



NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON CHILD WELFARE AND
JUVENILE JUSTICE
(Nevada Revised Statutes 218E.705)

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Nevada Legislature's Legislative Committee on Child Welfare and Juvenile Justice was held on April 4, 2012, at 9 a.m. in Room 4412 in the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/76th2011/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's (LCB's) Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Valerie Wiener, Chair
Assemblyman Jason M. Frierson, Vice Chair
Senator Greg Brower
Assemblyman John Hambrick

COMMITTEE MEMBERS ABSENT/EXCUSED:

Senator Ruben J. Kihuen
Assemblywoman Teresa Benitez-Thompson

OTHER LEGISLATORS PRESENT:

Assemblyman Richard Carrillo
Assemblywoman April Mastroluca

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Kelly S. Gregory, Senior Research Analyst

Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division

Stephanie Travis, Deputy Legislative Counsel, Legal Division

Rex Goodman, Principal Deputy Fiscal Analyst, Fiscal Division

Karen Hoppe, Program Analyst, Fiscal Division

Susan M. Young, Assistant Supervisor of Secretarial Services, Research Division

Lisa Gardner, Senior Research Secretary, Research Division

OPENING REMARKS

- Chair Wiener welcomed the Committee members, presenters, and the public to the third meeting of the Legislative Committee on Child Welfare and Juvenile Justice.

PUBLIC COMMENT

- Yvette Williams, Chair, Clark County Democratic Black Caucus (CCDBC), North Las Vegas, informed the Committee that her organization plans to submit recommendations prior to the work session regarding issues of disparity in the child welfare system. She said that the CCDBC is developing suggestions through collaboration with churches and clergy in southern Nevada, and the Minister's Alliance of Southern Nevada.
- Chair Wiener requested Kelly S. Gregory, Senior Research Analyst, Research Division, LCB, explain the timelines and procedures for submitting recommendations to the Committee for its final meeting and work session scheduled for May 9, 2012.
- Ms. Gregory provided information regarding the process of submitting recommendations to the Committee for consideration at its work session. She announced that April 13, 2012, is the deadline for submitting written suggestions to the Committee, and suggested that interested parties review the Chair's "Solicitation of Recommendations Memorandum," located on the Committee's webpage. (Please see [Exhibit B](#).)
- Angie Sullivan, schoolteacher, Las Vegas, Nevada, indicated that children at her school, as young as six years old, have attempted suicide. She conveyed that increased State funding for mental health services is necessary to address children's mental health needs. Ms. Sullivan suggested that the Nevada Legislature evaluate strategies for raising revenue at the next legislative session.
- Vice Chair Frierson disclosed that he has accepted a position as a Senior Attorney with the Child Welfare Division, Department of Family Services, Clark County District Attorney's Office. He was of the opinion that the new position will not pose a conflict of interest with the Committee.

APPROVAL OF MINUTES OF THE MEETING HELD ON FEBRUARY 22, 2012, IN LAS VEGAS, NEVADA

- The Committee **APPROVED THE FOLLOWING ACTION:**

VICE CHAIR FRIERSON MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE FEBRUARY 22, 2012, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN HAMBRICK AND PASSED, UNANIMOUSLY.

DISCUSSION OF INITIATIVES RELATED TO CHILD ABUSE PREVENTION MONTH

- Amanda Haboush, Senior Research Associate, Nevada Institute for Children’s Research and Policy (NICRP), Las Vegas, provided a discussion of the organization’s implementation of the Prevent Child Abuse, Nevada initiative, which included: (1) the Pinwheels for Prevention campaign, a series of public awareness events planned across the state; and (2) the Choose Your Partner Carefully campaign, a strategy to protect children by teaching single parents about problematic behaviors displayed by partners.

Ms. Haboush continued her testimony, noting that informational flyers about the Choose Your Partner Carefully campaign have been posted at 20 bus stops in Clark County. She concluded her testimony by announcing an upcoming event, “Pinwheels for Prevention” at Tivoli Village in Las Vegas on April 14, 2012. (Please see [Exhibit C](#), [Exhibit C-1](#), and [Exhibit C-2](#).)

- Jill Marano, Acting Deputy Administrator, Child Welfare Services, Division of Child and Family Services (DCFS), Department of Health and Human Services (DHHS), gave a presentation about Child Abuse Prevention Month. She described DCFS’s involvement with the Pinwheels for Prevention campaign, and provided statistics on child abuse and neglect reports in Nevada. (Please see [Exhibit D](#).)

Discussion ensued among Chair Wiener, Vice Chair Frierson, Assemblyman Hambrick, and Ms. Marano regarding child abuse statistics compiled by DCFS between 2009 and 2011. Ms. Marano noted that all suspected cases of child abuse or neglect are coded into a statewide reporting system. She added that allegation reports, which lack sufficient information to warrant further investigation, are placed into an “Information Only” category. The reduced number of allegation reports and the increased number of substantiated reports shown in 2011 were also discussed. Ms. Marano speculated that changes made with the agency’s procedures might have contributed to the statistical changes. She shared that the agency has implemented a new allegation system and a new safety model in family assessment screening. Ms. Marano explained that the agency has improved its screening techniques, including better questioning during phone calls and family evaluation interviews.

- Assemblyman Hambrick requested information about the disclosure of substantiated reports of child abuse or neglect to local law enforcement agencies. He suggested that by having more background information, officers might respond more effectively to domestic violence calls that involve families in which child abuse has been substantiated.
- Ms. Marano explained that while case files are kept confidential, substantiated reports of abuse or neglect are entered into the Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child, pursuant to NRS 432B.310.
- Kevin Schiller, Director, Washoe County Department of Social Services (DSS), stated that investigations by his agency that result in substantiated reports of child abuse are also entered into the Central Registry. He indicated that the information in the Registry is accessible to local law enforcement agencies.
- Shauna Chase, Parenting Coordinator, Advocates to End Domestic Violence (AEDV), Carson City, provided testimony about the role of the organization in the prevention of child abuse. She said that AEDV is involved with the Pinwheels for Prevention campaign, and spoke of the “Planting Ceremony on the Legislative Lawn” event in Carson City on April 16, 2012. She added that AEDV offers a variety of services to help stabilize the lives of women and their children. She explained that assistance offered includes shelter, parenting classes that teach the “Five Protective Factors,” and a resource directory to help care for young children during a crisis.

Discussion ensued between Assemblyman Hambrick and Ms. Chase regarding the level of service that can be provided to foster families by AEDV. Ms. Chase explained that her organization offers the same assistance to all families.

- Lisa Ruiz-Lee, Interim Director, Clark County Department of Family Services (DFS), announced several upcoming events in Las Vegas pertaining to child abuse prevention, including:
 - § Pinwheels for Prevention, Tivoli Village, April 14, 8 a.m. to 2 p.m.;
 - § 12th Annual Light of Hope Ceremony, Family Court Complex, Courtroom 9, Family Court, April 16th, 12 p.m.;
 - § Clark County Board of County Commissioners’ presentation of a proclamation recognizing the Court Appointed Special Advocates (CASA) program and Child Abuse Prevention Month, April 17, 9:30 a.m.; and
 - § Family Safety Day, Boys and Girls Club, April 21, 11 a.m. to 2 p.m.

- Mr. Schiller announced that the Washoe County Board of Commissioners plans to issue a press release and a proclamation regarding Child Abuse Prevention Month. He stressed that child abuse prevention is a community issue that involves advocates, agencies, citizens, and essential community providers. He reinforced the concept that 2011 child abuse statistics for Nevada, which indicate fewer allegation reports and more substantiated reports, reflect better practices that incorporate proactive strategies.
- Chair Wiener emphasized that the prevention of child abuse requires a year-round focus and commitment. She articulated that statistical changes seen with allegations and substantiated reports in 2011 may have resulted from the use of the Differential Response (DR) program in Nevada.
- Chair Wiener called for public comment on Agenda Item IV; however, no testimony was presented.

