that during this period of time we are going to see a lot of confusion and a lot of semi-crises by the fact that we are ending one system and starting another, but it has to be done, regardless of the difficulties. I very much appreciate, personally and on behalf of the juvenile court, the efforts the Legislature has made to do this. It is certainly a job worth doing.

Chairwoman Buckley thanked Judge Hardcastle for his presentation. Concerning his suggestion that the court be allowed to retain jurisdiction until the child is 21, she asked if he envisioned that the court would have the authority and funding would continue. Since the committee consists of many members from the previous ACR 53 Subcommittee, she expressed certainty that the committee would recommend a bill draft request to ensure Medicaid funding.

Judge Hardcastle said the issue is at what point the system should reasonably quit the job it started in dealing with the children in long-term foster care. Is it reasonable at age 18 to simply expect the vast majority of these children to be self-sufficient? He has learned over the years that these children are not more independent because of the abuse and neglect—they are more dependent than normal children. To some degree, they even fight independency when they get close to being 18. Judge Hardcastle said the reality is that they are less capable than other children to be left alone; the system needs to have the ability to extend a full range of services. He would applaud the interim step of extending Medicaid if that is the decision. A.B. 94 is a good step; it provides some solid money to these children. The point is, he continued, the job is left undone at age 18. He reiterated that a full range of services needs to be provided, including the cost of care for their placement and transition to age 21. This may include subsidizing rental or some other placements that are not as expensive as foster care. Judge Hardcastle said there are currently some instances when children are given foster payments to effectuate the process. He observed that because the system has never been involved, it is not very good at transitioning children through this process. His hope under A.B. 94 is to provide subsidized funds, i.e., a monthly allowance, until age 21. He recognizes that some would "blow it" occasionally, but they would gradually learn

that the money is important and use it to effectuate a transition, making them more independent. He acknowledged that this scenario is not likely to happen, but he stressed again that the full range of services needs to be provided, preferably with the involvement of family services.

Assemblyman Carpenter asked Judge Hardcastle to discuss the issue of confidentiality. Judge Hardcastle said there has always been the notion that confidentiality is required in child abuse and neglect proceedings to protect children. However, he cited an incident that made him aware that what goes on in his courtroom relates more to the practices and procedures of the agencies entrusted with the children. The reality is how children are treated by the system is of primary importance, not only to the children and agencies, but also in rallying the efforts of the community to help these children. Judge Hardcastle said good things and bad things happen to the children, but nothing can be said because of the umbrella of confidentiality. "How am I supposed to go out and encourage people to become involved in the lives of these children when it is not very personal to them—when it is just a bunch of statistics?" he asked. He remarked the Clark County community is great about doing things for children when they see the results, but the courts are prohibited from releasing any information. People who sit in his courtroom are impressed with the good and bad of what goes on, and it is unfortunate more people cannot understand. He noted that the Legislature opened up delinquency proceedings to the public and the system has not broken down.

Chairwoman Buckley told Judge Hardcastle his idea was interesting, and possibly one worth putting on a future agenda for consideration and debate.

Assemblyman Dini asked Judge Hardcastle to comment on state funding and what his idea of adequate funding would be in the future. Judge Hardcastle replied any amount of funding would be insufficient to him. There is concern that funding may be deferred once the state no longer has control over the system. However, one of the benefits of the new system may be that the counties will accept more of the responsibility themselves since it will be their agency and they will be willing to expend funding. Judge Hardcastle said he does not know what amount of funding would be adequate; he tends to look at the caseloads, quality and quantity of services.

Assemblyman Dini asked if Clark County is in a position to assume the liability involved with the integration. Judge Hardcastle replied the leadership in Clark County is there; however, he will leave the financial issues up to the state and county, as he is not an expert in those areas. He is glad the bifurcation is ending for reasons other than financial, and he hopes that the agencies work very hard to keep the promises made, e.g., reducing caseloads.

Judge Deborah Schumacher introduced herself as a District Court Judge in Washoe County, having been involved as either a Juvenile Master or a District Court Judge handling juvenile cases for ten years. At one point in the 1990s, she was responsible for adjudication of 100 percent of the cases in Washoe County. She now shares that workload with two other judges. She remarked she has had a great deal of experience with the system in its bifurcated form, and more recently with the partial pilot integration project in Washoe County.

Judge Schumacher said anyone who has worked in the juvenile system knows that integration is the right thing to do, and the problem has been how to accomplish it administratively and financially. She said the pressure became more acute when Nevada adopted its version of the Adoption and Safe Families Act (ASFA), giving families a twelve-month period to either become a safe place a child could return to or to seek another permanency option. There was no question of the legal and agency inefficiencies of transferring responsibility for a child's case between the county and the state. Time was lost, effort was lost, and children were harmed. Judge Schumacher noted that children suffer when they are not able to form, in their early years in particular, a solid bond with their caregiver. Many children coming into the system already have a problem because of the circumstances existing in their homes. She stressed it is wrong for the system to compound and create an additional problem by moving a child from a county placement to a state placement, again disrupting the child's living circumstances.

In addition, Judge Schumacher continued, under the bifurcated system in Washoe County, a child would be involved with a counselor who was not under contract with the state, so when the child was moved from the county to the state, those services would not be available. She said it was impossible to work in the system and not realize it needed to be changed; crafting the implementation of a new system has involved a very long effort by people at every level of responsibility.

With respect to the system in Washoe County, Judge Schumacher explained attempts have been made for some time to follow a one-family/one-judge model. There is a split legally among judges as to whether it is appropriate for the same judge to adjudicate termination of parental rights who has handled the underlying abuse and neglect case. Currently, Judge Schumacher will accept the request of a defender for her to not hear the termination if she has handled the underlying case. She feels the evidentiary standards are different in the two cases; she may have heard testimony in the abuse and neglect case that would not be admissible in the termination case. She does not want to create an appellate issue in those cases, so she has taken this position. When the defender does not raise an objection, the same judge who has heard the underlying case will hear the termination case.

Judge Schumacher agrees with Judge Hardcastle that the court should have authority to complete the permanency process, but she would suggest this could be done through amendments to the statutes. Currently, if the permanency plan for a child is guardianship, perhaps with a relative, some states will grant the guardianship to the appropriate applicant. Nevada grants what is called a custodianship under NRS 432B, but the general guardianship law requires the family to file a new action and appear again in court. It is not the seamless process that it should be. Judge Schumacher said the custodianship statutes are clear, but they do not provide the ongoing protection for children as found under the guardianship statutes. The custodianships under NRS 432B simply say the court can grant a permanent placement, but there is no requirement that the guardian report to the court every year. Some of these requirements are imposed judicially, but Judge Schumacher feels it would be appropriate for the statutes to be specific.

With respect to how the District Attorney and Attorney General's offices are melding responsibilities during the transition, Judge Schumacher said since the Washoe County Second Judicial District is a model court under the National Council, all of the participants in the system meet monthly, if not more often. Much of the discussion during the last meeting concerned the transfer of responsibilities from the Attorney General's office to the District Attorney, and the process is well under control.

Regarding legal representation for parents and children, Judge Schumacher noted that Clark County has recently begun to provide representation for indigent parents which, for whatever historical reason, Washoe County has always provided in both abuse and neglect and termination cases. However, representation has not been provided for children in Washoe County, while it is provided in Clark County. Washoe County just approved the increase in filing fees that will fund Washoe County's equivalent of the Clark County Children's Law Project. Several attorneys will be hired to provide representation to children, but up to this point, children have only been heard through court-appointed special advocates. For years, one of the goals of the Second Judicial Court has been to secure representation for children, and Judge Schumacher is delighted to announce that the Washoe County Commission just this week approved that service.

