

CLARK COUNTY DEPARTMENT OF FAMILY SERVICES

Safe Children, Healthy
Families, Caring
Communities

Legislative Committee on Child Welfare and Juvenile Justice
March 27, 2014

EXHIBIT E- CHILDWELFARE
Document consists of 13 pages.
Entire exhibit provided.
Meeting Date: 03-27-14

Differential Response (DR) History

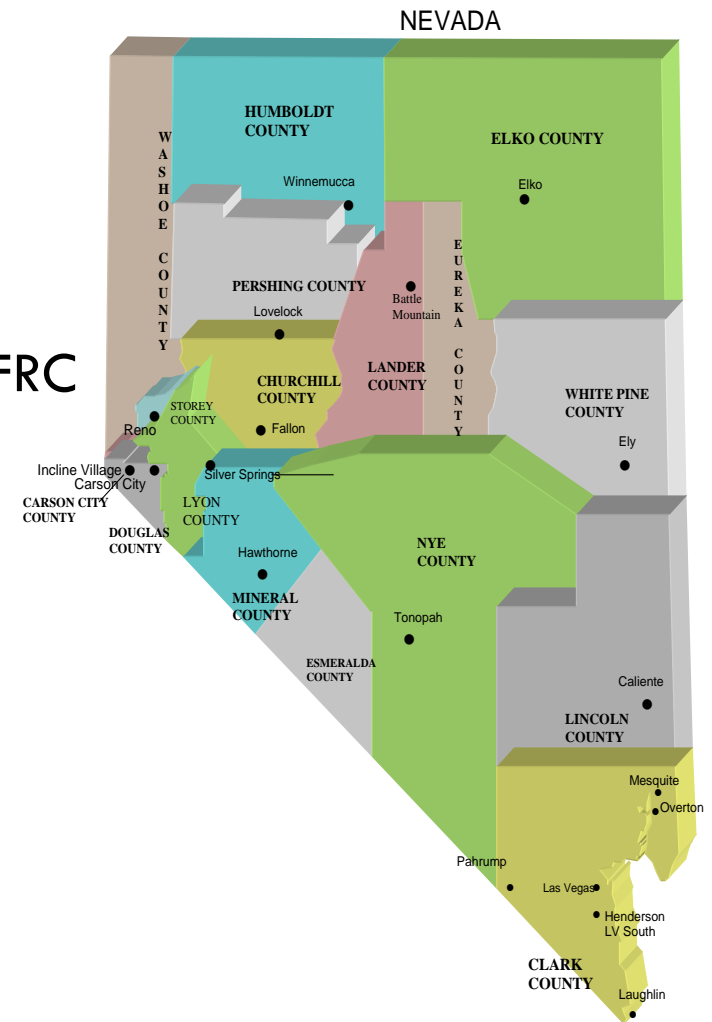
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- A collaborative project between public child welfare agencies and Family Resource Centers (community-based service providers):
 - Department of Health and Human Services, Grants Management Unit
 - Family Resource Centers
 - Division of Child and Family Services, Administration
 - Clark County Department of Family Services
 - Washoe County Department of Social Services
 - Division of Child and Family Services, Rural Region office
- Planning began in 2006 with early implementation occurring in 2007
- Legislature funded ongoing pilot of DR in 2007 session
- Casey Family Programs provided additional funding to support the project
 - Provided funding for evaluation – 3 year evaluation done by Institute for Applied Research
- Program capacity expanded through 2009

DR Programs in Nevada Today

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- Clark County: 5 FRC programs
- Washoe County: Washoe FRC and Children's Cabinet (funded by Washoe County)
- Elko County: FRC program
- Lyon, Mineral & Pershing Counties: Lyon FRC
- Churchill County: FRC program
- Carson City, Douglas & Storey Counties: Carson FRC
- Pahrump: FRC program in Las Vegas



DR Overview

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- “Relatively” new approach to child protection
 - Focuses on two tracks of response: Most serious cases go through CPS (present danger) with less severe reports receiving a family assessment
 - Less severe maltreatment (generally chronic and less acute) warrants a process that is less divisive and more oriented to prevention and support of family problems
 - Addresses long standing child welfare issue of police-like response versus social work response
- Successes in Nevada DR (2010 final evaluation):
 - Families served are satisfied with the way they are treated and feel that their families are better for the experiences
 - Program is implemented with fidelity to the model
 - Families serviced have fewer subsequent reports of maltreatment and fewer removals of children from their homes
- Challenges in DR:
 - Program is limited by funding capacity; leads to inconsistency in case management practice for Priority 3 reports
 - Implementation of new safety practice model will require changes to the program; DR assessment will align with child welfare processes

