



NEVADA LEGISLATURE LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

(Nevada Revised Statutes [NRS] 218E.705)

SUMMARY MINUTES AND ACTION REPORT

The fourth and final meeting of the Nevada Legislature’s Legislative Committee on Child Welfare and Juvenile Justice was held on Monday, August 22, 2016, at 9 a.m. in Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 2134 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The “Summary Minutes and Action Report,” the “Meeting Notice and Agenda,” and other meeting materials are available on the Nevada Legislature’s website at <http://www.leg.state.nv.us/interim/78th2015/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau’s Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835) and may be available online at <http://www.leg.state.nv.us/Granicus/>.

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Scott T. Hammond, Chair
Assemblyman John Hambrick, Vice Chair
Senator Becky Harris
Senator Joyce Woodhouse
Assemblyman James Ohrenschall

COMMITTEE MEMBER PRESENT IN CARSON CITY:

Assemblyman Philip (P. K.) O’Neill

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Patrick Guinan, Principal Research Analyst, Research Division
Bryan Fernley, Senior Principal Deputy Legislative Counsel, Legal Division
Michael Morton, Deputy Legislative Counsel, Legal Division
Lisa Gardner, Senior Research Secretary, Research Division

Items taken out of sequence during the meeting have been placed in agenda order.

AGENDA ITEM I—OPENING REMARKS

Chair Hammond called the meeting to order.

AGENDA ITEM II—PUBLIC COMMENT

Chair Hammond called for public comment.

Brigid Duffy, Director, Juvenile Division, Office of the Clark County District Attorney, submitted a recommendation for a bill draft request (BDR) to amend NRS 424.031 and 424.033 for purposes of aligning provisions concerning foster care licensure with federal law ([Agenda Item II A](#)). She explained the State’s criteria for issuing a license is more permissive and discretionary than what the federal government allows with certain felony offenses and substantiated allegations of child abuse or neglect.

Responding to questions from the Committee, Ms. Duffy clarified the following:

- The proposed language for subsection 4 of NRS 424.033 ([Agenda Item II A](#)) is consistent with federal law; it prohibits the licensure of an applicant who has been the subject of a substantiated allegation of sexual exploitation or abuse of a child, or child abuse resulting in death.
- Existing language in NRS 424.031 (“or contributory delinquency”) has been removed from subsection 6(e) in the recommendation ([Agenda Item II A](#)) because it is not necessary; it is picked up in other categories and it is not required by the federal government.

Myra Sheehan, former Deputy District Attorney, Washoe County District Attorney’s Office, commented that she served on the committee that developed the proposal to establish paternity through Chapter 432B (“Protection of Children From Abuse and Neglect”) of NRS and was available to answer questions on behalf of The Honorable Egan Walker, District Judge, Second Judicial District Court, Department 2, Family Division, Washoe County. She explained the language, which was modeled after a child support statute, would assist a dependency court in placing a child who has been removed from the home with his or her father or paternal relative. (See the Work Session Document [WSD].) ([Agenda Item VII](#))

Amber Howell, Director, Washoe County Department of Social Services, recommended the Committee send a letter to the money committees to encourage a financial assessment of the court jurisdiction program, which serves certain youth who have aged out of the foster care system. Ms. Howell explained the urban counties receive allocations to administer the program through capped block grants, and this mechanism does not provide sufficient funding. She pointed out that extending foster care to the age of 21 may provide Nevada with additional federal funding opportunities to serve the population.

Dan Musgrove, Chair, Clark County Children’s Mental Health Consortium, suggested the Committee send a letter to the Governor of the State of Nevada and the Director of the Department of Health and Human Services (DHHS) to request consideration of the Consortium’s four main priorities in the Governor’s *Executive Budget*. He gave an overview of the priorities, which are documented along with recommendations and projected costs in his handout ([Agenda Item II B](#)).

There was discussion concerning a pilot project cited with Priority No. 3, Recommendation B ([Agenda Item II B](#)).

Responding to a question on Priority No. 1, Recommendation B ([Agenda Item II B](#)), Mr. Musgrove explained the concept of delegating a single entity in Clark County to determine how to utilize block grant funding for behavioral health services within that jurisdiction.