UPDATE ON NEVADA'S DIFFERENTIAL RESPONSE PROGRAM FOR RESPONDING TO ALLEGATIONS OF CHILD ABUSE AND NEGLECT

- Amber Howell, Acting Administrator, DCFS, DHHS, provided a brief overview of Nevada's DR program for responding to allegations of child abuse and neglect, which included: (1) federal mandates; (2) State funding challenges; (3) Nevada's program improvement plan; (4) the State's DR pilot program; and (5) program support from Casey Family Programs.
- Betty Weiser, Social Services Program Specialist 3, Family to Family Connection, Grants Management Unit, DHHS, gave a Microsoft PowerPoint presentation ([Exhibit E](#)), about Nevada's Differential Response program, which included information about:
 1. Collaborative efforts between public child welfare agencies, family resource centers, and other community based service providers (including the Children's Cabinet);
 2. Improved capacities of child welfare agencies to respond to reports of child abuse and neglect through public-private partnerships;
 3. Enhancement of family strengths; decreased recidivism through assessments and early intervention services;
 4. Referring families to Differential Response, a less intrusive alternative to formal investigations;
 5. Locations of Differential Response programs in Nevada;
 6. Differential Response partnerships;
 7. Family resource centers;
 8. Department of Health and Human Services, Grants Management Unit;
 9. State Fiscal Year (SFY) 12 program funding;
 10. Casey Family Programs funding for Differential Response;
 11. Nevada's Differential Response model; and
 12. History of Differential Response in Nevada.

Ms. Weiser provided supplemental information about Nevada's DR Program. (Please see [Exhibit E-1](#).)

- Patrick White, Differential Response Coordinator, Children's Cabinet, provided information about the organization's involvement with the DR program in Nevada. He discussed DR services that are available to families at the Children's Cabinet, which include: (1) counseling; (2) community education classes; (3) evening youth programs; (4) a food bank voucher program; and (5) independent living programs. He added that the Children's Cabinet administers an on-site high school and a re-engagement center for children falling behind in their education.
- Ms. Weiser provided additional testimony on the DR program, which included: (1) successes of the program; (2) findings of the Institute of Applied Research (IAR) evaluation; (3) reports screened for DR family assessments; and (4) types of allegations in DR reports.
- Chair Wiener requested information about the types of additional investigations that have occurred with families after they have engaged in the DR program.
- Ms. Weiser stated that she would provide this information subsequent to the meeting.

Discussion ensued between Chair Wiener and Ms. Weiser regarding the potential to expand the scope of the DR program to include cases involving higher priority levels. Ms. Weiser speculated that, with increased funding, family resource centers would have more flexibility with case referrals. She conveyed that it would be beneficial to allow some families investigated at a "Level 2" to be referred into the DR program. She concluded that, while partnerships between resource centers and child welfare agencies have been successful in Nevada, many other states deliver DR primarily through their welfare agencies.

There was discussion among Vice Chair Frierson, Ms. Howell and Ms. Weiser regarding DR age qualifications, priority levels, fiscal resources, and possible expansion of the program. Ms. Howell explained that there are three priority levels involved with child abuse and neglect reports: (1) highest risk; (2) moderate to high risk; and (3) low to moderate risk. She shared that current statute does not allow for cases involving children under the age of five to be referred into the program. Ms. Howell explained that DCFS is reviewing language for revisions to Chapter 432B of NRS, to allow for children under the age of five to be referred into the program. She added that resources for the DR program are limited; therefore, increased funding for the program would likely be necessary to expand the program to include younger children in the referral process.

- Ms. Weiser noted that, while a family's eligibility for referral into the DR program requires a substantiated report of abuse or neglect for a child over the age of five, a younger child in the same household can also be served by the program in certain instances.

- Kevin Schiller, previously identified, conveyed that, while referring cases with higher priority levels into the DR program in Washoe County would increase the overall DR caseload, his agency has the capacity to manage those referrals in an efficient and fiscally sound way. He elaborated that Washoe County DSS has budgetary and management flexibility that allows for increased delivery of services through nonprofit organizations, including the Children's Cabinet and other family resource centers. Mr. Schiller indicated that streaming agency funds into the private sector is advantageous because it allows services to reach more families, which, in turn, reduces the rate of foster care placement. He added that foster care rates in Washoe County have declined over the past three years, and he credited this change to the proactive approach of DR.

Mr. Schiller then reported that his agency has secured a \$12.5 million federal grant through the Administration for Children, Youth and Families. This five-year funding source will commence on June 4, 2012. He explained that the grant focuses on public-private partnerships with family interventions.

Discussion ensued between Chair Wiener and Mr. Schiller regarding the determination of case priority levels, the DR referral process, and the voluntary component of the DR program. Mr. Schiller noted that statutory changes that would allow for greater flexibility with case transitions and DR referrals would be beneficial for families. He shared that Washoe County DSS has already been utilizing strategies to provide DR to more families while working within the current statutory confines. Mr. Schiller explained that case determinations often include "grey" areas that can be explored for proactive solutions. He added that, while the DR program is voluntary for families, engaging with his agency is not optional. Mr. Schiller explained that families decline DR primarily because they lack awareness or have "anti-government" attitudes. He noted that his agency works with families to create a level of involvement that allows for the delivery of services.

There was discussion between Assemblyman Hambrick and Ms. Weiser regarding the types of allegations listed in DR reports. Assemblyman Hambrick expressed concern with the way some categories of abuse and neglect are listed by the DHHS. He suggested that some categories could be combined and thoroughly explained to help avoid overlooking severe conditions of abuse. Ms. Weiser stated that the categories of alleged neglect were compiled by the IAR and that the data only reflects the types of allegations that were involved with cases referred to the DR program.

- Lisa Ruiz-Lee, previously identified, said that less serious cases of child abuse, which are managed through DR, have better outcomes than those receiving formal responses with Child Protective Services (CPS). She attributed this to the fact that DR involves a higher level of engagement with families. Ms. Ruiz-Lee stated that 6 percent of CPS investigative responses (487 cases) in Clark County were referred to the DR program in 2011. She pointed out that the DR workload in Clark County exceeded the staffing capacity to

provide services for every referral, which resulted in CPS investigators handling an additional 148 cases at a priority Level 3 in 2011. Ms. Ruiz-Lee added that the DR program should be evaluated for its growth potential.

- Ms. Howell referenced the Microsoft PowerPoint presentation ([Exhibit E](#)) and provided a synopsis of the costs involved with placing a child in the foster care system in Nevada. She explained that removing a child from the home and placing that child into foster care is both traumatic for the child and costly for the State. She also shared financial data about the daily, monthly, and annual rates with foster care maintenance payments. Ms. Howell concluded her testimony by stating that the DR program has mitigated the removal of children from the home and provided cost savings for the State.
- Chair Wiener called for public comment on Agenda Item V; however, no testimony was presented.

PRESENTATION CONCERNING DISPROPORTIONATE MINORITY CONTACT IN CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS

Ralph Bayard, Ed.D., Senior Director of Strategic Consulting, Casey Family Programs, provided testimony regarding disproportionality in child welfare systems ([Exhibit F](#) and [Exhibit F-1](#)), which included: (1) national data; (2) theories on why disproportionate representation and disparities exist; (3) the path through the child welfare system; (4) the percent of children in care for at least 3 years; (5) the percent of youth aging out of care; (6) the percent of youth aging out of care that first entered care between ages 0-3; (7) the rate of children in out-of-home care (under the age of 18); (8) promising strategies for reducing disproportionality and disparities, including successful outcomes in the State of Hawaii and Los Angeles County; and (9) point of engagement outcomes since 2004, including improvements documented with child welfare in Compton, California.

- Chair Wiener commended Dr. Bayard and Casey Family Programs for assisting the State of Nevada with the development of the DR Program. She highlighted the additional three years of funding that the organization provided to the State. Chair Wiener thanked Dr. Bayard for sharing his commitment and expertise with issues of disproportionality in child welfare.
- Dr. Bayard recognized his colleague from Casey Family Programs, Ron Murphy, the organization's lead contact for the Nevada program.
- Vice Chair Frierson also expressed his appreciation for the guidance provided by Casey Family Programs. He revisited an example of success that Dr. Bayard shared in his testimony. Vice Chair Frierson noted that he grew up in Compton, California, and remarked that positive changes have transpired in that community since the 1980s.

