

# Presentation to the Child Welfare and Juvenile Justice Committee

Nevada Legislature  
June 20, 2014

The Honorable Dorothy Nash Holmes  
Reno Municipal Court  
Department 3 Specialty Court

Stacie Mathewson, founder  
The Stacie Mathewson Foundation  
and “Transforming Youth Recovery”



EXHIBIT D - CHILDWELFARE  
Document consists of 25 pages.  
Entire exhibit provided.  
Meeting Date: 06-20-14

# Overdose Prevention Program



“Best Interests of  
Child” Inquiry



**Heroin** is  
back and it's  
**CHEAP!**



**Opioid Rx**  
abuse is  
**RAMPANT!**

# It's a fact!

Fatal Drug Overdose has increased **six-fold** in the USA in the past 30 years

The Network for Public Health Law, 2013

Opioid prescriptions for pain **quadrupled** in the USA during the same period

Harvard Medical School, *Harvard Mental Health Let.* 2011; 27(7);4-5

In 2012, the No. 1 cause of death in **17 states** was prescription abuse

National Association of Drug Court Professionals, Aug. 29, 2013

Now, on average, **38,000** Americans die each year from drug overdose

Centers for Disease Control and Prevention (CDC), National Center for Health Statistics, 2012

Nevada had **7,572** drug-related deaths statewide from 2000 to 2012

Nevada Division of Public and Behavioral Health, 2013



# How does overdose occur?

- Pharmacy mistake
- Suicide attempt
- Child eats “candy”
- Using illegal drugs
- Allergic reaction
- Taking pills prescribed for someone else
- Loss of tolerance to illicit opioids
- Combining opioids with alcohol or OTC products





**Overdose now kills more people each year  
than homicide or car crashes!**

# **Nevada Naloxone Program**

- **Creation of policy favoring emergency aid for opiate overdose to save lives**
- **Creation of protocol for training people to obtain and administer naloxone**
- **Naloxone Access Law (amend NRS Chapter 639)**
- **Amend Good Samaritan law to encourage rendering aid (NRS 41.500)**



## EDUCATION



Shaw Middle School eighth-grader Andrué Casado shows an EpiPen he now carries everywhere. Casado recently suffered an allergic reaction at school and was given an EpiPen injection to revive him. TIM DUNN/RGJ

# EPIPENS SAVE STUDENTS

2013 Legislature mandated schools must have severe allergy antidote

Reno Gazette Journal  
February 26, 2014



# Naloxone Access Law

**Opioid Antagonist that protects brain's receptors from effects of opiates and reverses the respiratory and central nervous system failure**

**Effective in just 2 minutes, lasts 20-60 minutes**

**Rx drug (not a Controlled Substance)**

**Non-addictive, can't overdose on it**

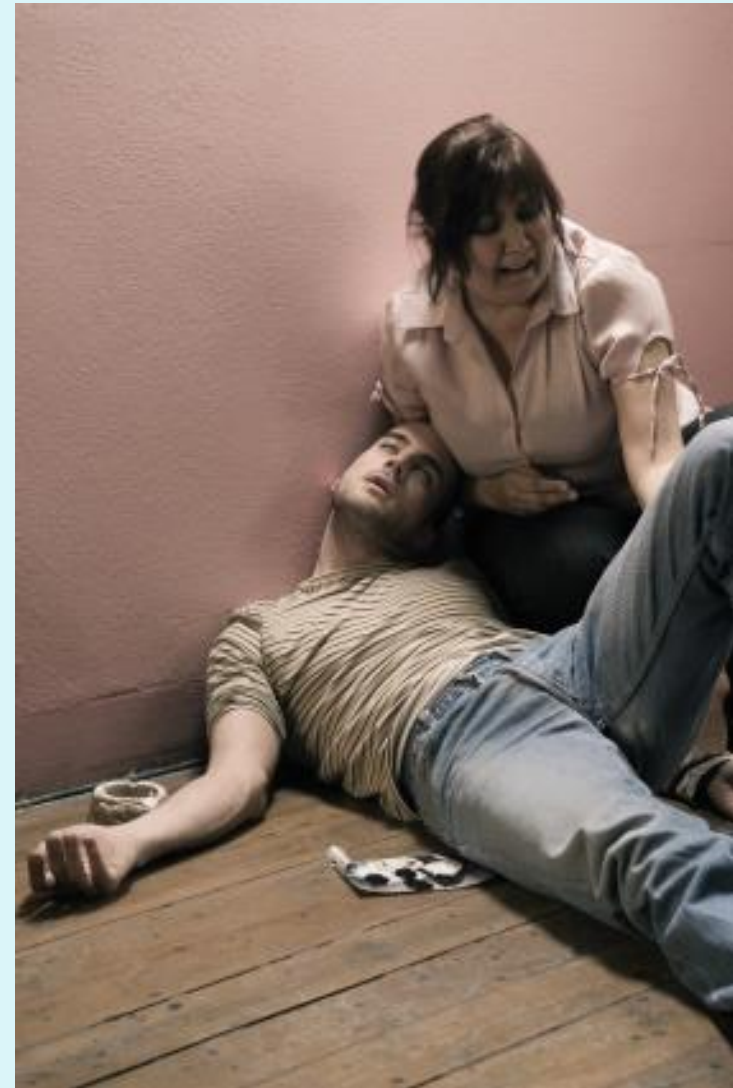
**Easy to administer by nasal spray or injection**