Jeremy Setters, Owner/Operator, Inspired Children Achieving Now (I.C.A.N.) Family Services, Pahrump, Nevada, commented that he is a behavioral health care provider assisting youth in underserved, rural areas of the State. He emphasized the need to expand services in those regions and voiced his support of the proposals submitted by the juvenile justice agencies. ([Agenda Item IV A](#)) ([Agenda Item VII](#))

AGENDA ITEM III—APPROVAL OF MINUTES OF THE MEETING HELD ON JUNE 24, 2016, IN CARSON CITY, NEVADA

MOTION: Vice Chair Hambrick moved to approve the minutes of the meeting held on June 24, 2016, in Carson City. The motion was seconded by Assemblyman Ohrenschall and passed unanimously.

AGENDA ITEM IV—PRESENTATION ON LEGISLATIVE RECOMMENDATIONS OF THE NEVADA SUPREME COURT’S COMMISSION ON STATEWIDE JUVENILE JUSTICE REFORM

The Honorable Nancy M. Saitta, Associate Justice (Ret.), Nevada Supreme Court, provided an overview of four recommendations submitted by the Nevada Supreme Court’s Commission on Statewide Juvenile Justice Reform for the Committee’s consideration. She referenced a memorandum with supporting information ([Agenda Item IV A](#)).

Justice Saitta noted each of the 11 judicial districts in Nevada submitted details concerning their financial needs with community-based/front-end programming; the sum total of these requests is approximately \$3.5 million. She said this figure aligns closely with what was requested in 2015 and is more cost effective than providing “deep end” services once a juvenile formally enters the justice system.

The Honorable James W. Hardesty, Associate Justice, Nevada Supreme Court, remarked that the Commission recognizes the needs of children are best addressed at the local level.

He suggested the Committee receive testimony from those who developed the proposals for community-based/front-end programming within the judicial districts.

Chair Hammond called for testimony.

The Honorable Nathan T. Young, District Judge, Ninth Judicial District Court, Department 1, Douglas County, and Scott Shick, Chief Juvenile Probation Officer, Douglas County Juvenile Probation Department, commented on the proposal from the Ninth Judicial District concerning comprehensive mental health services.

Thomas Metscher, Chief Juvenile Probation Officer, Nye County Juvenile Probation Department, discussed the proposal from the Fifth Judicial District pertaining to detention alternatives for youth.

The Honorable William O. Voy, District Judge, Eighth Judicial District Court, Department A, Family Division, Clark County, voiced his support for the Commission's recommendations on front-end programming, juvenile sex offender registration and notification, and information sharing.

Discussion ensued between Senator Harris and Judge Voy concerning the recommendation on information sharing. Senator Harris asked about the records that would fall under "school record information"—proposed language under subsection 2(k) of NRS 62H.025 ([Agenda Item IV A](#)). Judge Voy stated any record can be accessed for purposes of serving the best interest of a child or to ensure the safety of the public; however, attendance and credit records are most commonly requested, as well as behavioral information in certain instances. Senator Harris pointed out terminology in that subsection may need to be revised to reflect the local school district precincts that were recently established in the Clark County School District (CCSD).

Assemblyman Ohrenschall expressed concern with the scope of the language in the recommendation on information sharing, noting confidential information acquired from clinical evaluations and discussions with probation officers could be released to law enforcement for purposes of a delinquent or criminal prosecution.

Judge Voy pointed out that under current statute, a judge can release such records to anyone who has a legitimate interest. He stated the recommendation addresses the need to improve the flow of day-to-day information between probation staff and law enforcement officers working in a large urban center. Judge Voy mentioned a criminal penalty for wrongful dissemination of information was added to the statutes during the 2015 Session.

John "Jack" Martin, Director, Clark County Juvenile Justice Services, commented that the first part of the proposal pertains to the best interests of a child. He noted he uses discretion when responding to requests for information that are submitted to him by school districts.

Discussion ensued between Chair Hammond and Senator Harris regarding terminology in subsection 2(k) of NRS 62H.025. Senator Harris suggested the term “local school precinct and/or a school district” be utilized to ensure information flows as intended with CCSD. Chair Hammond conveyed the terminology pertaining to the school district could be adjusted during the bill drafting process.

Mr. Martin discussed two proposals on front-end programming from the Eighth Judicial District, which pertain to the creation of a juvenile assessment center and a gender-specific program for females.

There was a conversation between Assemblyman O’Neill, Mr. Martin, and Brigid Duffy, previously identified, concerning the recommendation on information sharing. Assemblyman O’Neill asked whether a sheriff’s department could transmit information regarding a juvenile sex offender to a county-run day camp serving children. He pointed out the information would be useful for screening juveniles who apply for employment with such an organization.