He added that Compton is a prime example of how better outcomes can result from a strong community focus.

- Nina Williams-Mbengue, Program Director, Children and Families Program, National Conference of State Legislatures (NCSL), delivered a Microsoft PowerPoint presentation regarding disproportionality in child welfare. She provided information regarding: (1) legislative leadership and state actions; (2) the Indian Child Welfare Act of 1978 (25 U.S.C. § 1901-63): implementation at the state level and associated tribal issues; (3) identifying disproportionality and disparity; (4) legislation establishing statewide commissions, councils, and ombudsmen; (5) system redesigns; (6) key considerations for legislators; and (7) contact information for NCSL. (Please see [Exhibit G.](#))

Discussion ensued among Chair Wiener, Ms. Williams-Mbengue, and Dr. Bayard regarding the need for cultural competency in child welfare systems. Ms. Williams Mbengue explained that child welfare agencies could reduce internal bias by evaluating practices, including both treatment and placement decisions and providing staff training to expand awareness. Dr. Bayard reiterated the need for training and awareness.

- Lorne Malkiewich, Chief Operating Officer, National Council of Juvenile and Family Court Judges (NCJFCJ), introduced Nancy B. Miller, Director, Permanency Planning for Children Department, NCJFCJ and Honorable Deborah E. Schumacher, Family Division, Department 5, Second Judicial District Court of Nevada, Washoe County.
- Ms. Miller gave a Microsoft PowerPoint presentation ([Exhibit H](#)) regarding the Courts Catalyzing Change (CCC) initiative, which included the following key points: (1) the definition of disparity; (2) national disproportionality data; (3) Nevada disproportionality data; (4) disproportionality theories; (5) achieving equity and fairness in foster care; (6) leading with race; and (7) the CCC national agenda.

Judge Shumacher provided testimony about the transformation of judicial practice and the CCC Benchcard. She shared two key strategies of the CCC initiative to eliminate racial bias from the courtroom during removal hearings: (1) judicial training on implicit bias and structural and institutional racism and (2) the use of the CCC Benchcard as a tool that promotes thorough and culturally responsive hearings. Judge Shumacher added that appointing an advocate for every child is a federal requirement, and the State is currently out of compliance. (Please see [Exhibit I](#), [Exhibit I-1](#), and [Exhibit I-2](#).)

- Ms. Miller discussed the CCC initiative, including details on research and findings and Nevada's implementation strategies, including a tribal judicial leadership group.
- Judge Shumacher explained the CCC implementation strategies and challenges in Nevada.

- Senator Brower requested information about Nevada's non-compliance with the federal mandate to appoint an advocate for every child in child welfare cases. Judge Shumacher explained that the Federal Child Abuse Prevention and Treatment Act (CAPTA), 42 U.S.C. § 5101 (1974) requires every child in foster care to receive an advocate. She noted that some children in Washoe County are represented by the CASA program or Washoe Legal Services. Judge Shumacher stated that non-compliance could result in financial penalties.
- Carey Stewart, Director, Department of Juvenile Services, Second Judicial Court of Nevada, Washoe County, provided a brief overview of the disproportionate representation of minorities in the juvenile detention population of Nevada. He stated that both Washoe and Clark Counties have been involved with the Juvenile Detention Alternatives Initiative since 2004. He shared that the juvenile detention population has decreased by 50 percent in Washoe County since that time. Mr. Carey stated that in 2011, 75 percent of juveniles detained at State correctional facilities and local youth camps, including China Springs and Aurora Pines, were youth of color. He pointed out that the vast majority of those in detention began to show school failure in the 5th grade.
- Fritz Reese, Director, Department of Juvenile Justice Services, Clark County, stated that the over-representation of youth of color gains momentum as a child becomes more entrenched in the juvenile justice system. Youths often move from probation and special programming to correctional care. He added that a variety of community issues are mirrored in the Juvenile Justice system, including: school dropout rates, truancy, and teen pregnancy.
- Chair Wiener called for public comment on Agenda Item VI.
- Julia Soukup French, private citizen, Carson City, Nevada, testified regarding State laws involving termination of parental rights and the protection of children.

UPDATE ON THE ACTIVITIES OF THE WORKING GROUP ON REVISING LAWS IN THIS STATE GOVERNING THE PROTECTION OF CHILDREN

- Denise Tanata Ashby, J.D., Director, Children's Advocacy Alliance, presented 11 recommendations identified by the Committee ([Exhibit J](#)) and requested that members of the working group present information on specific recommendations.
- Chair Wiener clarified that six subcommittee groups have culled the recommendations developed during the 2011–2012 Interim and will present information on the remaining recommendations. She also explained that the study authorized by Senate Concurrent Resolution No. 5 (File No. 43, *Statutes of Nevada 2011*) did not transpire. Therefore, the provisions to study the system and laws governing the protection of children, to solicit input and recommendations of persons and entities concerned with the system of child welfare, including children and families who receive services from

child welfare agencies, and any agencies and organizations that provide child welfare and related services in this State, were referred to the Legislative Committee on Child Welfare and Juvenile Justice. Chair Wiener further explained that the submission of a recommendation does not guarantee its placement in the final “Work Session Document.” She thanked Ms. Ashby and the individuals who worked on the recommendations.

- Ms. Ashby stated that the recommendations reflect the general consensus of all the stakeholders who participated. She referenced the recommendations from the community workgroup that contain the recommended language change and the reasoning/discussion information for each of the 11 recommendations presented to the Committee. Ms. Ashby explained that the recommended language for Recommendation No. 1 for NRS 432B.510 (4)(b) clarifies that the residence of a child refers to the address where the child resided before being taken into protective custody.
- Gia McGillivray, Deputy, Special Public Defenders Office, Clark County, referred to Recommendation No. 2 for NRS 432B.393(3) and pointed out that a waiver of reasonable efforts identifies families who will not need assistance with reunification and results in an immediate termination of parental rights proceeding. Ms. McGillivray stated the Special Public Defenders Office has received conflicting rulings from current hearing masters and judges, with regard to the waiver of reasonable efforts, and the revision would lead to more judicial oversight in making decisions on a case-by-case basis.

Further, Ms. McGillivray commented on subsection 3(a)(1) and 3(a)(3) of NRS 432B.393, adopted by the 1999 Nevada Legislature and based on federal statutory law. She noted that when the sections were incorporated in Nevada statute the limiting language “of another child of the parent” was inadvertently omitted. The revision would bring the Nevada statute into alignment with the federal provision and meet the intent of the original legislation, according to the legislative history.

Continuing, Ms. McGillivray stated that the recommendation would delete NRS 432B.393(3)(d). She noted only nine other states have a similar provision and referenced data published by Richard Wexler, Executive Director, National Coalition for Child Protection Reform, dated February 2011, which showed that Nevada removes children from families at a rate 60 percent higher than the national average. She also commented on the disproportionate number of minority children in the welfare system in Nevada. Ms. McGillivray expressed concern that the provision fails to account for a situation where, with a prior removal, improper or no referrals may have been made, and the first removal was then being used to waive reasonable efforts on the second removal. She concluded that most motions for waivers of reasonable efforts are based upon this statutory provision. She opined that the provision results in termination of parental rights where reunification could occur with appropriate services.

In response to a request from Vice Chair Frierson, Ms. McGillivray will provide further information on the recommendations discussed subsequent to the meeting.

- Ms. Ashby clarified that a table, which was provided to the Committee ([Exhibit J-1](#)), compares federal law, Nevada law, and other states and contains exact language from the Social Security Act and the Nevada statutes. She also noted that suggested language changes were not included for Recommendation No. 2, but these details will be provided subsequent to the meeting.
- Chair Wiener stressed the importance of including information on the intent of the change.
- Ms. Ashby referenced Recommendation No. 2 concerning the federal law regarding the waiver of reasonable efforts, which clarifies that the State has to make assurances that reunification would not be required with a child of a parent who has been found by a court of competent jurisdiction to have committed sexual abuse against the child or another child of such parent. She said this issue is also referenced in Recommendation No. 11.