Judge Schumacher said she agrees with Judge Hardcastle concerning confidentiality, adding that although there might be some cases where children are embarrassed, the overall beneficial effects would far outweigh those particular cases. She would suggest there be a distinction between proceedings that occur before adjudication and proceedings that occur after. Before there is an adjudication of abuse and neglect, allegations are made that may or may not be proven. Judge Schumacher suggested that, as a compromise, perhaps hearings should not be opened up until the case is adjudicated and it has been proven that the parents have abused or neglected the children. At that point it should be known what the agency and the courts are going to do to assist the family.

Finally, Judge Schumacher said it is hard to argue from where she sits that children are independent at age 18. It would not be hard to gather social scientific data to support the necessity of continuing support for children between the ages of 18 and 21.

Judge Schumacher asked the committee if she could answer questions or provide any other useful information.

Senator Neal asked what type of disruption Judge Schumacher was referring to with regard to bifurcation. Judge Schumacher replied she was referring to disruption for both the child in the foster care system and the family that is making good-faith efforts to reunify with the child. She explained that when a child comes into foster care, he/she is assigned an investigative caseworker, who first develops an assessment case plan with the family in which the parents are asked to do certain tasks to determine their needs; an ongoing caseworker then develops an ongoing case plan, with reunification as the goal. If the family does not succeed in reunification in 90 days, a motion is filed for the case to be

transferred to the state, which requires a new state worker to become familiar with the family. The old bifurcated system required the family to enter into a new case plan (the state and county now cooperate in creating a single case plan), with a new caseworker unfamiliar with the family. Washoe County and the state have not had identical service contracts, so under the initial case plan, the child might have a psychologist or counselor and drug treatment might be provided to the mother, but those services could come to an abrupt halt when the case transfers from the county to the state because the state is under contract with different providers. Most importantly, Judge Schumacher continued, would be the disruption in the life of the child, who had perhaps been placed in a county-licensed foster care home that was not also a state-licensed foster care home, necessitating a move to an entirely new home. In addition to the harm to the child, the process takes additional non-productive time, and it is inappropriate to lose any of the 12-month time period required to reunify the family.

Referring to Judge Schumacher's statement that the court should have a role in the permanent placement of a child, Senator Neal asked if there would not be a jurisdictional problem by being involved in management areas that should be part of the Executive Branch of government. Judge Schumacher said when the court is approving a permanent place for a child that is not a guardianship, she does not see an ongoing court role. With a permanent placement, at some point the court should say there is no longer cause to believe the child is in need of protection from abuse and neglect; at that point, the case should close and the court should no longer be involved. Judge Schumacher explained she was referring to one particular kind of placement, which is a legal guardianship. There is a disconnect legally between what is done under custodianships in NRS 432B and what is done in guardianships. Factually similar cases may come to the court as a guardianship with no social services involvement or as a social services case. The difference between the cases is that some interested person, e.g., an aunt, grandmother, or neighbor, applied for a guardianship before social services became aware that there was a child protection issue. If a legal guardianship is established under Chapter 159, the guardian is required to report annually to the court on the child's finances and the child's welfare. It seems to Judge Schumacher a custodianship created under NRS 432B, which is very similar to a guardianship, should have similar requirements. Under 432B, a third party assumes the role of a guardian, but as a custodian, there is no annual follow-up. She believes it would be best to be consistent and determine that the court is either over-reaching or appropriately reaching its obligations under the guardianship laws. Judge Schumacher believes the annual follow-up is wise and does not over-reach governmental authority. Unlike California, Nevada does not have an arm of social services that investigates guardians; there is very little information about potential guardians, and Judge Schumacher reiterated that reporting to the court annually is a good idea.

Assemblywoman Koivisto asked how often children are back in the system after families are reunited. Is there something that can and should be done? Judge Schumacher replied children do return to the system, and Mike Capello from Washoe County would have the exact numbers. She is not sure there is anything in particular that would assist with the problem other than to provide more helpful services for all cases, especially in the mental health area. Judge Schumacher believes there is a limit to human knowledge about predicting future human behavior. Therefore, when a family is reunited and all indicators of stability appear to exist, e.g., clean drug tests, stable job, home, the case is closed. Unfortunately, mistakes are made, and the family may not be as stable as hoped.

In cases where children come back into the system, Assemblywoman Koivisto wondered if the time under ASFA starts over, or if it picks up from the time of reunification. Judge Schumacher replied if the child comes back into the system fairly quickly, the time under ASFA continues. If the child were to return in two or three years, the time would not count. She explained there is a provision under ASFA that allows the agency to express that it does not wish to provide any reasonable efforts toward reunification and to convince the court that upon the second removal, even if it is outside ASFA timelines, the agency should not have to work with the family because the child was removed, reunified, and removed again. There is also a provision of ASFA that allows the agency to come to the court and recommend months should not even be counted. A decision would be made based upon all the circumstances of the case.

Senator Washington recalled Judge Schumacher had mentioned that California conducts annual reviews of guardianships, and he asked if she has experienced cases where guardianships have gone awry. Judge Schumacher replied that she and Assemblywoman Jan Evans had extensive correspondence before Ms. Evans' illness, because this matter has been troubling Judge Schumacher for a long time. In all of her judicial functions, she is least confident of the decisions she makes in guardianship cases where there is no social services involvement. The typical case is a grandparent or aunt coming to the court and claiming his/her child is unfit to parent the grandchild. California has

recognized that in those circumstances, it is appropriate to fund social services to conduct a home study of the potential guardian. Judge Schumacher has no personnel, court services, or wing of social services to determine if the guardians are sound. It is difficult to understand the family's circumstances without third-party investigative assistance. In cases of greatest distress, Judge Schumacher has asked Washoe County Social Services for some background assistance, even though the county is not funded to provide such services.

Senator Washington said it was his understanding that the court can order, as part of ASFA, a review of the guardianship, but the problem is lack of funding within the social services arm to actually implement the court order. Judge Schumacher explained the guardianship case is not governed by ASFA because it is not a foster care case. Under NRS Chapter 159, an interested party needs only to make an allegation that the child is in need of imminent protection of a guardian for some health or welfare reason. There is no government entity involved whatsoever; it is entirely a private piece of litigation between the parents and whoever applies for guardianship. That is why, Judge Schumacher continued, there really are no laws involving social services or any other entity; consequently, ASFA does not govern the process. If the same family were to make a complaint to Washoe County Social Services and it becomes a foster care case, then ASFA applies and the court has the ability to have the home investigated and so on. However, she reiterated, if the same factual situation comes to the court's attention first from a private party, then it is a non-government piece of litigation entirely.

Since the matter would actually be in the hands of the court, Senator Washington wondered if the court could order a guardianship review, and the county would be financially responsible. Judge Schumacher said the court can and does order reviews; the problem is there are no outside eyes and ears, except possibly a court-appointed special advocate. Child Protective Services has no statutory role in those cases. When Judge Schumacher orders a review, both she and the county understand that the order is beyond her authority and the agency is not mandated to follow it.

Chairwoman Buckley affirmed that if a child coming from the abuse and neglect system is taken from the home and a proposed guardian emerges, the county can investigate and provide support to the court. However, if the child does not come from the abuse and neglect system, e.g., a concerned relative files a guardianship action, then there is no obligation to provide investigative services to the court. Therefore, the court does not have the opportunity to have a full record and some comfort as to the child's best interest.

Judge Schumacher thanked Chairwoman Buckley for articulating the situation exactly. She understands that there are social services agencies funded to provide those services, but that is not part of the responsibility given to the social services agency in Washoe County.

Chairwoman Buckley remarked that Clark County Legal Services is providing representation to abused and neglected children, and she sees situations where children are not supported by the system because of the way it is constructed. She is hopeful the committee can make some recommendations concerning this issue.

Chairwoman Buckley noted that Judge Schumacher had alluded to the fact that when someone steps forward as a guardian, he/she must file another court case and run the risk of getting lost in the system. She asked Judge Schumacher if it was her suggestion to meld the two, as is done in California. She wondered if the recommendation was made during the 2001 Legislative Session and if it caused concerns with the Clark County judges.