Nevada's DR Model

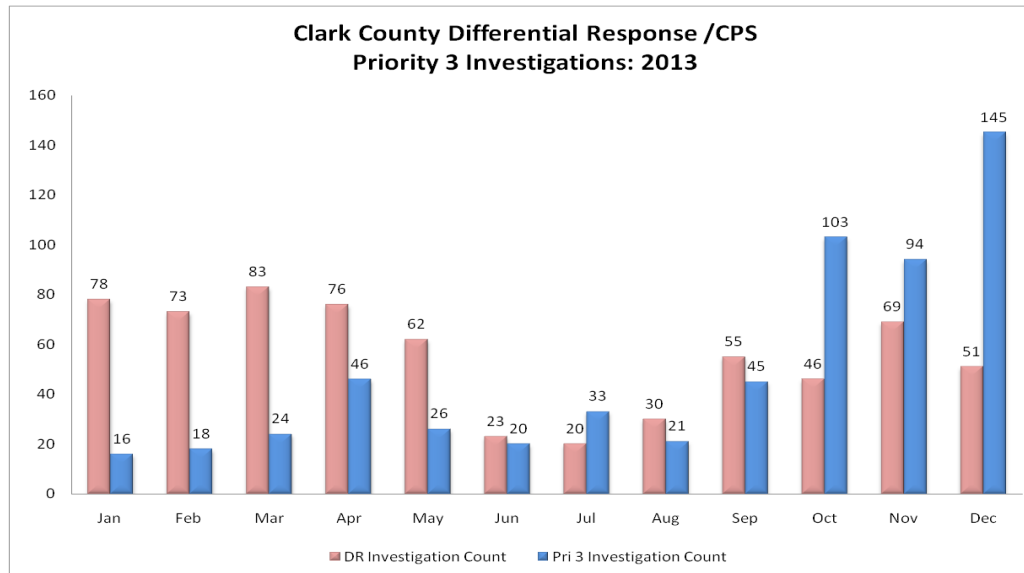
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- Child Welfare Agency intake staff review a report of child abuse/neglect and make determination whether the report is transferred to Differential Response (DR) or is responded to in the traditional investigative manner.
- Response Time for Reports:
 - PRI 1: 3 HR
 - PRI 1 (Rural): 6 HR
 - PRI 2: 24 HR
 - PRI 3: 72 HR
 - DR PRI 3: 3 Working days
- Only Priority 3 reports are assigned to DR. Typically, those include these maltreatment allegations:
 - Educational Neglect
 - Environmental Neglect
 - Physical Neglect
 - Medical Neglect
 - Improper Supervision

DR SFY 14 Program Funding and Service Capacity

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- \$1,420,000 in State Tobacco Funds and \$80,000 from Casey Family Programs for training capacity.
- AB155 (2013): Eliminated investigative requirement for children under 5...but funding drives staffing and service capacity.
 - In 2013, DFS served 190 children under 5 as part of a CPS response to a P3 responses; DR served 22 children.



Month	DR Investigation Count	Pri 3 Investigation Count
Jan	78	16
Feb	73	18
Mar	83	24
Apr	76	46
May	62	26
Jun	23	20
Jul	20	33
Aug	30	21
Sep	55	45
Oct	46	103
Nov	69	94
Dec	51	145
Summary	666	591

Many of these reports could also go to
DR for family assessment

Legislative Agenda:

CPS Investigations of Entities

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- Statute focuses on responsibility of a “person”:

NRS 432B.020 “Abuse or neglect of a child” defined.

1. “Abuse or neglect of a child” means, except as otherwise provided in subsection 2:

- (a) Physical or mental injury of a nonaccidental nature;
 - (b) Sexual abuse or sexual exploitation; or
 - (c) Negligent treatment or maltreatment as set forth in [NRS 432B.140...](#)
- (Added to NRS by [1985, 1368](#); A [2001, 1255](#); [2003, 1149](#))

NRS 432B.130 Persons responsible for child’s welfare. A **person** is responsible for a child’s welfare under the provisions of this chapter if the person is the child’s parent, guardian, a stepparent with whom the child lives, an adult person continually or regularly found in the same household as the child, or a person directly responsible or serving as a volunteer for or employed in a public or private home, institution or facility where the child actually resides or is receiving child care outside of the home for a portion of the day.