Continuing, Ms. Ashby referenced Recommendation No. 3 regarding the definition of “reasonable efforts” in Chapter 432B of NRS. She called attention to the document titled “Reasonable Efforts and Waiver of Reasonable Efforts,” ([Exhibit J-2](#)), which contains definitions of “reasonable efforts,” devised from other states and the Child Welfare Information Gateway (CWIG). Ms. Ashby explained that, while the working group has yet to formulate specific language to recommend to the Committee, the following CWIG language closely aligns with the intent of the working group:

[Reasonable] efforts consist of accessible, available, and culturally appropriate services that are designed to improve the capacity of families to provide safe and stable homes for their children.

Commenting on Recommendation No. 4, Ms. Ashby referred to legislation passed by the 2011 Legislature that extended rights of children who are victims of identity theft and extends the statute of limitations to apply from the time of knowing the crime had occurred. She explained that Recommendation No. 4 was aimed at protecting children who are involved in the child welfare system who are victims of identity theft where the perpetrators are family members. Procedures would be established to complete a credit report for potential issues when a child enters the system. It also requires that a report be run on regular basis to ensure that when a child exits the system there are no identity theft issues, and, if issues are found, that they be rectified before the child exits.

Discussion ensued regarding the number of incidents that have taken place and the estimated number of reports that would be needed on an annual basis. Lisa Ruiz-Lee, previously identified, estimated that the number of children entering the system who would require a credit report would be approximately 4,000 children each year. She noted that only two or three children have been victims of identity theft over the past six years, and, in each of those cases, the perpetrator was a relative caregiver provider. She expressed

support for the recommendation, which would mark Nevada as proactive in addressing a problem that has cost other states millions of dollars.

- Amber Howell, previously identified, said there are approximately 4,700 children statewide in foster care. She indicated that, currently, there is a statewide policy that requires every child 16 years of age or older to obtain a credit report, and there is an agreement with one credit agency to run the reports for a fee.
- Ms. Ashby commented on Recommendation No. 5 for NRS 432B.530 to expand the timeframe for adjudication from 30 days to 60 days because of the time required to get documentation and compile the case. She will provide information to the Committee regarding when the original timeline was adopted in statute.

Further, Ms. Ashby referenced Recommendation No. 6 to streamline and clarify the process and authority to substantiate abuse and neglect allegations.

- Ms. Ruiz-Lee summarized the three types of adjudication as criminal, dependency hearing, and administrative hearing. She also explained the two types of substantiation by a court ruling or an agency substantiated allegation of abuse or neglect where the case does not warrant court intervention. In addition, she provided information on the appellate process and indicated there was a need to clarify the process, based on a February 22, 2011, opinion from Deputy Attorney General Shannon Richards ([Exhibit J-3](#)), that pointed out a gap in the existing Nevada law, which must be reconciled with the current practice of court substantiating abuse or neglect allegations. Ms. Ruiz-Lee said that Clark County DFS is currently working with the Office of the Attorney General (OAG) to determine what other practices may be used to accommodate the current statute as it exists and added there may be a need for legislative revision. She provided information on the reason for the request for an opinion from the OAG. Ms. Ruiz-Lee explained that it began with the identification of system issues and a review of the substantiated findings in the data system. She noted that a recommendation on this issue would be presented at the Committee's final meeting.
- Ms. Ashby referred to Recommendation No. 7 to revise provisions in NRS 432B.403 to 432B.4095, relating to Child Death Review Teams (CDRT) to consolidate the two state-level teams (executive and administrative) into one state-level team and to specifically allow for the use of CDRT data for research and/or prevention activities. She explained that the working group discussed streamlining the process to reduce duplication of efforts and noted there is general consensus of those directly involved with child death review to consolidate the two state level teams, which would ensure representation from the local teams and improve development of regulations for the *Nevada Administrative Code* (NAC) rather than in statute.
- Chair Wiener commented on the previous Legislative Committee to Oversee the Study of the Health, Safety, Welfare, and Civil and Other Rights of Children in Residential

Facilities in the State of Nevada that focused primarily on a child death review, which made a similar recommendation to combine the two state-level teams.

- Ms. Ashby commented on the second issue of Recommendation No. 7 to specifically allow for the use of CDRT data for research and/or prevention activities. She said the recommendation would provide the ability to use de-identified, aggregate data for research/prevention purposes, as defined in NAC. Ms. Ashby noted there is currently no language in the NAC to address this issue and prevent future deaths.
- Chair Wiener cautioned that the language in the recommendation should protect sensitive issues.
- Tara Phebus, Director, Nevada Institute for Children's Research and Policy, University of Nevada, Las Vegas, strongly endorsed the recommendation based on the numerous requests for data on child deaths from various organizations and agencies to target prevention initiatives.
- Ms. Ashby referred to Recommendation No. 8 to include parent representatives as mandatory members on all state-level child welfare advisory/oversight groups and/or committees formed pursuant to state and/or federal law
- Charlene Frost, Family Specialist, Nevada PEP, and a community working group member, explained that the recommendation was developed to allow parent representatives an adequate and equal voice in the oversight of the child welfare system. She said the working group recommends that a parent representative be included in all state level advisory and oversight groups formed pursuant to State and/or federal law and for all other applicable oversight and advisory groups, which are not required by law. In her view, full family participation and meaningful partnerships between families and professionals improves outcomes for children and families in the child welfare system. Ms. Frost provided information on the federal Child and Family Services Review process, which studies the effectiveness of state child welfare systems. Further, she commented on the Nevada Annual Progress In Service Report, and opined that, in order to develop a system that works for parents, they must be included in all levels of the process.
- Chair Wiener reiterated the importance of parental involvement to develop ownership and inclusion in the child welfare process.
- Ms. Ashby referred to Recommendation No. 9 to require that all agency improvement plans be made available to the public and posted on the Internet. She stated that this is a common practice in child welfare agencies even though it is not required in statute. She reported that there was support from agencies regarding this recommendation.

Discussion ensued between Chair Wiener and Assemblyman Hambrick regarding the use of executive orders versus legislation and concerns over costs and time requirements.

Chair Wiener clarified that recommendations on a common topic are often combined into one bill draft request (BDR), which would improve efficiency.

- Ms. Ashby referred to Recommendation No. 10 to revise NRS 432B.350 to allow child welfare agencies to convene multidisciplinary teams to review specific cases in child welfare, as opposed to “teams for the protection of children.” She explained that the working group session determined that agencies were using the statute for multi-disciplinary teams to review specific cases; so, the membership of the team depends on the specific needs of the case. Ms. Ashby stated that this recommendation might not be necessary, as language within the statute is sufficient, and relevant changes could be made to the NAC.
- Ms. Ruiz-Lee noted concerns regarding Recommendation No. 10, which pertain to the convening of child and family team meetings as a part of good case management practices. She stated that agencies use the statute to convene parties to review certain active and closed cases, and that the focus is to strengthen the family through effective strategies. Ms. Ruiz-Lee clarified that upon review of the NAC, it was determined to be out of alignment with the NRS. Therefore, a revision to the NAC may be done in lieu of a statutory change. She stated that this recommendation would be removed from the work session recommendations.
- Ms. Ashby referred to Recommendation No. 11, calling for the incorporation of mandatory provisions of federal law into Chapter 432B of the NRS.
- Jill Marano, previously identified, referenced the chart of recommended NRS changes needed to comply with federal law and child welfare agency requirements for Title IV-E Adoption Assistance ([Exhibit J-4](#)), which is administered by the United States Department of Health and Human Services, Administration for Children and Families (ACF), in accordance with Title IV-E of the Social Security Act and the Federal Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C.A. § 5106g), as amended by the CAPTA Reauthorization Act of 2010, which defines child abuse and neglect. She discussed each of the areas that have been identified by the ACF as problematic and which could possibly effect funding and recommendations from the child welfare agencies, which include recommended changes to the following statutes: (1) NRS 432B.590; (2) NRS 432B.580; (3) NRS 432B.393; (4) NRS 432B.260; and (5) NRS 432B.010, 432B.325, 432B.400, 432B.500 to NRS433B.590.
- Kevin Schiller, previously identified, discussed the recommended changes to NRS 432B.580 and 432B.590 regarding safety interventions and noted the changes were requested to align current practice with the NRS. He explained that child welfare agencies plan to implement a safety service model with the National Resource Center, in coordination with Clark County, to implement best practices statewide to screen reports, evaluate families, and conduct intervention based on present or impending danger with the goal of reunifying the child with the family. The recommended

changes would establish practice definitions of “present danger” and “impending danger” to align with the NRS.