Judge Schumacher replied the recommendation to meld the two processes was only part of what was proposed to the 2001 Legislature, and she did not believe the Clark County concerns came from the idea of having a more seamless system. She explained there is a question as to whether the normal court-ordered guardianship is strong enough to be considered a permanency order under ASFA, because a guardianship order can be dissolved if it is in the best interest of the child. During the 2001 Legislature, the recommendation was made to change the guardianship statutes to ensure that final guardianship orders were ASFA compliant. It now appears more likely that the guardianship orders would pass ASFA review. Judge Schumacher said at the time she was unaware of how little groundwork had been laid with Clark County. It became apparent that the proposed legislation would create some serious handling dysfunctions in Clark County because guardianships are processed by someone who has no experience with abuse and neglect cases. She said there were two issues last session: Were the guardianship orders strong enough and permanent enough to be ASFA compliant, and should not the judges who have had the abuse and neglect case for twelve or more months have

the guardianship issue as well, and a new set of pleadings, a new action, a new filing fee, and so on, not be required?

Senator Neal asked if there are any existing statutes in conflict with the best interests of the child. Judge Schumacher responded that other than the guardianship issue just discussed, the statutes in Nevada have been amended to reflect that the best interests of the child should be the major decision factor. She does not believe the statutes could be strengthened further without infringing upon parental constitutional rights. There are U.S. Constitutional-level protections for parental rights. Judge Schumacher reiterated she believes Nevada's statutes have been strengthened to the point that they meet the U.S. Constitutional protections for parents, and any further steps would create constitutional problems.

Assemblywoman Leslie recalled Judge Schumacher's statement that in Washoe County, custodianships are frequently used in lieu of guardianships because they are easier to obtain, and that she had recommended custodianship requirements be made comparable to guardianships to ensure children are protected through annual reviews. Assemblywoman Leslie asked if Judge Schumacher had specific recommendations for custodianship changes.

Judge Schumacher clarified that custodianships are easier to obtain only in the procedural sense. In an abuse and neglect case, NRS 432B provides that the court can grant a permanent custodianship to a parent. She believes the best remedy would be to change NRS 432B to allow the court to grant a guardianship during the jurisdiction of an abuse and neglect case. Entities all over the state recognize guardianships—they know and understand the word. Other states allow guardianships to be granted in abuse and neglect cases; a guardianship order would be more user-friendly for those involved.

Assemblywoman Leslie noted that Judge Schumacher had mentioned mental health as an area being most deficient. She asked Judge Schumacher to comment on the problems in that area from a judicial perspective. Judge Schumacher replied that compared to ten years ago when she handled all delinquency and dependency cases in Washoe County, she now rarely sees a child whose characteristics do not indicate significant mental health needs. Children are experiencing behavioral, depression, and substance abuse issues—all complicated problems. It is Judge Schumacher's belief that resources have not yet been augmented or changed to meet either the need now being recognized or the growing need. The need has revolutionized, but the answers have not yet followed suit. Judge Schumacher is responsible for juvenile drug court, and those children present an incredible complex of problems. She explained that a team is convened to meet the problems, but there is a long list for the mental health piece of those services. It takes so long to get children into mental health services, and there are so few resources, they are used in a crisis way rather than preventative, which is neither fiscally sensible nor responsible to children.

Chairwoman Buckley asked Judge Schumacher, Judge Hardcastle, and Judge Steel, who was in the Las Vegas audience, to work with the counties and the State Division of Child and Family Services and prepare a proposal to revise the statutes with regard to guardianships to make the system better and seamless. She also requested they consider the matter of confidentiality of the system and submit proposed statutory language that would provide a balance between the rights of children and the public's right to know.

Judge Schumacher said she would be happy to accept the assignment, and she thanked Chairwoman Buckley for the opportunity.

2. Comparison of the Progression of a Child through the Present Child Welfare System Versus the Approved Integrated Child Welfare System.

Chairwoman Buckley called upon Edward Cotton, Administrator of the State Division of Child and Family Services; Mike Capello, Director of Washoe County Department of Social Services; and Susan Klein-Rothschild, Director of Clark County Child Welfare Services, to address the next item on the agenda.

Mr. Cotton thanked Chairwoman Buckley for the opportunity to testify, adding that he was sure the committee members would note that progress has been made on several issues since the last committee meeting in November.

Mr. Cotton said after discussions with Mike Capello, Susan Klein-Rothschild, and the legislative analysts, it was

determined that the presentation would be made in a three-step process: 1) he would present a broad overview of how a child should progress under the current system; 2) Susan Klein-Rothschild would then discuss case services available, how they work, and what should happen through the process; and 3) Mike Capello would review examples of specific cases under the new system, as well as the old.

Mr. Cotton referred the committee to charts found on page 44 of the Meeting Packet and Agenda (Exhibit A). He noted the charts had been changed slightly, and those minor changes would be reflected in his slide presentation, Progression of a Child through the Child Welfare System. Utilizing the slide presentation, Mr. Cotton reviewed the process followed once an abuse and neglect case is reported. Following is a summary of his presentation:

1. A report of abuse and neglect is received; some go to law enforcement, but most go to Child Protective Services (CPS) intake.
2. Law enforcement or CPS may respond alone to emergency calls or may respond together.
3. The case then goes through a screening evaluation process. Screening is required within 24 hours if the child is under five years old, if there is a serious risk of harm to the child, or if another child in the family has died or been injured. Other cases could take up to three days to initiate.
4. Assessment could result in one of three actions: a) the case is referred to community services for other service provisions; b) the case is determined to not meet the guidelines for needing services and is considered an information and referral item; or c) a CPS investigation is initiated.
5. Once an investigation begins, there are assessments to determine whether or not the child is safe.

Recalling Judge Schumacher's remarks concerning recidivism, Mr. Cotton noted there are some very good models around the country of safety and risk assessments that have dramatically reduced the number of children who have been re-abused. Mr. Cotton, Mr. Capello, and Ms. Klein-Rothschild will be looking at models in the future. Mr. Cotton continued his presentation:

6. After the investigation is completed, the case could be determined to be unsubstantiated and require no further action, or it may be determined that other types of services are needed. If there is some minor abuse and neglect occurring and the child is not removed, in-home and CPS services could be offered to keep the family together. These two situations would not involve court action. If the report is found to be substantiated and the child is determined to be in immediate danger, the child could be placed out of the home, and family assessment and emergency case planning would immediately begin. Under the Adoption and Safe Families Act (ASFA), the department or child protective services unit in the county must show that reasonable efforts have been made to not remove the child and that attempts were made to provide services in the home that could keep the child at home.
7. If the child is removed from the home within 24 hours, there is a protective custody hearing by the court, which starts the 60-day timeframe for a case plan. At this point, the court could decide to return the child to the family, which may involve service referrals. The court could also make a finding of DCFS custody and supervision but still return the child to the family. If DCFS custody occurs, the child could be sent to an emergency shelter or a relative's home, at which point a petition must be filed or the child must be returned home within 10 days. If safety issues are met, the child could be returned to the family at any time during this process.
8. A dispositional hearing must be scheduled within 30 days, although sometimes continuances are granted. A decision could be made that custody is not necessary and the child could be returned home; DCFS custody could be given and the child returned to the family; or the child could be placed out of the home in protective custody, possibly in a foster home, a relative's home, or a group/therapeutic treatment home.
9. If the child is placed in a therapeutic or acute care facility, a utilization review team is formed that reviews the

case before the child is placed in a higher level of care rather than a foster home or a relative home. Children are not routinely placed in residential care without a clinical analysis of the situation.

10. In any situation, if the child is in care, a semi-annual hearing is conducted to review permanency issues, appropriateness of services, and the service plan.
11. At the annual permanency hearing, a decision can be made to reunify the child with the family or to move toward termination of parental rights.
12. If parental rights are terminated, the choice is adoption, planned permanent placement, or independent living.