**Low cost: \$15 for kit with 2 doses**

**In use by EMS for more than 40 years**

**18 states and District of Columbia have laws**

**In some states, Police carry on the streets**



Narcan® and Evzio®

# Amend Good Samaritan Law

- **Immunity for reporting drug overdose or delivering person to the Emergency Room** (NRS 41.500)  
(may have to explicitly exclude drug-provider or change NRS 453.3335)
- **OK to dispense naloxone in good faith without Rx**
- **Ok to possess naloxone in good faith, if trained**
- **Volunteer may administer naloxone in good faith without civil or criminal liability**  
(may have to amend NRS 453.521 to say that unlawful Nasal Inhalers do not include those containing naloxone)

# Substance Abuse Affects Families





**The Judge needs to know about this...**





**... and this...**





...and most of all, **THIS!**





AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2365**

**Introduced by Assembly Member Nestande**

February 24, 2012

An act to amend Section 3011 of the Family Code, relating to child custody.

LEGISLATIVE COUNSEL'S DIGEST

AB 2365, as amended, Nestande. Family law: child custody.

Existing law requires a family court to determine the best interest of the child for purposes of deciding child custody in proceedings for dissolution of marriage, nullity of marriage, legal separation of the parties, petitions for exclusive custody of a child, and proceedings under the Domestic Violence Prevention Act. In making that determination, existing law requires the court to consider specified factors, including whether either of the child's parents ~~has a documented history of~~ *habitually or continually using* alcohol or illegal drugs. *The court may require independent corroboration of an allegation that a parent is habitually or continually using controlled substances or illegal drugs.*

This bill would require a family court to consider, in determining the best interest of the child in custody proceedings, either parent's ~~documented use~~ *habitual or continual abuse* of prescribed controlled substances, ~~including medical marijuana and narcotic maintenance medications for heroin and opioid addictions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

**NRS 125.480 Best interests of child; preferences; presumptions when court determines parent or person seeking custody is perpetrator of domestic violence or has committed act of abduction against child or any other child.**

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:
- (a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her custody.
  - (b) Any nomination by a parent or a guardian for the child.
  - (c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.
  - (d) The level of conflict between the parents.
  - (e) The ability of the parents to cooperate to meet the needs of the child.
  - (f) The mental and physical health of the parents, **including the abuse of alcohol, prescription medications and other legal or illegal substances. The court may require independent corroboration of an allegation that a parent is habitually or continually using controlled substances or illegal drugs.**
  - (g) The physical, developmental and emotional needs of the child.
  - (h) The nature of the relationship of the child with each parent.
  - (i) The ability of the child to maintain a relationship with any sibling.
  - (j) Any history of parental abuse or neglect of the child or a sibling of the child.
  - (k) Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

# NRS Chapter 432B

## Protection of Children from Abuse and Neglect



**NRS Chapter 432B already contains some compatible language and/or policy:**

**432B.560(1)(a) says the court can order parent/guardian of a child into medical, psychiatric, psychological, or other care or treatment as courts considers to be “in best interests of the child.”**

**(b)(2) says court can order parent/guardian to refrain from visiting the child if visitation is “not in the best interests of the child.”**

**Same chapter also:**

**432B.020(1)(c) defines Abuse or Neglect as including “negligent treatment or maltreatment...under circumstances which indicate the child’s health or welfare is harmed or threatened with harm.”**

**432B.140 says negligent treatment or maltreatment occurs if a child...is without proper care, control and supervision or lacks subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so**

**And the chapter also says:**

**432B.330:** a child **IS** in need of protection if the child is...(1)(b) subjected to abuse **or neglect** by the person responsible for the child...

and...

**MAY** be in need of protection if the person responsible:  
(2)(a) is unable to discharge responsibilities...**because of physical or mental incapacity**...; or

(4) child is identified as **being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure.**



However...

**432B.260(3)(c)** says “An investigation **IS NOT** warranted if

(a) child not in imminent danger of harm;

(b) child is not vulnerable as result of untreated injury, illness or other physical, mental or emotional condition that threatens the immediate health or safety of the child;

(c) **the alleged abuse or neglect of the child, or the alleged effect of prenatal illegal substance abuse on or the withdrawal symptoms resulting from any prenatal drug exposure of the newborn infant, could be eliminated if the child and the family of the child are referred to or participate in social or health services offered in the community, or both...**

**Does Nevada REALLY  
assume that parental  
substance abuse or  
addiction is NOT  
harmful to a child  
because future  
treatment COULD work?**

**NRS 432B.640 provides that agency may have a child assessed to see if psychological evaluation or counseling is needed **when case referred by a court because of Battery that constitutes Domestic Violence**... and may, with the approval of the parent/guardian, conduct the evaluation or counseling, or refer child to a person who contracts with the agency to provide those services.**

**What if parent/guardian refuses to consent because of own substance abuse or addiction???**

**Do we intervene to  
protect children when  
a parent/guardian is  
abusing drugs or  
alcohol ???**

**or don't we?????**



**QUESTIONS ??**