Continuing his comments, Mr. Schiller said that, following a Ninth Circuit Court of Appeals, warrants were deemed necessary in certain circumstances when evaluating the protection of a child specific to removal. Mr. Schiller provided supporting information for the recommendation. He will provide proposed language for consideration by the Committee by April 13, 2012.

- Ms. Ashby pointed out there are compliance issues with the federal law for the appointment of a guardian ad litem for a child and also with the NRS, which requires appointment of a guardian ad litem in every case.

Discussion ensued between Vice Chair Frierson, Ms. Ashby, and Mr. Schiller regarding an increase in funding to provide counsel for children. Mr. Schiller clarified that a percentage of the cost of providing attorneys to children was approved by the 2011 Legislature, and the Washoe County Department of Social Services and the Clark County DFS also provided funding assistance. However, he explained that, with reductions in funding at the county level, there is still a need for more resources.

- Chair Wiener thanked all the individuals that worked to develop the recommendations and clarifications on intent for possible BDRs.
- Chair Wiener called for public comment on Agenda Item VII.
- Julia Soukup French, private citizen, commented on an example of a child victimized by identity theft. She referred to a 2009 Legislative audit finding that the Office of the State Public Defender (OSPD) was weak regarding the release of information. Ms. French referred to federal funding accepted by the State and said one of the conditions of the receipt of funds was the provision for early diagnostic screening, dental, and medical care. She referred to cases involving the termination of parental rights. Ms. French opined that the establishment of parental fault often involves the assignment of ineffective counsel for individuals, which leaves them poorly represented. She also commented on the provision to house children with relatives.

PRESENTATION CONCERNING MENTAL HEALTH CARE PROVIDED TO CHILDREN IN THE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS

Overview of Children’s Mental Health Care

- Kelly Wooldridge, Clinical Program Manager, Northern Nevada Child and Adolescent Services, DCFS, DHHS, gave a Microsoft PowerPoint presentation detailing an overview of children’s mental health services provided to children in northern Nevada ([Exhibit K](#)). She explained the system of care that guides the provision of services for children with social, emotional, and behavioral challenges,

which places the child and family at the center of the decision-making process. Ms. Wooldridge stated that the goal is to help children and families function better at home, at school, and in the community. Mental health services are provided using evidenced-based, science-based, or promising practices, which are interventions that have proven to be effective to improve functioning. She highlighted four practices used statewide for children's mental health services:

1. Wraparound-intensive case management and care coordination model;
2. Parent-Child Interaction Therapy for early childhood populations;
3. Trauma-focused cognitive behavioral therapy for abused or neglected children; and
4. Regression replacement training to teach children nonviolent anger control methods.

Continuing, Ms. Wooldridge stated the DCFS Children's Mental Health Programs include community-based services, treatment homes, a psychiatric hospital and residential treatment center, and a performance and quality improvement team. She further clarified that the community-based services consist of four areas: (1) early childhood mental health services; (2) children's clinical outpatient services; (3) Wraparound in Nevada (WIN); and (4) outpatient psychiatric services.

Ms. Wooldridge provided further information on DCFS Programs and numbers of children served statewide in Fiscal Year (FY) 2011 including:

- Early childhood mental health services (birth to six years of age) for family, individual, and group therapy; clinical case management and care coordination, parent training, day treatment services; child care consultation and training, with 969 children served statewide;
- Clinical outpatient services program (6 to 18 years of age) with 1,322 children and families served; and
- The WIN program with 612 children served.

Ms. Wooldridge added that outpatient psychiatric services, such as psychiatric assessment, medication management, and community education, are provided by a psychiatrist. Ms. Wooldridge will provide information on the number of individuals receiving services subsequent to the meeting.

Continuing her testimony, Ms. Wooldridge provided information on home treatment programs for children, 5 to 18 years of age, which provide psycho-education and mental health rehabilitation therapies through the Oasis Program in Las Vegas, Family Learning Home Program in Reno, and the Adolescent Treatment Center in

Sparks, Nevada. She added that, in FY 2011, 186 children were served statewide. Concluding her remarks, Ms. Wooldridge stated the Desert Willow Treatment Center (Center), a 58-bed psychiatric hospital, provides acute care for adolescents and served 203 children in FY 2011. She explained the Center is located adjacent to the College of Southern Nevada campus and has two acute units and three long term residential units.

- Susan Mears, Ph.D., Clinical Program Manager, Children, Youth and Family Administration, DCFS, DHHS, discussed the Planning and Evaluation Unit mentioned previously and explained the Unit provides quality assurance, quality improvement, and program evaluation services internally to DCFS children's mental health services and externally to community treatment home providers. Dr. Mears also provided statistical data on:
 1. Children's mental health services client demographics;
 2. Ages of children served statewide;
 3. Gender of children served statewide;
 4. Race of children served statewide; and
 5. Custody status of children served statewide.

In Dr. Mears' opinion, the parental custody on probation numbers is underreported, because the numbers are often included under parent or family custody. (Please see [Exhibit K](#) and [Exhibit K-1](#).)

- Chair Wiener commented that the Committee had received an abundance of information regarding disproportionality in the race of children in foster care and child welfare but the data on race of children receiving mental health services indicated three out of four were White or Caucasian, which does not reflect the demographic population of the State.

In response to Chair Wiener's comment, Dr. Mears stated that the data for race of children served might be disproportionate, because the Unit serves children that are in parental custody. So there is not the same disproportionality level as seen in the child welfare and juvenile justice systems. In addition, she noted the descriptive summary examines the census information for Clark and Washoe Counties; however, the comparison of data by race does not evenly match the current Census.

- Kelly Wooldridge interjected that mental health services often have a perceived stigma attached to them and the DCFS' ability to provide mental health services in Spanish and other languages is limited, which could contribute to the disproportionality issue.

Discussion ensued among Chair Wiener, Vice Chair Frierson, and Ms. Wooldridge regarding the mental health referral process for juveniles. Ms. Wooldridge explained that referrals are received from a myriad of sources including parents, hospitals, and various agencies, and depending on the triage, a juvenile could be referred for mental health services. She also explained that the number of children served is based on funding levels. She added

that, once a referral is received, a juvenile is given a cumulative uniform mental health assessment by a licensed mental health clinician, which determines the type of services needed.

- Dr. Mears offered to gather information on the number and race of children in parental custody and child welfare who receive services and the number of children who are not receiving services, and she will provide the information subsequent to the meeting.
- Amber Howell, previously identified, stated that DCFS is a service provider to children in the custody of child welfare, and 53 percent of those children are in the custody of parents who are uninsured or underinsured.
- Ms. Wooldridge presented information on the sources of DCFS Children's Mental Health Funding and budget distributions, which included Medicaid, Title XX Adolescent Family Life (U.S. Department of Health and Human Services), rental income, Child Care and Development Fund, rental expense reimbursement, school lunch program, Center for Mental Health Services, appropriations, and client charge.
- Chair Wiener called for further public comment on Agenda Item VIII.A.; however, no testimony was presented.