Mr. Cotton noted that prior to ASFA, children were in the system for long periods of time. ASFA requires that the child either be returned to the family or parental rights be terminated within 12 months, unless there are compelling reasons the timeline cannot be met.

Referring to a list found in Exhibit C, Page 3, DCFS Rural Child Welfare Types of Services, Mr. Cotton explained the list contains the types of services available through both the state and county to families in the rural areas.

Mr. Cotton said Nevada law allows a parent to voluntarily place a child with the state or through the court system for a maximum of 180 days. At any point, the parent can request termination of the voluntary placement and have the child returned within 48 hours. However, if the child welfare agency determines there is risk involved, it has the opportunity to file a petition. The child would be placed in foster care; if there is need for a higher level of care, the case would undergo the utilization review process and appropriate placement would be made.

Senator Neal asked on what basis the 180-day maximum was set. Mr. Cotton replied the limit is provided by statute, and the basis is that people cannot give up their kids for an indefinite period of time. The 180 days should provide sufficient time for the family to obtain needed services.

At the November meeting, the committee had also asked Mr. Cotton to provide statistics regarding the average time in care in the system. Mr. Cotton referred members to the chart on page 5 of Exhibit C, which reflects the average time in care for all placement types for cases that were closed during the 2001 calendar year. Seventy-six infants from 0 to 1 year old who were in the system were returned home during that year, and the average length of care was 14 months. There were 28 children who came into the system before kindergarten, 4-5 year-olds, and they also averaged 14 months in care. Mr. Cotton noted most of the 17- and 18-year olds were in the system for more than two years.

Chairwoman Buckley asked why the averages of the younger children seem so much higher. Presumably they should be children who are less troubled and easier to place permanently. Mr. Cotton replied he was unable to answer that question for Nevada, but the same kind of chart would appear in Illinois. The reasons there were not so much focused on the fact that the children were easy to place, but more so on the fact that prior to ASFA, there was a tendency on the part of workers to extend the attempts to reunify. Many cases involved drug issues, which take longer to resolve, and social workers were persistent in their attempts to resolve those issues. Mr. Cotton believes the chart for Nevada will improve during the coming year as a result of ASFA requirements that permanency be obtained for children much sooner.

Chairwoman Buckley commented that ending the bifurcation, lower caseloads, and higher foster care payments should also help to improve the numbers; she had hoped the 2001 numbers would be better. Mr. Cotton said he has not seen prior years' numbers—the 2001 numbers may in fact be better than what they were before. He will research prior years' averages and compile a chart for comparison.

Senator Rawson remarked the children involved have a place to eat and sleep, and perhaps their medical needs are taken care of, but he wondered how many of them finish school, go on to college, or end up being offenders. He asked if there is a system to track that information. Mr. Cotton replied that information could probably be tracked for the children who stay in the system, but he does not know of any system that tracks kids who have left the system.

Senator Rawson said he has been reading some case reports, and everything about the system is disruptive; he doesn't know how any of the children make it through. The real objective, other than assuring that these children are fed and have a roof over their heads, should be to see that their lives are salvaged. Senator Rawson expressed concern that this aspect is not being evaluated.

Mr. Cotton noted he has had over 25 foster children through the years—some have aged out of the system and some have not. He feels that ASFA will help to resolve some of Senator Rawson's concerns, and the agenda item to be discussed later in the day dealing with independent living and transition assistance for those who are aging out of the system should also help. He added that training of foster parents has changed nationwide over the past ten years to focus more on helping children develop skills to be able to grow and do better wherever they are.

Senator Rawson remarked there is always concern that the state will disrupt a family by removing a child. It is his observation that oftentimes there is almost too much effort to keep the child with the natural parent. The parents are involved in drugs and can't be rehabilitated, and the kids are tossed back and forth.

Mr. Cotton replied the real key is to implement the very best assessment process in order to determine which families can and should be put back together and which are lost causes; the assessment takes place very early in the process. Senator Rawson added the earlier the decision is made, the better.

Chairwoman Buckley said in terms of accountability and assessment, representation for children should be increased. Some funding has been approved for the rural areas, as well as Washoe County, and perhaps an impartial assessment from the children's attorneys should be provided as well.

Mr. Cotton referred the committee to the last chart in Exhibit C, "DCFS Rural Region, Average Time in Care for All Placement Types, Cases Closed in 2001." Senator Rawson remarked it seems obvious that the 8-9 year-olds and 10-11 year-olds have longer average times in care. He wondered if this was unique to the rural areas. Mr. Cotton replied it should be expected that older kids would be in the system less time because they age-out. The chart is probably just reflecting a statistical anomaly that the younger children can be in the system a longer period of time.

Carol Johnston, DCFS, testified that she does not know if there is any particular reason for the age group having higher averages. Oftentimes adolescent behaviors occur at this age and children are beginning puberty; other than those factors, she could not speculate as to why the age group is higher.

Mr. Cotton added that information needs to be determined; as integration occurs, DCFS will analyze these factors.

Senator Washington remarked it might also be worthwhile to learn the stability of the families involved, e.g., divorce, separation, cohabitation, etc. Ms. Johnston agreed that family dynamics might be an issue. She noted the 0-1 year age group is lower in the rural chart, and progress is being made, especially with ASFA requirements.

Chairwoman Buckley thanked Mr. Cotton and Ms. Johnston for their presentation. There were no questions from the committee.

Mike Capello, Director of the Washoe County Department of Social Services, referred the committee to page 53 of Exhibit A and explained his presentation was in response to the committee's request to follow the progression of selected children through the child welfare system. He and his staff identified children who had gone through the system, both in the pilot project and the traditional system, which provided an opportunity to make some comparisons. Two family groups who had achieved a permanent plan were selected from each system. He then reviewed each case individually (see pages 53 through 67, Exhibit A).

Chairwoman Buckley thanked Mr. Capello, remarking the presentation was very informative. She noted that many children with troubled histories are ultimately adopted by their foster families. There are currently some for-profit foster care agencies in Clark County that do a great job—they seem to provide more resources and better training to the foster parents. However, Chairwoman Buckley understands that the foster parents are discouraged from adopting the children, because the for-profit agency then loses those parents as resources. She asked Ms. Klein-Rothschild to address

the issue.

Susan Klein-Rothschild, Director of Clark County Child Welfare Services, said a very high percentage of children, over 70 percent in the state of Nevada, are adopted by their foster families, which is certainly better for children. She added that if agencies are creating barriers to adoption, then the issue needs to be addressed.

Chairwoman Buckley asked how the for-profit agencies came to be, how many there are, and how many children are in their care. Christa Peterson, Deputy Administrator for DCFS, replied DCFS currently has over 75 service contracts for therapeutic services, including several agencies that provide therapeutic foster care services. Many of the service contracts are with non-profit agencies, but some are for-profit. Ms. Peterson said the therapeutic foster care services are available for children who have special needs; those cases are reviewed and then placement is made in those particular homes. DCFS encourages interested foster parents to adopt those children, which has occurred in many circumstances. However, she continued, it is correct that the agency then loses that particular resource, so the agencies may in fact be discouraging adoption. Ms. Peterson said the division is not aware of any specific providers involved, but she will pursue the matter.

Chairwoman Buckley requested further information be provided to the committee in the future. In the case she is aware of, the foster parents were told they might lose custody of the child and no longer have an agreement with the agency. She remarked the whole situation is counter to everything the system is trying to do.

Mr. Cotton said this was the first he had heard of the issue, but suggested there are ways to deal with the problem. There are opportunities to use creative contracting that actually awards agencies for making permanency goals. Contracts can be structured so that it is financially beneficial to convert to adoptive homes. Chairwoman Buckley said the matter would be placed on a future agenda, as well as a detailed report concerning the for-profit agencies.