(Added to NRS by [1985, 1370](#); A [1989, 439](#); [2001 Special Session, 34](#))

NRS 432B.140 Negligent treatment or maltreatment. Negligent treatment or maltreatment of a child occurs if a child has been abandoned, is without proper care, control and supervision or lacks the 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.

(Added to NRS by [1985, 1370](#))

- Responsibility or missteps for caring for children/youth may fall to an entity:

- Correctional Facilities, Residential Treatment Centers, In-Patient Hospital-like Settings, Skilled Nursing Facilities, and Foster Care Agencies

Legislative Agenda:

Background Check Authority for Caregivers

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- Statute modification in 2013 allowed for background checks of most individuals affiliated with foster care agencies. This does not impact individuals who routinely care for children and/or are routinely found within a regular foster home environment:
NRS 424.031 Licensing authority or designee to investigate background of applicant for license, licensee, prospective employee and certain adult residents of foster home; charge for investigation; periodic additional investigations.
1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, **person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:**
NRS 424.033 Federal Bureau of Investigation; actions of licensing authority upon receipt of report.
Each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, or resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), must submit to the licensing authority or its approved designee:
(Added to NRS by [1987, 1199](#); A [1993, 2697](#); [2001 Special Session, 25](#); [2009, 515](#); [2011, 243, 3546](#))
- Need to insert language in existing statute that provides statutory authority.

Legislative Agenda:

Categorical Block Grant to Fund Voluntary Jurisdiction Youth

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- Statute modification in 2011 (NRS 432B.591-95) created program for youth to voluntarily remain under court jurisdiction until 21
 - In return for progress made on individual self-sufficiency plans, youth continue to receive monthly stipends equivalent to the regular foster care reimbursement rate (\$762/month)
- Implementation of program completed during same time as the initial year of the child welfare block grant (NRS 432B.2185); this program was never part of block grant development as related expenses did not exist
- Possible solution would be to create statute similar to NRS 432B.219 that creates a categorical grant for this program, similar to that which was done for adoption subsidies

NRS 432B.219 Categorical grants for adoption assistance programs; determination of amount; restrictions on use.

1. The Division of Child and Family Services shall provide a categorical grant to each agency which provides child welfare services for each fiscal year for its adoption assistance program to the extent that money has been appropriated to the Division for that purpose. The amount of the grant must be based upon the estimated cost of the projected growth in the adoption assistance program.

(Added to NRS by [2011, 2496](#))

	FY2012	FY2013	FY2014 (projected)	FY2015 (projected)
Total Claims	\$539,056	\$1,139,956	\$2,242,869	\$2,782,392
Total Youth	104	211	278	300

Legislative Agenda:

Specialized Foster Care Rate Structure and Ongoing Funding

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- Rate and funding instability due to potential Medicaid changes
 - DFS Per Day Payment: Ages 0-12, \$40.55; Ages 13 Older, \$43.52
 - Medicaid: Minimum Basic Skills Training Per Day, \$72.72

Age Ranges	DFS Monthly Rate	Medicaid Monthly Billable	Adjusted Daily Rate
Ages 0-12	1216.50	2181.6	113.27
Ages 13 Older	1305.60	2181.6	116.24

- Need a stable funding mechanism for providing higher level of care for most challenging youth for both child welfare and juvenile justice systems
- Ongoing dialogue with DHHS on what that might look like and how the monies can be managed short and long term
- Possible solutions would be to augment child welfare block grant or to create statute similar to NRS 432B.219 that creates a categorical grant for this program

Legislative Agenda:

Notification of Parents of Proceedings

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- 2 standard of notification to parents of proceedings currently exist.
 - NRS 432B.470 Standard at Removal: personal service, oral notification, posting notice on a door of a residence
 - NRS 432B.520 Standard at Petition: personal service of a summons if person is in State; certified mail if person is out-of-state
- Standard at removal seems more reasonable and limits resources expended in personal service
- Standard at removal also allows for expedited processes in hearing timelines (potentially reduces time in care for children)

Legislative Agenda:

Burdens of Proof

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- Inconsistent standards of burdens of proof in child welfare reasonable efforts and termination of parental rights statutes:
 - NRS 432B.393 (reasonable efforts): none identified
 - NRS 128.105 (termination of parental rights): clear and convincing
- Consistent burdens of proof would allow for more timely TPR trials
- Recommend we align NRS 432B burden of proof to what exists in NRS128 as “clear and convincing”
- Also need to identify that for Indian Child Welfare cases that burden of proof is “beyond a reasonable doubt”

Moving Forward

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Questions?