Out-of-State Mental Health Care Placements for Children in the Custody of the State

- Jill Marano, previously identified, provided information on how and why out-of-state placements are tracked for the State custody children, who are children in youth parole and in the three child welfare agencies in Nevada ([Exhibit L](#)). She stated that quarterly reports on the numbers of children placed and discharged, location of facilities, age, gender, and diagnoses are provided to the LCB. Ms. Marano added inspections of facilities are performed pursuant to NRS 432B.0177 prior to the placement of children and annually after placement. Ms. Marano stated 38 children in state custody were located in out-of-state placements as of February 28, 2012, and 24 of them have a primary diagnosis of severe emotional disturbance.
- Steve McBride, Acting Deputy Administrator, Juvenile Services, DCFS, DHHS, provided data on out-of-state placements and the process for placements. He stated, in 2010 and 2011, there were 62 child placements in out-of-state custody, which comprise 39 males and 23 females who averaged 15 years of age. He explained that reviews take place prior to a placement to ensure the following: 1) in-state options have been exhausted; 2) the needs of the child could not be met through patient community providers or in-state residential programs; and 3) the child meets medical necessity for treatment. Concluding, Mr. McBride explained that approximately 43 percent of all placements occurred at the same four facilities that specialize in: (1) accepting and treating youth before and after the age of 18; (2) treatment of co-occurring sexually aggressive and emotionally disturbed

youth; and (3) treatment of aggressive youth with cognitive delays. He added DCFS is limited to providers that accept Nevada Medicaid.

Responding to a question from Chair Wiener, Mr. McBride explained there are two placement facilities in Utah, one in Colorado, and one in Texas.

- The Honorable Frank P. Sullivan, Family Division, Department O, Eighth Judicial District Court of Nevada, Clark County, stated that there are 14 children in the Eighth Judicial District jurisdiction that are in out-of-state placements. He said if a child is “acute,” they are immediately placed in a locked facility and a petition must be filed with the court within five days. Judge Sullivan stated that, in 2011, approximately 170 petitions were filed. He indicated that most of the children were determined to be “acute,” so their cases were reviewed weekly, and, once stabilized, they are returned to their prior placement. He provided information on residential non-acute placement and the process used for filing a petition with the court prior to the child being placed in out-of-state placements. Judge Sullivan explained the costs of the 14 out-of-state placements and estimated the average cost to be \$313 per day, with the average length of placement being ten months. He urged the development of services locally to provide community-based care, family-driven care, and youth-guided care in a residential facility.
- Fritz Reese, previously identified, discussed clinical services 2011 statistics ([Exhibit M](#)) and estimated that 65 percent of the youth population in the juvenile justice system, nationwide, have identifiable mental health issues, and 66 percent in Clark County have such issues. He said for youth placed in detention the number was 78 percent. Mr. Reese was of the opinion that mental health needs escalate as youth go deeper into the justice system.
- Chair Wiener called for further public comment on Agenda Item VII.B.; however, no testimony was presented.

Mental Health Care Services Provided to Children in the Juvenile Justice System

- Carey Stewart, previously identified, provided an overview of the challenges that the juvenile justice system faces each day when youth with mental health issues enter detention facilities. He noted that youth with mental health issues were “the rule and not the exception” in the juvenile justice system, and many youth enter at an early age, which indicates there are underlying mental health issues that, if left untreated, could lead to further escalation in the system. Mr. Stewart explained that, in 2011, Washoe County received 382 misdemeanor referrals for youth, between 8 and 12 years of age, for “battery,” “incurable,” “domestic battery,” and “disturbance at school.” He presented information on the assessment process pursuant to NRS 62C.035, pertaining to screening required for a child detained in a facility for the detention of children, including time and method for conducting screening. Mr. Stewart noted that

the statute requires an assessment to be completed on every youth who enters into a juvenile facility to screen for mental health and substance abuse indicators. He provided an overview of data compiled by Joseph R. Haas, Ph.D., Psychologist Administrator, Washoe County Department of Juvenile Services, on March 9, 2012, that indicated 43 youth were detained in Wittenberg Hall, and 11 of the youth were awaiting placement in a residential treatment facility. (Please see [Exhibit N.](#))

In response to a comment from Chair Wiener, Mr. Stewart stated that while detention populations have declined, some youth with acute mental health needs remain in detention because they are a risk to themselves and the community.

- Dr. Joseph R. Haas commented on the dual sense of tragedy in the numbers of youth with mental health conditions in detention coping with the symptoms of the condition and the harsh environment of detention, probation, or supervision, which could possibly lead them into more trouble. In his view, the juvenile justice system does not mitigate the problem through effective interventions for youth with mental health conditions. Dr. Haas stated that the increased number of youth suggest that the practices must shift dramatically to meet their needs. He then provided information on the staff services and staff training that are provided to identify and meet the special needs of youth with mental health issues, and information on the staff meetings held to review each mental health case.

Continuing, Dr. Haas conveyed information on the challenges that staff faces in developing programs to reduce recidivism in the juvenile justice system and residential treatment programs for youth who are placed on probation following detention. He added that Washoe County has a mental health unit with three officers and a probation manager. Dr. Haas commented on the number of psychological, psychiatric, substance abuse, and emergency mental health evaluations that are performed on youth entering detention. He discussed the benefits of having a juvenile services position to provide WIN services, through a collaborative effort with the school districts and the Sierra Regional Center, to reduce the length of stay for youth returning from detention.

Further, Dr. Haas commented on youth mental health placements and noted the collaboration with community providers, community child-serving agencies, and Washoe County Social Services. He noted that there are “crossover” youth who have serious mental health issues, are involved with the juvenile justice system, and are also in the child welfare system. He said that the Division of Welfare and Supportive Services, DHHS, has streamlined the eligibility process so youth can receive Medicaid or Nevada Check Up to access services, and he provided information on various sources for services and funding for the Mental Health Unit to service youth.

- Mr. Stewart provided recommendations for the Committee to consider regarding mental health and juvenile justice issues; which included:
 1. Continue to have probation departments and child social services agencies retain the ability to receive Medicaid reimbursement through targeted case management;
 2. Retain the State Block Grant funding for room and board for specialized foster care;
 3. Examine how youth can access the level of service provided in the juvenile justice system before they enter the system;
 4. Invite juvenile justice administrators to meet with the DHHS in planning health care reform; and
 5. Fund additional WIN services through DCFS.
- Mr. Reese articulated the needs for Clark County and noted that the needs are similar to Washoe County, but the numbers are proportionately larger due to the population. He said it is challenging to find providers for services in local communities, and families often travel long distances to access services.
- Vice Chair Frierson commented that families might be rationing medications to a point where they became ineffective and questioned if an analysis has been conducted on the long-term costs to the State when investments are not made in prevention and early treatment.
- Mr. Reese explained that an examination could be performed on mental health services, to compare services and costs that are provided at the “deep end,” which are the most expensive and paid by Medicaid, with those services and expenditures provided at the “front end” when youth are identified at an early age.

Role of Mental Health Consortia Established Pursuant to NRS 433B.333

- Pam Becker, Chair, Washoe County Children’s Mental Health Consortium, acknowledged Jackie Harris, Chair, Clark County Children’s Mental Health Consortium, and Jan Marson, Chair, Rural Children’s Mental Health Consortium. She explained that consortia were formed pursuant to Assembly Bill 1 (Chapter 1, *Statutes of Nevada 2001, 17th Special Session*). Ms. Becker stated the consortia have each developed an updated Mental Health Consortium Strategic Ten-Year Plan and have submitted information on priorities for funding to Michael J. Willden, Director, DHHS, for consideration. Ms. Becker explained that the consortia are guided by the “Systems of Care” principles that state: “services should be community-based, child-centered.

family-focused, and culturally-competent.” She noted the three areas of interest for the consortia include: (1) submittal of the Strategic Plan to Substance Abuse and Mental Health Services Administration (SAMHSA) for combined funding for substance abuse and mental health services; (2) provision of health clinics in schools that include mental health services for early intervention; and (3) mental health services included in the Affordable Health Choices Act of 2009. Ms. Becker said she will provide a copy of the *Ten-Year Plan for Children’s Mental Health: January 2010 to December 2020, Washoe County Children’s Mental Health Consortium* to the Committee.