Mr. Martin stated a school that sponsors a day camp would be notified by a probation department that a sexual offense has been committed; however, a day camp unaffiliated with a school would not receive such information.

Ms. Duffy explained the requirements for community and school notifications, which occur subsequent to the pleading or adjudication of a child who has committed certain types of sex offenses. She noted a community notification is provided to a sheriff’s department.

Elizabeth Florez, Division Director, Washoe County Juvenile Probation Services, and Frank Cervantes, Director, Washoe County Department of Juvenile Services, commented on the proposal from the Second Judicial District pertaining to a girls’ evening reporting program.

Ben Bianchi, Chief Juvenile Probation Officer, Carson City Juvenile Detention-Probation Department, commented on the proposal from the First Judicial District to increase funding for a mental health clinician in a co-occurring mental health diversion program.

Discussion ensued between Assemblyman O’Neill and Mr. Bianchi regarding the recommendation on information sharing and the ability of a day camp for children to receive information on a juvenile sex offender seeking employment with such an organization. Mr. Bianchi conveyed it would depend on the order from the court, which specifies the conditions of probation. He added there are provisions for proper notification, and those need to be looked at closely to ensure the the rights of the perpetrator are not violated.

Tami D. Richardson, Chief Juvenile Probation Officer, Churchill County Juvenile Justice Center, commented on the proposal from the Tenth Judicial District concerning a juvenile sex offender treatment program.

There was discussion of an alternate proposal on information sharing that was considered by the Commission, which did not move forward for the Committee's consideration. Responding to questions from Assemblyman Ohrenschall and Chair Hammond, Associate Justices Hardesty and Saitta discussed the Commission's vote tallies with each proposal—the proposal before the Committee received more support by members of the Commission, with a 19-2 vote (versus 15-7 for the alternate proposal).

Chair Hammond accepted testimony from those who were in opposition to the recommendation on information sharing that was brought forward to the Committee.

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada, voiced her opposition to the recommendation, noting it would enable law enforcement to use a child's records against him or her in a future delinquency action or criminal prosecution. She said the language in the alternate proposal, which is documented in her letter to the Committee ([Agenda Item IV B](#)), addresses those concerns by limiting the purposes for which law enforcement may use the information.

Gianna Verness, representing the Washoe County Public Defender's Office, said her office is opposed to the recommendation due to the breadth of language. She discussed potential issues with confidentiality and disclosure surrounding clinical services and noted the importance of protecting the well-being of a child. Ms. Verness expressed her support of the language contained in the alternate proposal.

Discussion ensued on the release of information from a director of a juvenile justice agency to law enforcement under the recommendation before the Committee.

In response to a question, Associate Justice Saitta commented on the various perspectives of Commission members in regard to the two proposals. She explained the purpose of the recommendation is to clarify which information can be shared, by whom, when it can be shared, and how it can be best protected.

Susan D. Roske, Chief Deputy Public Defender, Clark County Public Defender's Office, registered her opposition to the recommendation. She said she was concerned with the potential overuse of information held by juvenile justice departments, especially in regard to clinical evaluations and statements made by youth that could be used against them in a delinquency or criminal prosecution. Ms. Roske stated the information should only be released in an emergency situation, as worded in the alternate proposal; otherwise, law enforcement can acquire the information they need from a juvenile court judge.

Associate Justice Saitta shared closing remarks. She encouraged the Committee to review all of the proposals submitted by the judicial districts pertaining to community-based/front-end programming, as not all of the stakeholders were able to attend the meeting. She emphasized the importance of improving mental health services and resources for youth throughout the State.

AGENDA ITEM V—PRESENTATION CONCERNING THE UNIFIED NEVADA INFORMATION TECHNOLOGY FOR YOUTH CHILD WELFARE INFORMATION SYSTEM

Jason Benshoof, Information Technology Manager, Division of Child and Family Services (DCFS), DHHS, provided an overview of the Unified Nevada Information Technology for Youth (UNITY) data system, which is a child welfare and juvenile justice case management tool for DCFS ([Agenda Item V](#)).

There was discussion concerning:

- Development and testing environments with a new system;
- Commercial solutions for a new system—for lease or purchase;
- Timelines and labor involved with improving the current system;
- A hosted, cloud-based solution for a children’s mental health application (AVATAR);
- The estimated cost for a new system—\$52 to \$53 million (approximate)—and eligibility for matching grant funds; and
- Technical issues with the design of the UNITY system—inability to integrate commercial juvenile justice case management systems.