Susan Klein-Rothschild introduced herself as the current Integration Manager for Clark County and the person to be the new Director of Child Welfare Services for Clark County. Reviewing the information found on page 71 of Exhibit A, she explained that in developing the new service delivery model, there are four overall areas the county feels will provide opportunities for change and improvement in the child welfare system:

- **Assessment – To identify the risks of harm, the needs and strengths in a child and family.** What are the needs in the family? What are the problems, issues, barriers that cause the child to be unsafe? What are the strengths? What does the family bring that can be built upon? A good assessment makes the difference on whether a child is placed in the correct foster home at the beginning in order to minimize moves. Is the child immediately safe, and what are the future risks of harm for the child?
 - Use a safety/risk assessment tool to assure key factors are considered for decision making – **to improve the safety of children.**
 - Use the same safety/risk factors for decision making for decisions about maintaining a child in the family home as well as decisions about when to return a child to the family home – **to improve the safety of children.**
 - Provide earlier clinical assessments of children and parents to identify needs – **to improve the timeliness of services and well-being of children.**
 - Provide assessments of children prior to emergency placement at Child Haven – **to prevent unnecessary out-of-home placement.**
 - Also looking at providing earlier clinical assessments of children; want to identify mental health and other needs early in order to assure services are in place.
 - Would like assessments to take place prior to emergency placement. Currently in Clark County, approximately 49 percent of all children placed at Child Haven were returned or left Child Haven in one to three days. The question would be what could have been done before the child was placed to prevent the

child's placement at all?

- Also considering assessing the eligibility of children when they first enter the system for possible federal participation and support. There are children in Child Haven and shelter homes who may be eligible for services that are being missed in the current bifurcated system until they transfer to DCFS.
- **Planning – To guide the services and interventions that will provide a permanent home to a child.** Must have a plan: Where are we going and how are we going to get there? Who does what by when? Where will this child have a permanent family?
 - Use concurrent planning from the onset of the case – **to support more timely permanency.** What do we need to do to get the child to a permanent home? Reunification is often the primary goal, both ethically and legally, whenever it is safe and possible. However, planning also needs to take place for an alternative goal at the beginning.
 - Use a variety of family decision-making strategies to identify family resources, including relatives, for placement – **to limit substitute care and multiple transitions.**
 - Use a uniform integrated planning process throughout the life of the case – **to facilitate less redundancy and more timely services and permanency.** Currently in the bifurcated system, there is a planning process that begins at the county and one that takes place at the state; sometimes these plans are coordinated, but sometimes they are not, causing missing information and unnecessary delays.
- **Services – To strengthen families who can care safely for children.**
 - Build community capacity to provide timely, quality services – **to improve the well-being and timeliness of permanency for children.** Who are the people, agencies and resources that can help to provide needed services for the children?
 - Strengthen visitation procedures and policies – **to support timely reunification.** The research on child welfare indicates that frequency of contact and visitation is the number one factor that determines whether a child will return home to his/her parents. Can parents use the visitation to build the relationship and the capacity to care for their kids?
 - Reduce the number of transfers between workers and streamline the worker transition process – **to initiate services earlier.**
- **Placement/Caregivers – To care for children in a safe, nurturing environment when they cannot remain safely at home.**
 - Integrate the assessments of foster families, adoptive families, and interstate compact families – **to reduce redundancy and move children to more timely permanency.** Many foster homes become adoptive homes, but in the current system, the foster family must go through another assessment process to become the adoptive family for the child who may have been in their home for months or years. The goal is to have one assessment process for foster and adoptive parents to avoid delays. The same would be true in reverse: Adoptive families must be licensed as foster homes before they can adopt, also causing duplication and delay.
 - Coordinate the recruitment, training and support for all types of placement caregivers – **to reduce redundancy and support safe families for children.**

In summary, Ms. Klein-Rothschild said three major areas need to be addressed: Are kids safe? Are they in a permanent home? Are we doing something to improve their well-being?

Chairwoman Buckley thanked Ms. Klein-Rothschild for her presentation and asked for questions from the committee; there were none.

D. REVIEW AND DISCUSSION OF PLANS DEVELOPED BY THE MENTAL HEALTH CONSORTIUMS (ESTABLISHED PER NRS 433B.333) FOR THE PROVISION OF MENTAL HEALTH SERVICES TO EMOTIONALLY DISTURBED CHILDREN.

Mr. Cotton remarked that he would be discussing both Agenda Items D and E since they somewhat overlap. He recalled that at the November 14, 2001 meeting of the committee, none of the consortiums had met, and some had not even been appointed, even though they were supposed to have had a comprehensive plan done by January 15. Since that time, Mr. Cotton said members have been appointed to all of the consortiums; all of them have met at least twice, except the rural consortium, which has met once and will meet again on February 15. Subcommittees have been developed and have been working on a comprehensive plan involving a needs assessment, as required by A.B. 1 (2001 Special Session).

Mr. Cotton explained the Division of Child and Family Services has contracted with Dr. Jim Rast of Vroon VanDenBerg Consultants, to support the development of the mental health consortiums and the implementation of the mental health services that are part of A.B. 1 (2001 Special Session). Mr. Cotton said each consortium would have a thorough plan completed by June 15, 2002. He then turned the meeting over to Dr. Rast.

Dr. Rast told the committee that beginning January 2002, he has been working with each of the three mental health consortiums. Utilizing a slide presentation (Exhibit D), Dr. Rast reviewed the accomplishments to date:

- All three of the consortiums have been formed and are having regular meetings. The Clark County consortium has set monthly meeting dates from now until June. The rural consortium has set monthly meeting dates for the first three months, and it is expected monthly dates through June will be set at tomorrow's meeting. The Washoe consortium will meet for the third time next Tuesday, and it is expected monthly meeting dates will be scheduled as well.
- All of the required memberships, except for the business representatives, have been appointed and are active on all the consortiums. All three are having difficulty recruiting a business or a Chamber of Commerce representative to serve on the consortium. Dr. Rast said it has been his experience in other states that this is somewhat to be expected because businesses have not previously been that involved in this aspect of the community.
- Each of the three consortiums has developed a work plan to set up the consortium, complete the annual report, and oversee the phase-in of mental health services for the children in foster care. There are separate groups working in each of these areas.
- All of the consortiums have begun the process of doing the assessment for the annual report, and some of that data has been gathered and shared. Washoe County is furthest along in doing the assessment so they can get ready for the integration piece.
- Each of the three consortiums has begun to identify priority children that are currently not receiving services in foster care, with the idea that those children could be prioritized in time to begin receiving services when the funding becomes available in April 2002.
- Each consortium has established three work groups. One group is working on membership and function; one is working on the annual assessment and plan; and the third is looking at the pilot project and the phase-in of mental health services. The membership and function groups have looked at the required members and have considered other people who would be important members within their jurisdictions to meet the intent of the mental health consortiums.

- Each of the three has developed bylaws. The bylaws for the Clark County consortium have been passed and adopted; the rural consortium is going to address theirs tomorrow; and the Washoe consortium has bylaws on its agenda for next week's meeting. Clark has elected officers, and once the bylaws are in place, officers will be elected in the other two consortiums.

- A lot of work has been done on defining a mental health consortium and its function and goals. Dr. Rast said that from his experience in watching these develop in other communities, people are excited about participating; they are excited about the opportunity offered them through the legislation and the fact that they have been asked to help give specific community input on what is needed for children and families.

- The consortiums are beginning to work on interfaces with other collaboratives. There are other groups within these communities doing similar kinds of activities or activities that would be directly related.

- The annual assessment and plan groups for the three consortiums are considering the following items:

- Collaborative Assessment with Significant Community Input

- Assessment of Need

- ✓ Screening of Children in Foster Care System

- ✓ Screening of Children in Juvenile Justice

- ✓ Survey of Needs in Other Public Systems

- Assessment of Current Resources

- ✓ Description of Current Providers and Services

- ✓ Current and Potential Capacities

- ✓ Assessment of Current Funding

Dr. Rast noted that decisions should be made within the next two weeks as to which kids will be screened within the child welfare and juvenile justice systems. He added that Washoe County has already begun to assess different funding sources for all of the services that could be provided for mental health services; discussions are just beginning in the other two jurisdictions.