Continuing, Ms. Becker added that the Committee’s support of the priorities would be welcomed. She drew attention to the pilot project for the WIN process to coordinate with the juvenile justice populations and the Family-to-Family Connection component. Ms. Becker noted that these two priorities are supported by Washoe and Clark Counties and requested the Committee’s support.

- Chair Wiener lauded the services provided by the three consortia for Nevada’s children.
- Karen Taycher, Clark County Children’s Mental Health Consortium, submitted the *Clark County Children’s Mental Health Consortium, 10—Year Strategic Plan*, for the record. (Please see [Exhibit O](#).)
- Chair Wiener called for public comment on Agenda Item VIII.D.; however, no testimony was presented.

DISCUSSION CONCERNING SENTENCING JUVENILE OFFENDERS AS ADULTS

- Susan Roske, Chief Deputy Public Defender, Juvenile Division, Clark County Public Defender’s Office, commented that scientific study of the human brain over the past 15 years has revealed that the brain continues to develop and mature well into the early twenties, and the science has been cited by the U.S. Supreme Court in *Roper v. Simmons* (2005). She explained that in that ruling, the court held that it was unconstitutional, cruel, and unusual punishment to impose a death penalty on youth for acts committed when they were 16 or 17 years of age. Ms. Roske added that the U.S. Supreme Court found that children are less culpable than adults in the decision of *Graham v. Florida* (2010) and ruled that it was unconstitutional to issue a sentence of life without possibility of parole to non-homicide juvenile offenders. Ms. Roske said the U.S. Supreme Court has found that juveniles are more easily influenced than adults are. In her view, juveniles are more easily rehabilitated, because their characters are not as well formed.

She pointed out two Nevada statutes that provide for transfer or filing of cases in the criminal adult system when the person is under the age of 18 years old. She explained

NRS 62B.330 “Child alleged or adjudicated to have committed delinquent act; acts deemed not to be delinquent,” excludes certain crimes from the juvenile delinquency arena, which means the charges could never be prosecuted in juvenile court, and children as young as eight years old could be charged, placed in the county jail, and prosecuted as adults. In her opinion, the statute could be changed by the Nevada Legislature, if deemed necessary, and she added there was no mechanism to allow for the jurisdiction of the juvenile court for cases under NRS 62B.330.

Ms. Roske explained other offenses excluded under juvenile delinquency jurisdiction in NRS 62B.330. She stated that NRS 62B.390 contains a mechanism to transfer cases from the juvenile court to the adult criminal court and explained the process.

In response to a question from Chair Wiener regarding certification of juveniles to the adult system for certain crimes, Ms. Roske explained there is a presumption on cases involving juveniles 16 and 17 years of age in which a gun is involved. There is a presumption that the court will transfer, but there is allowance for rebuttal and a hearing is held.

Continuing, Ms. Roske presented information on Senate Bill 92 in the Florida Legislature, “Second Chance for Children Act,” which allows a child with a sentence longer than 10 years to petition the court for relief. She explained that since Florida does not have parole, the law would allow for reduced or suspended sentences. Ms. Roske opined a similar concept could work in Nevada that would allow for a petition for immediate eligibility for parole at 25 years-of-age under certain circumstances. (Please see [Exhibit P.](#))

- Chair Wiener requested Ms. Roske to submit recommendations based on the Florida bill for the Committee’s consideration.

In response to a question from Vice Chair Frierson regarding presumptions in juvenile cases, Ms. Roske explained that once a juvenile is convicted in the adult system the juvenile is forever treated as an adult.

Discussion ensued regarding the involvement of juveniles in cases under the jurisdiction of NRS 62B.330, cases where juveniles were charged with murder, and incidents in other states involving juvenile offenders.

- John Jones, Deputy District Attorney and Legislative Liaison, Juvenile Division, Clark County District Attorney’s Office (CCDAO), stated the CCDAO supports efforts to reform how the system sends juveniles to the adult system and that the office participates in the Supreme Court Commission on Juvenile Justice Reform and is active in the Juvenile Detention Alternatives Initiative (JDAI). He pointed out there was a need for continued resources and presently, for the most serious offenders, resources are not available, especially with the closure of Summit View Correctional Center in Las Vegas. Mr. Jones stated that currently there are the DCFS Juvenile Justice Services Caliente Youth Center and Nevada Youth Training Center, which are

equivalent to boarding schools with open campuses. He said that, at the county level, there was Spring Mountain Youth Camp at Mount Charleston, Nevada.

Mr. Jones voiced support to a comprehensive approach to deal with juvenile justice issues and truth in sentencing (TIS) in the cases handled by the CCDAO, which states the sentence issued by the court would be the minimum sentence. He commented on the basis for transferring juveniles to the adult system and said the Department of Juvenile Justice Services (DJJS) acts as a screening agent for some of the lower-level cases, misdemeanors, and status offenses reduced the number of cases. He noted 11,361 cases were referred to the CCDAO in 2011, but the number would be higher if all juvenile justice system cases handled informally by the DJJS were counted.

Mr. Jones stated that 64 of the 11,361 cases were certified to adult status, where the judge determined that community safety demanded transfer to the adult system. He explained the certification process and the analysis of: (1) the nature and seriousness of the crime; (2) prior record of the subject minor; and (3) subjective factors prior to transferring a case.

Some of the crimes considered in the certification process include murder, attempted murder, use of a firearm, by a minor over 16 years of age with a prior adjudicated felony, and some sexual assault cases. He pointed out that the CCDAO had 22 direct file cases as of the end of October 2011, and, for 2010, there were 31 direct files. So less than 1 percent of juvenile cases for the most serious offenses were transferred. He pointed out that the CCDAO reserves the direct transfer of cases to the most serious offenders.

In response to a question from Chair Wiener, Mr. Jones indicated he would provide information subsequent to the meeting on the number of convictions for the cases that were transferred.

- Ms. Roske pointed out that she requested statistical information from the CCDAO, which indicated of the 22 cases that were direct filed in 2011, only three involved a non-Latino/Caucasian offenders, the rest were children of color, and, in 2010, of the 31 direct filed cases, five involved non-Latino/Caucasian offenders.

Discussion ensued between Assemblyman Frierson, Susan Roske, and John Jones regarding correctional facility housing for juveniles who were direct filed into the adult system.

- Chair Wiener called for public comment on Agenda Item IX.
- Jo Lee Wickes, Chief Deputy District Attorney, Juvenile Prosecutor, Washoe County District Attorney's Office (WCDAO), commented on minority overrepresentation issues and the disproportionality of juveniles who are certified to be tried as adults for a very serious crime. As a prosecutor in Washoe County, she asked the question "Within classes of crime is there evidence of disproportionality? Are Latino youth being

certified while Caucasian youth are not?” In her view, part of the reality in the juvenile justice system is that juveniles commit crime, and the community, police agencies, or the WCDAO cannot control who commits an alleged offense. When information about disproportionality is presented, it does not address whether biased decisions have been made within classes of crimes. She said that many of the youth in Clark County who were certified in 2011, were minorities. However, in her view, it is important to ask: “Is there evidence of bias in those decisions, or is it a function of who is committing the crimes?” In her opinion, the youth in Washoe County that are prosecuted for violent offenses regarding guns and possession of guns are mostly Latino. She added that this is because most of the gang members in Washoe County are Latino. She expressed frustration about the fact that offenders prey upon members of their own community, which would show that many of the victims are also over-represented based on the population.

- Leisa Moseley, former juvenile probation officer and supervising probation corrections officer, California, expressed astonishment to learn of the laws governing juveniles being put on trial as adults in Nevada, as well as housing juveniles in adult correctional facilities. She related a personal anecdote regarding one of her cases that involved a juvenile charged with murder in California and the successful rehabilitation of the juvenile, who later became an advocate for other youth. She urged the Committee to reexamine the issue more closely.
- Senator Brower thanked Ms. Moseley for her testimony and stated that he has prosecuted juveniles as adults in the federal judicial system, but none as young as eight years of age. He will discuss the issue further with Ms. Roske and Mr. Jones, subsequent to the meeting.