AGENDA ITEM VI—PRESENTATION ON THE WORK OF CASEY FAMILY PROGRAMS IN NEVADA AND NATIONALLY

Steve Christian, Child Welfare Policy Advisor, Casey Family Programs, and Wanda Pena, Senior Director, Casey Family Programs, presented written testimony concerning the efforts of Casey Family Programs to protect children from abuse and neglect while also reducing the number of children entering into foster care ([Agenda Item VI A-1](#)). Additional information concerning the organization was submitted for the record ([Agenda Item VI A-2](#)).

There was discussion concerning Nevada’s rate of entry into foster care, which is higher than the national average. It was noted that opioid abuse is a contributing factor.

Discussion ensued between Chair Hammond, Mr. Christian, Ms. Pena, and Paula Hammack, Acting Director, Clark County Department of Family Services, regarding Title IV-E waivers, which allow for the flexible use of foster care funding through a negotiated agreement between a state and the federal government.

AGENDA ITEM VII—WORK SESSION—DISCUSSION AND POSSIBLE ACTION RELATING TO:

A. Proposal Made by the Honorable Egan Walker, District Judge, Second Judicial District Court, Department 2, Family Division, Washoe County

1. Create a statutory basis in Chapter 432B of NRS to establish paternity in dependency cases.

Patrick Guinan, previously identified, reviewed the recommendation and noted supporting documentation is located behind Tab A of the WSD ([Agenda Item VII](#)).

MOTION: Vice Chair Hambrick moved to approve Recommendation A-1. The motion was seconded by Senator Harris.

Prior to a vote, Myra Sheehan, previously identified, responded to a question from Assemblyman Ohrenschall. She confirmed the proposal would not affect subsection 5(b) of NRS 432B.550.

The motion made by Vice Chair Hambrick and seconded by Senator Harris passed unanimously.

Mr. Guinan noted each recommendation approved during the work session would be documented in the Committee's Summary of Recommendations as well as in its final report.

B. Proposals Made by the Supreme Court of Nevada's Commission on Statewide Juvenile Justice Reform

1. Express via letter the Committee's support for funding of community-based and/or front-end programming for youth.

Mr. Guinan reviewed the recommendation and pointed out supporting documentation is located behind Tab B-1 of the WSD ([Agenda Item VII](#)).

MOTION: Assemblyman Ohrenschall moved to approve Recommendation B-1, with the letter of support being sent to the Governor of the State of Nevada, urging consideration of the funding requests from the 11 judicial districts in his *Executive Budget*, as well as to the Senate Committee on Finance and the Assembly Committee on Ways and Means. The motion was seconded by Senator Harris and passed unanimously.

2. Amend several chapters of NRS in relation to juvenile sex offender registration and notification requirements.

Mr. Guinan reviewed the recommendation and noted the supporting documentation is located behind Tab B-2 of the WSD ([Agenda Item VII](#)).

Chair Hammond pointed out the recommendation received unanimous support by the Commission.

There was discussion concerning the Committee's sponsorship of the proposed legislation and considerations with moving the bill through the standing committees during session.

MOTION: Vice Chair Hambrick moved to approve Recommendation B-2. The motion was seconded by Assemblyman O'Neill.

Prior to a vote, Assemblyman Ohrenschall disclosed information concerning his professional background, Commission membership, and association with Susan D. Roske, previously identified, in the workplace. He said he has conferred with Legislative Counsel regarding the matter, and he has come to the conclusion that he does not have a conflict of interest with respect to any of the recommendations proposed by the Commission.

The motion made by Vice Chair Hambrick and seconded by Assemblyman O'Neill then passed unanimously.

3. Amend Chapter 201 ("Crimes Against Public Decency and Good Morals") of NRS to remove unintended increased penalties for certain persons under 18 years of age.

Mr. Guinan pointed out the supporting documentation is located behind Tab B-3 of the WSD ([Agenda Item VII](#)).

MOTION: Senator Woodhouse moved to approve Recommendation B-3. The motion was seconded by Vice Chair Hambrick.

Prior to a vote, Assemblyman Ohrenschall repeated his disclosure concerning his professional background and affiliations.

The motion made by Senator Woodhouse and seconded by Vice Chair Hambrick then passed unanimously.

4. Amend Chapter 62H ("Records Related to Children") of NRS to revise language concerning information sharing among certain agencies involved in juvenile justice regarding youth who are subject to the jurisdiction of the juvenile court.