Dr. Rast said the activities listed under the annual assessment and plan have been started in all three consortiums, and the work plans established a completion date for the listed activities that would be sometime in April.

Dr. Rast then reviewed activities to be completed by June 15, 2002:

- Assessment of Cost Impact

- Current Funding Sources

- Assessment of Current Impact

- Comparison to National Outcomes for Best Practice

- Strategies to Use Current Resources Smarter

- Ways to Streamline by Working Together

- Ways to Increase Federal Participation

- Identification of Best Cost Benefit Services

- Recommendations

Dr. Rast remarked the plans are fluid and considered by the consortiums every time they meet. They are updated every week or two based upon work completed. The most constant factor is confidence that the work will be completed by June 15, 2002.

Mr. Cotton asked if there were any questions from the committee.

- Assemblywoman Leslie expressed concern with the end product to be completed by June 15. She asked if the committee would receive specific recommendations in terms of needed resources or needed changes in the system. She asked what committee members will receive on June 15 that will help in budget planning for the next biennium or in making recommendations for the next legislative session.

- Dr. Rast responded that the specific target for June 15 will be a report from each of the three consortiums, and each report will contain a detailed description of the screening of the mental health needs of the children within the foster care and other parts of the child welfare and juvenile justice systems that are screened. The reports will also include results of surveys to be conducted to get broad community input on the mental health needs of children who may not be in these public systems. In addition, an analysis will be done on how the current funds are being used. Each consortium report will make several recommendations on various issues, including the specific needs of children and families to be successful; barriers and structural pieces in the current system, not necessarily funding related, that might be changed; and specific services and alternate funding sources.

- Assemblywoman Leslie asked if the report on services would include needed services that are not in existence now. Dr. Rast said the report will address the overall need for services; the current resources within the system to provide services for that need; and the additional need that is not currently being met by available resources.

- Dr. Rast said another piece to be developed will be the model on how services are to be coordinated between the child welfare authority and the mental health authority, as well as the plan for the pilot project and the plan for phasing in the services that are part of A.B. 1 (2001 Special Session).

- Assemblywoman Leslie thanked Dr. Rast for the information.

- Chairwoman Buckley emphasized the committee does not want to receive a report that recites information already known or states that additional funding is needed for mental health services. Mr. Cotton replied the groups are very active, and he is confident the reports will be comprehensive. He then moved to the next item on the agenda.

E. REVIEW AND UPDATE OF ENHANCED MENTAL HEALTH SERVICES FOR SEVERELY EMOTIONALLY DISTURBED CHILDREN INCLUDED IN THE INTEGRATION OF CHILD WELFARE SERVICES.

In response to the committee's request to provide information concerning funding of consulting services, recruitment and training, and services for severely emotionally disturbed (SED) children, Mr. Cotton affirmed that the estimated proportion of 60 percent General Fund and 40 percent federal funds is still valid for the services portion. Referring to the chart on page 128 of Exhibit A, he explained that the fiscal year (FY) 2002 figures actually represent the pilot plan and services involving 33 children for one-quarter of the year, and the amounts for FY 2003 are to serve the approximately 300 other children. Mr. Cotton pointed out that the \$2,279,476 indicated in FY 2003 is a phase-in amount. He then asked Dr. Rast to discuss the status of the pilot project.

Dr. Rast reported there have been a number of steps in the start-up of the phase-in pilot project. The first is to determine the needs for mental health services on a child-by-child basis, for both the pilot and the phase-in, to be able to prioritize the development and implementation of those services. Dr. Rast explained that with the information currently in the system, it is not possible to fully identify child-by-child who needs services, nor can priorities be determined on a jurisdiction-by-jurisdiction basis. The phase-in will begin in April 2002, and the program will not be at full capacity until April 2003. Dr. Rast said it is important to be able to develop a system with current resources, since there are no additional resources available to conduct an assessment and screening. It is also desirable to utilize a common tool across all of the jurisdictions in order to compare the data statewide.

Dr. Rast explained the children to be screened for the pilot project are currently in the foster care system. The other children to be screened are children in the child welfare system who may not yet be in foster care but are at risk of foster care or higher levels of care. There are also discussions about developing the same kind of data for children in the

juvenile justice system. He said the protocols should be agreed upon in all three consortiums within the next two weeks, and current work plans would screen and identify all the children by sometime in April. The first 10 percent of the children screened will be selected for the pilot project. Dr. Rast said there is a strong commitment on the part of all three consortiums to start the pilot by the end of April in order to meet the committee's deadline for the 2003 Legislature.

Dr. Rast went on to say the consortiums are also looking at the need to recruit providers to expand the current services. In the urban areas, current providers should be able to expand their capacity under current contracts to provide most of the services. It will be much harder in the rural areas, although with a strong partnership with mental health, it may be possible to expand some contracts to provide the extra services. Dr. Rast added the consortiums are also working on the process to purchase the services to serve the 33 children and determine exactly how the money is to be allocated and made available.

Assemblywoman Leslie stated she was still trying to understand the process. There are 33 children in the first pilot and then 300 more later on coming from all parts of the state. She asked if there is a process in place, and if there is an informal or formal way of allocating the funds. She expressed concern that there will not be enough money to serve all of the children.

Dr. Rast replied the money was originally allocated based on the number of children in foster care in the three jurisdictions, and the first estimates of how many children within each jurisdiction would be served are being identified. He noted that the jurisdictions have changed, with some of the communities in both the north and the south moving from an urban jurisdiction to a rural jurisdiction; the original estimates were based on some children being in the north and south who were actually in the rural. As the screening data is developed and the process is further along, Dr. Rast said there should be some objective data on the needs for the children in the three jurisdictions. At that point, it may be necessary to re-examine the numbers, which were based simply on the number of kids in foster care.

Mr. Cotton noted that the \$2+ million for services is for phase-in, and not all of the children would be served all year; the process referred to by Dr. Rast identified the annualization figure of about \$6 million.

Assemblywoman Leslie said she would pursue the matter on her own. She asked for clarification of Dr. Rast's statement that some urban children had become classified as rural. Dr. Rast said children in Carson City were included in the northern area and some in Pahrump were in the southern area, and the original estimates may have been based on those locations rather than where the children will actually be assigned under the new organizational structure.

Chairwoman Buckley remarked she is frustrated at the slow pace. Two years ago the committee was told there were 330 severely emotionally disturbed children who were receiving no services. She asked, "How can we be here two years later and not know who these kids are? We should know who the kids are, and after we know who the kids are, we should have some sense of what they need. The money is there; the 33 children in the initial pilot must be receiving services by April; we cannot wait for a committee to decide." Chairwoman Buckley recalled the purpose of the consortium was to develop recommendations to stop the cycle of not helping children before they needed residential treatment. Again she asked, "How do we not know who these kids are and what they need, and not have a plan for getting the first 33 served in a month and a half? We need more than just this."

Dr. Rast said the funding to support the project began in January and work on the consortiums began about the same time. He believes the progress is phenomenal; people are committed to start in April in all three areas, and they are going to extraordinary lengths to support that effort. Dr. Rast said it will probably be necessary to screen 800 children alone in Clark County, which will involve a significant investment by DCFS staff. He predicted the children would be screened and the decisions made to start providing services by the time the money is available, which will be sometime in April.

Chairwoman Buckley asked if it was known what children need what services. Dr. Rast said it would not be possible to prioritize them at this time.

Chairwoman Buckley said committee members will look forward to receiving a report in April as to what children have

been selected, what treatment has started, and what the plan is for the rest of the children. She stressed that mental health services to these children was one of the top priorities of the 1999 interim committee, and she does not want to see any delays in services due to delays in starting the consortiums.