PUBLIC COMMENT: OPPORTUNITY TO PRESENT RECOMMENDATIONS REGARDING CHILD WELFARE AND JUVENILE JUSTICE FOR POSSIBLE INCLUSION BY THE COMMITTEE DURING THE WORK SESSION TO BE HELD ON MAY 9, 2012

- Chair Wiener requested that recommendations be submitted to the Committee for consideration and possible inclusion in the Work Session Document. She also asked that information include an explanation of intent, along with any proposed language. Chair Wiener explained the procedure for delivering presentations at the final Committee meeting on May 9, 2012, and also commented on the work session process. She thanked the presenters for their input, Committee staff for their work, and the public for their participation.
- Subsequent to the meeting supplemental testimony was submitted by Denise Tanata Ashby, previously identified. (Please see [Exhibit Q.](#))

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 4:29 p.m.

Respectfully submitted,

Lisa Gardner
Senior Research Secretary

Kelly S. Gregory
Senior Research Analyst

APPROVED BY:

Senator Valerie Wiener, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda,” provided by Kelly S. Gregory, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a memorandum titled “Solicitation of Recommendations for Possible Consideration by the Legislative Committee on Child Welfare and Juvenile Justice (NRS 218E.705),” dated March 26, 2012, from Senator Valerie Wiener, Chair, Legislative Committee on Child Welfare and Juvenile Justice, to All Interested Parties, prepared by Kelly S. Gregory, Senior Research Analyst, LCB.

[Exhibit C](#) is a document titled “Prevent Child Abuse Nevada Pinwheels for Prevention 2012 Nevada Events,” submitted by Amanda Haboush, Senior Research Associate, Nevada Institute for Children’s Research and Policy (NICRP).

[Exhibit C-1](#) is a brochure titled, “YOUR BABY IS COUNTING ON YOU CHOOSE YOUR PARTNER CAREFULLY,” offered by Amanda Haboush, Senior Research Associate, NICRP.

[Exhibit C-2](#) is an informational flyer titled “CHOOSE YOUR PARTNER CAREFULLY...your child’s life depends on it,” provided by Amanda Haboush, Senior Research Associate, NICRP.

[Exhibit D](#) is a document titled “DCFS Child Abuse Prevention Month Presentation,” submitted by Jill Marano, Acting Deputy Administrator, Child Welfare Services, Division of Child and Family Services (DCFS), Department of Health and Human Services (DHHS).

[Exhibit E](#) is a Microsoft PowerPoint presentation titled “Nevada Differential Response Program,” provided by Betty Weiser, Social Services Program Specialist 3, Family to Family Connection, Grants Management Unit, DHHS.

[Exhibit E-1](#) is report dated December 2010, titled “Differential Response in Nevada Final Evaluation Report Executive Summary,” submitted by Betty Weiser, Social Services Program Specialist 3, Family to Family Connection, Grants Management Unit, DHHS.

[Exhibit F](#) is the written testimony of Ralph Bayard, Ed.D., Senior Director, Casey Family Programs, dated April 4, 2012.

[Exhibit F-1](#) is the Microsoft PowerPoint presentation titled “Theories on Why Disproportionality Exist,” presented by Ralph Bayard, Ed.D., Senior Director, Casey Family Programs.

[Exhibit G](#) is a Microsoft PowerPoint presentation dated April 4, 2012, titled “Disproportionality in Child Welfare State Legislative Highlights,” provided by Nina Williams-Mbengue, Program Director, Children and Families Program, National Conference of State Legislatures.

[Exhibit H](#) is a Microsoft PowerPoint presentation titled “Courts Catalyzing Change,” submitted by The Honorable Deborah E. Schumacher, Family Division, Department 5, Second Judicial District Court of Nevada, Washoe County, and Nancy B. Miller, Director, Permanency Planning for Children Department, National Council of Juvenile and Family Court Judges.

[Exhibit I](#) is an article titled “Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care-Transforming Examination into Action,” submitted by The Honorable Deborah E. Schumacher, Family Division, Department 5, Second Judicial District Court of Nevada, Washoe County.

[Exhibit I-1](#) is a booklet titled “RIGHT FROM THE START: The CCC Preliminary Protective Hearing Benchcard Study Report TESTING A TOOL FOR JUDICIAL DECISION-MAKING,” provided by The Honorable Deborah E. Schumacher, Family Division, Department 5, Second Judicial District Court of Nevada, Washoe County.

[Exhibit I-2](#) is a booklet titled “RIGHT FROM THE START: The CCC Preliminary Protective Hearing Benchcard A TOOL FOR JUDICIAL DECISION-MAKING,” offered by The Honorable Deborah Schumacher, Family Division, Department 5, Second Judicial District Court of Nevada, Washoe County.

[Exhibit J](#) is a document dated April 4, 2012, titled “Recommendations from the 432B Revisions Community Workgroup to the Legislative Committee on Child Welfare and Juvenile Justice,” submitted by Denise Tanata Ashby, J.D., Director, Children’s Advocacy Alliance.

[Exhibit J-1](#) is a chart titled “Waiver of Reasonable Efforts Comparison between Federal Law and Nevada Law,” provided by Denise Tanata Ashby, J.D., Director, Children’s Advocacy Alliance.

[Exhibit J-2](#) is a document titled “Reasonable Efforts and Waiver of Reasonable Efforts,” offered by Denise Tanata Ashby, J.D., Director, Children’s Advocacy Alliance.

[Exhibit J-3](#) is a letter dated February 22, 2011, from Catherine Cortez Masto, Attorney General, State of Nevada, submitted by Denise Tanata Ashby, J.D., Director, Children’s Advocacy Alliance.

[Exhibit J-4](#) is a chart titled “NRS changes due to Federal/Child Welfare Agency Requirements for the 2013 Session,” offered by Denise Tanata Ashby, J.D., Director, Children’s Advocacy Alliance.

[Exhibit K](#) is a Microsoft PowerPoint presentation titled “Overview of DCFS Children’s Mental Health Services,” provided by Kelly Wooldridge, Clinical Program Manager, Northern Nevada Child and Adolescent Services, DCFS, DHHS and Susan Mears, Ph.D., Clinical Program Manager, Children, Youth and Family Administration, DCFS, DHHS.

[Exhibit K-1](#) is a report dated February 8, 2012, titled “DESCRIPTIVE SUMMARY OF CHILDREN’S MENTAL HEALTH SERVICES Fiscal Year 2011,” submitted by Susan Mears, Ph.D., Clinical Program Manager, Children, Youth and Family Administration, DCFS, DHHS.

[Exhibit L](#) is a document titled “Out of State Residential Placements of State Custody Children,” provided by Jill Marano, Acting Deputy Administrator, Child Welfare Services, DCFS, DHHS.

[Exhibit M](#) is a chart titled “Clinical Services 2011 Statistics,” submitted by Fritz Reese, Director, Department of Juvenile Justice Services, Clark County.

[Exhibit N](#) is a Microsoft PowerPoint presentation titled “The Impact of Youth with Mental Health Conditions on the Juvenile Justice System in Washoe County: System Impact and Suggestions for Legislative Focus,” provided by Carey Stewart, Director, Department of Juvenile Services, Second Judicial District Court of Nevada, Washoe County, and Joseph R. Haas, Ph.D., Psychologist Administrator, Washoe County Department of Juvenile Services.

[Exhibit O](#) is a report titled “CLARK COUNTY CHILDREN’S MENTAL HEALTH CONSORTIUM 10-YEAR STRATEGIC PLAN,” submitted by Karen Taycher, Clark County Children’s Mental Health Consortium.

[Exhibit P](#) is a copy of Florida Senate Bill 92 titled “Second Chance for Children Act,” referenced by Susan Roske, Chief Deputy Public Defender, Juvenile Division, Clark County Public Defender’s Office.

[Exhibit Q](#) is a document titled “Recommendation 2: Waiver of Reasonable Efforts Recommendation 11: Waiver of Reasonable Efforts for Previous Sexual Abuse (CAPTA),” submitted by Denise Tanata Ashby, J.D., Director, Children’s Advocacy Alliance.

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