F. REVIEW AND DISCUSSION OF TIMELINES FOR THE IMPLEMENTATION OF THE INTEGRATED CHILD WELFARE SYSTEM.

Mr. Cotton pointed out that there were three different questions in preparation for this agenda item—one for DCFS and one each for Clark and Washoe Counties. He referred the committee to Exhibit A, page 165, Comparison of Major Milestones/Objectives for Child Welfare Integration. Chairwoman Buckley suggested that instead of reviewing each item, Mr. Cotton should point out only those that are not on track. She asked Mr. Cotton to discuss the status of the county inclusion version of the cost allocation plan, which was to be submitted in February 2002.

Mr. Cotton replied the plan is 99 percent or more done. Hornby Zeller and Associates were helpful in putting it together, and several drafts have been completed. The counties have reviewed the plan and several meetings have taken place. Mr. Cotton said there are a few minor changes to be made, but all the major points have been agreed upon.

Chairwoman Buckley asked when the committee would be able to see the final product. Mr. Cotton replied certainly within 30 days, and probably before.

In reviewing the list of objectives, Mr. Cotton said that with the exception of one, all of the milestones are on track. Extensive revisions of NAC 432B, 127, and 424 are required, since there were over 20 bills in the 2001 Legislative Session that require analysis for impact and possible regulatory changes. NAC 424 is the foster care regulation, and it is close to being done; 432B is in final stages; and Mr. Cotton has not yet reviewed NAC 127, which will require extensive changes.

Chairwoman Buckley asked Mr. Cotton to discuss the SACWIS issue—have we heard from the federal government? Mr. Cotton replied a response has been received from the federal government that indicates only one state system is required, and if FamilyTRACS is to be used, everyone would need to be convinced to use it. Since the federal government was not involved in the oversight or analysis of FamilyTRACS, it is uncertain whether federal funding would be approved if it were used. Mr. Cotton said Clark County is reviewing the federal government's response, and he referred the matter to Susan Klein-Rothschild, Clark County Integration Manager.

Chairwoman Buckley emphasized this matter needs to be resolved or progress will not be made. Ms. Klein-Rothschild said the county is in the process of making a decision. The SACWIS issue is the only milestone in Clark County that is not on target. She said the letter was received from the federal government approximately one week before, and since it is not definitive, the county is in the process of analyzing it. Ms. Klein-Rothschild agreed that a clear, quick decision is essential in order to move forward with the integration.

Fritz Reese, Assistant Director of Family and Youth Services in Clark County, said a number of activities are in place and moving forward. A planning meeting was just held with the UNITY team, and two people are in Reno and Carson City conducting analyses, since it is likely some child protective services re-engineering will be necessary because that function under UNITY is different from FamilyTRACS.

Chairwoman Buckley recalled that Clark County had made the commitment some time ago to convert to UNITY if the federal government made the decision that FamilyTRACS could not be used. She asked the county to let the committee's LCB staff know the final decision within the next week.

Chairwoman Buckley stated that the LCB committee staff had reviewed the county's plan as submitted at the last hearing during the 2001 Legislature and compared it to the current guidelines. A number of discrepancies were found, including under Item 2.4, Maximize Federal Reimbursement. The original plan submitted to the money committees was January 1, 2002, and the list of milestones indicates April 1, 2003. Chairwoman Buckley asked why there is a discrepancy.

Joy Salmon, Clark County Manager's Office, said she could not answer the question directly, but they had looked at the May 15 document of the timelines and made allowances for areas that were moved forward six months. She would be happy to research the matter further and provide additional information.

Chairwoman Buckley said she would have the committee staff prepare a letter outlining the discrepancies, and the county could either readjust the dates or supply an explanation. Ms. Salmon said she and Mr. Peri had discussed the fact that the milestones reflect the dates they actually occur; she may have used an ending date rather than a beginning date.

Chairwoman Buckley then referred Ms. Salmon to Item 5.7, the transfer of the Children's Resource Bureau. In the plan approved by the Legislature, the implementation date was January 1, 2003. The date approved by the Legislature for Item 5.8, transfer of Family Preservation Services, was July 1, 2003. However, Chairwoman Buckley pointed out, the milestone document indicates January 2004 for both of these items.

Ms. Klein-Rothschild indicated her staff would research the matter. Chairwoman Buckley reiterated the dates approved by the Legislature are to be used unless there is a legitimate obstacle. Joy Salmon remarked it would be necessary to determine how the budget was built; if the funding for the transfer starts in January 2004, that might be part of the issue. Chairwoman Buckley replied the budget was built on the dates approved by the Legislature.

Mike Capello, Director of Washoe County Child Welfare Services, reported that Washoe County's plan is on schedule. The first phase of integration will begin April 2002. Terms of the inter-local agreement between DCFS and Washoe County are being finalized, and the agreement should be presented to the Washoe County Board of County Commissioners on February 19, 2002. Mr. Capello noted that the state and the county commissioners have to concur that the county is prepared to assume programming responsibility, and that approval process must be incorporated into the inter-local agreement. If the inter-local agreement is approved by the Board of County Commissioners, it will be submitted to the State Board of Examiners in mid-March.

Mr. Capello said all of the critical pieces of transferring staff are in place. All staff transferring to the county in April have had positions classified in the county system, and Mr. Capello has been meeting with them (20 staff members; 18.5 positions) individually and presenting them with offers of employment.

Continuing, Mr. Capello reported the county is continuing to work with the state on fiscal eligibility issues, including the cost allocation plan, which is a significant piece of the basis of the integration to assure that the county is able to access and maximize federal funding. He is confident that any outstanding issues will be resolved and finalized by the end of the month so that claims can be filed once integration is in place. Mr. Capello said he would be happy to answer any questions from the committee.

With regard to legal issues, i.e., termination of parental rights, Assemblywoman Leslie asked if a backlog of cases will be coming from the state, and if legal resources will be in place. Mr. Capello responded that legal issues have been a topic of discussion, and as Judge Schumacher had indicated earlier, there is a current backlog of cases that need to be resolved. The local office of the Attorney General (AG) has had some staff illness issues, and the District Attorney's (DA) and the Attorney General's offices have developed a plan to process the backlog; a resolution is anticipated by January 2003. Mr. Capello believes there are about 25 cases of petition for termination of parental rights (TPR), a handful of which are being contested. The inter-local agreement provides a transition wherein the District Attorney's office will handle any TPRs filed by the county as of April for the integrated system; the DA's office will not inherit a backlog in April. During the ensuing year, the Attorney General's office will be working to resolve the existing backlog. In January 2003, the District Attorney's office will assume full responsibility for everything that exists at that time. In the agreement it was negotiated that the Attorney General's office will continue to render assistance to the District Attorney's office after that time should the numbers be so significant that the DA's staff cannot manage the workload. Management in both the District Attorney's and Attorney General's offices has been involved in the transition plan. The D.A.'s office will be second-chairing contested TPR cases during the next year, so that as of January 1, 2003, the D.A.'s office will be ready to take on case responsibility.

Assemblywoman Leslie thanked Mr. Capello for his thorough explanation, adding the transition plan sounded good.

Chairwoman Buckley asked Mr. Capello to explain Item 21 found on page 178 of Exhibit A and the comment, "Pending decision of Governor's Committee." Mr. Capello said that currently when children are placed in foster care or emergency shelter care, the county completes and submits a Medicaid application; Medicaid makes a determination, and the full cost of the child's medical coverage, the state dollars and federal dollars, is actually housed in the Medicaid Division's budget. When a child transfers to DCFS, there is an eligibility code change and the child remains eligible for Medicaid, but the state's share of funding is housed in the DCFS budget. Mr. Capello explained the pending decision from the Governor's Committee is to determine what happens now that the child will not be transferring to the state; will that funding for the local share be transferred from the division budget to the Medicaid budget? The funding does not change; it is a matter of who has control and responsibility for the local dollars that are leveraged.

G. REVIEW AND DISCUSSION OF RESPONSES TO INFORMATION REQUESTS FROM THE DIVISION OF CHILD AND FAMILY SERVICES FROM THE NOVEMBER 14, 2001 MEETING.

Mr. Cotton explained this agenda item deals with four questions raised by the committee that do not fit into the other agenda categories. He referred committee members to Page 183 of Exhibit A, which outlines where the ten new positions will be placed throughout the rural regions and the justification for their placement.

With regard to the status of adoption efforts statewide, Mr. Cotton referred committee members to Page 186 of Exhibit A, which contains a description of the kinds of children who are difficult to place in rural counties, partially due to the fact that they are often special needs children and the services are not currently available in the rural areas.

The third question under this agenda item relates to Assembly Bill 94, as passed by the 2001 Legislature, which authorizes county recorders to charge additional fees for various services to assist youth who have previously been in foster care but have aged out of the system. Mr. Cotton said the State Controller's office has received about \$193,000 in fees from the counties. Based on collections so far, it is estimated that slightly more than \$1 million will be collected, which is more than was anticipated. He said Hornby Zeller is developing a comprehensive plan on how to utilize and regulate the money with the counties.

Chairwoman Buckley asked Mr. Cotton to explain the general idea behind the plan. Mr. Cotton replied the money could be used for housing, job training, general living skills, and possibly some mentoring or case management services to help with referrals to community agencies. Hornby Zeller is looking at what is being done in other states.

Senator Wiener asked if there is a timeframe in post-foster care when a youth no longer qualifies for assistance. Mr. Cotton referred the question to Liz Breshears, who said funds will be available for youth after their 18th birthday until their 21st birthday. Senator Wiener remarked the committee had heard earlier testimony from Judge Hardcastle concerning expanding foster care jurisdiction to age 21, which would obviously affect this issue as well.

Referring to page 186 of Exhibit A and the lack of services in the rural areas, Assemblyman Dini asked if recommendations are forthcoming to provide those services. Mr. Cotton replied this is an issue to be addressed in the rural mental health consortium discussed earlier.

Chairwoman Buckley asked if there are plans to hire staff with funds from A.B. 94. Mr. Cotton said no decisions have been made at this point. Liz Breshears said DCFS proposes to ask each of the regions to look at their resources and develop a plan that best addresses the region's specific needs. The legislation specifically requires that before using A.B. 94 funds, it must be demonstrated that other resources have been used. Former foster youth are also being asked to identify service needs.

Chairwoman Buckley explained the intent of A.B. 94 was to help children who are aging out of the system and left with nothing, and the idea was to assist with a security deposit, first month's rent, rental assistance while attending community college—the purpose was not to fund staff. The committee wants to be assured that the program fulfills legislative intent.

Chairwoman Buckley requested that the committee receive more information about the recent federal legislation, the \$114,500 set aside for youths 18-20 who have left foster care, and the plans for the Chafee program.

H. PUBLIC TESTIMONY.

Chairwoman Buckley asked for public testimony in Las Vegas, and there was none. She then asked for public testimony in Carson City, and Mr. David Love read the following testimony into the record:

Good afternoon Madam Chair and distinguished members of the Youth and Family Services Committee. My name is David Love, and I am from the Bethel AME Grandparents Advocacy Program project, wherein we provide services to grandparents raising grandchildren. Many of the things that the committee has been discussing deal with foster care, and many times grandparents fall into the foster care arena. One of the things I would like for you to take into consideration is the way in which grandparents, during this bifurcation process, are treated. The bifurcation process needs to be gotten rid of and joined together, and I highly commend you. However, there is a financial obligation for certain kinds of services that are needed in the areas of legal, custody, or kinship care, which I don't think the bifurcation system at the present discusses, and it has not been discussed in bringing the system together as one, be it county or state.

One of the things I find, and there are six items that have to do with this, is in the integration of the bifurcation system, what happens to children in the system in the areas of mental health, housing, education, health care, and what financial support, especially in the legal arena that grandparents have faced, is given to grandparents in order to aid them in taking care of their children. When talking about child reunification, there is a need to have a person as a navigator, and I would say at the state level, to help grandparents navigate through the foster care system. There is also a need to establish therapeutic foster homes where grandparents would have some assistance, and this needs to be put into the integration system, especially if we want to deal with the Safe Families Act. Long-term care and a solid bonding have always been established with grandparents, and it is of utmost importance that when we look at kinship care, be it formal or informal, there needs to be a statute in the state of Nevada in order to make this happen. Grandparents have difficult times in informal adoptions; therefore, they receive no financial assistance during the process. Many times they are dealing with inexperienced social workers who do not take the time because of their caseloads to assist grandparents in finding information within the system in order for them to receive resources.

Financial support for assessment and evaluation of grandchildren is of utmost importance in the foster care system, and I did not hear, nor have I read, where the mental health consortium is addressing this issue. This is of utmost importance. Members within Grandparents Raising Grandchildren are concerned about not having a statute that will allow them informal adoptions. Therefore, they have to go through on their own, providing their own legal services funds, in order to have an adoption and in order for the kids to be in foster care. Most of the time, the grandparents do not want the children permanently; they are hoping there will be some family reunification, especially if the parents are coming from the prison system. I would highly recommend that there be some amendments in the kinship care policy that would look at legal support, housing support, as well as equal distribution whenever a grandparent is seeking custody in the system. At the present time, grandparents go from county to state, and it is unfair for grandparents to have to redo forms and applications to go through these systems in order to obtain support. Thank you.

Chairwoman Buckley thanked Mr. Love for his testimony, adding that the topic of kinship care will be placed on the committee's agenda for the April 22 meeting. In the meantime, she would ask Mr. Cotton and Ms. Nancy Ford, Director of the State Welfare Division, to contact him to provide information on the current program. She assured Mr. Love that the committee will keep his comments in mind as consideration is given to improving the entire system. She said free legal classes have been started in Clark County for individuals who need a guardianship and cannot afford an attorney, regardless of their age. Chairwoman Buckley expressed the hope that the program can be expanded to Reno and the rural communities as well. She asked Mr. Love to leave a card with the secretary in order to send him information concerning the program.

Written testimony was submitted by Mr. Bryan Link and is made a part of these minutes as Exhibit E.

Chairwoman Buckley said future topics, in addition to kinship care and further explanation of the process for kids aging out of the foster care system, will include the following:

- Progress report on development of a plan for funding future child welfare services. There has been some discussion as to whether future funding might be served by a swap between the county and the state in lieu of the counties appearing before the legislative money committees every session.
- Discussion on higher levels of care for children and future plans for these services.
- Update on federal review issues, ASFA, cost allocation plans, and SACWIS.
- Problems children are still having with legal representation, guardianship, and gaps in services throughout the state, as well as other subjects discussed earlier.

Chairwoman Buckley asked committee members to submit any other subjects they would like to include on future agendas, either directly to her or to Larry Peri, LCB Fiscal Division, or Allison Combs, LCB Research Division.

Assemblywoman Leslie remarked that at the last Interim Finance Committee meeting, there was an issue with the State Division of Family and Child Services concerning training positions, some of which relate to upcoming federal reviews. She requested further discussion and information concerning those positions—what they would do, why they are necessary, and Washoe and Clark Counties' opinions regarding the positions. Chairwoman Buckley agreed to add the item to the April agenda, adding she would request that staff obtain further information prior to the meeting.

Assemblyman Carpenter noted there have been six adoptions in Elko, and a community council meets once or twice a month to follow the progress of the children to ensure the best care and placement possible for them. He attends the meetings periodically and finds them very enlightening; he is happy to see how well the process is working.

I. ADJOURNMENT.

There being no further public comment or business, the meeting was adjourned at 1:45 p.m. The next meeting is scheduled for Monday, April 22, 2002.

Respectfully submitted,

Sherie Silva, Committee Secretary

APPROVED:

Assemblywoman Barbara Buckley, Chair

Date: _____

Copies of exhibits mentioned in these minutes are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. The library may be contacted at (775) 684-6827.