Mr. Guinan reviewed the recommendation, which was discussed at length during Agenda Item IV, and noted the proposed language is located behind Tab B-4 of the WSD ([Agenda Item VII](#)).

Discussion ensued between Chair Hammond and Senator Harris regarding the need to modify terminology in subsection 2(k) of NRS 62H.025 to properly reflect the reorganization of

CCSD. Senator Harris stated she would not suggest an amendment at this time; however, she requested the language be addressed prior to session. Chair Hammond conveyed the terminology could be adjusted in the bill draft.

Assemblyman Ohrenschall requested consideration of the alternate proposal concerning information sharing, which cleared up the concerns of the defense community.

Chair Hammond stated that while he appreciates the information that was shared on the alternate proposal, the Committee would move forward with the Commission's recommendation as documented in the WSD ([Agenda Item VII](#)). He pointed out additional conversations on the language could occur during session.

Assemblyman Ohrenschall remarked that he will vote against the recommendation, but he is in favor of continuing the conversation during session.

Senator Harris noted she will vote in favor of the recommendation; however, she would like her concerns addressed with the terminology concerning the CCSD.

Senator Woodhouse stated she will vote in favor of the recommendation, but she suggested additional conversations take place to address the various concerns before the Committee.

MOTION: Senator Harris moved to approve Recommendation B-4. The motion was seconded by Assemblyman O'Neill and passed. Assemblyman Ohrenschall voted no.

C. Proposals Made During the August 22, 2016 Meeting, Not Previously Discussed

Mr. Guinan discussed the following additional recommendations, which were not included in the WSD.

1. Draft legislation amending Chapter 424 ("Foster Homes for Children") of NRS to revise several provisions regarding foster home licensee background checks in order to comply with federal law.

Mr. Guinan noted an amendment was submitted and discussed by Brigid Duffy, previously identified, under Public Comment ([Agenda Item II A](#)).

In response to a question, Ms. Duffy confirmed the State could receive a financial penalty for failing to align with federal law.

MOTION: Senator Harris moved to approve Recommendation C-1. The motion was seconded by Senator Woodhouse and passed unanimously.

2. Draft a letter to the Senate Committee on Finance and the Assembly Committee on Ways and Means regarding the funding mechanism and management of the program for extended judicial oversight of youth who elect to stay in the foster care system beyond the age of 18.

Mr. Guinan pointed out the proposal was brought forward by Amber Howell, previously identified, during Public Comment; supporting documentation was not submitted.

MOTION: Senator Woodhouse moved to approve Recommendation C-2.

Assemblyman O'Neill suggested the letter also be sent to the Governor of the State of Nevada.

MOTION: Senator Woodhouse moved to revise her motion to include sending the letter to the Governor of the State of Nevada. The motion was seconded by Senator Harris and passed unanimously.

3. Draft a letter to the Governor of the State of Nevada and the Director of DHHS expressing the Committee's support of the ongoing work and main service priorities of the Clark County Children's Mental Health Consortium. The letter should request that the Governor and DHHS provide support via inclusion in the Governor's *Executive Budget* for the 2017–2019 Biennium.

Mr. Guinan referenced the document and testimony concerning the recommendation, which was provided by Dan Musgrove, previously identified, during Public Comment ([Agenda Item II B](#)).

MOTION: Senator Woodhouse moved to approve Recommendation C-3. The motion was seconded by Assemblyman Ohrenschall.

MOTION: Assemblyman Ohrenschall moved to revise the recommendation to include sending copies of the letter to the Senate Committee on Finance and the Assembly Committee on Ways and Means. The motion passed unanimously.

4. Draft a letter to the Senate Committee on Finance and the Assembly Committee on Ways and Means, with copies to the Governor of the State of Nevada and the Director of DHHS, expressing the Committee's strong belief that DHHS should replace the UNITY juvenile justice and child welfare case management system as soon as it is economically and technologically feasible.

Assemblyman O'Neill suggested the Committee address the technical issues with the UNITY system that were discussed earlier in the meeting ([Agenda Item V](#)). He recommended drafting a Committee letter to support efforts to replace the UNITY system with new technology.

MOTION: Assemblyman O'Neill moved to approve Recommendation C-4. The motion was seconded by Senator Harris and passed unanimously.

AGENDA ITEM VIII—PUBLIC COMMENT

Chair Hammond expressed his appreciation for Committee staff and acknowledged Assemblyman O'Neill for his service with the Legislature.

Assemblyman Ohrenschall praised Chair Hammond for his fairness with divergent views that were presented before the Committee.

Chair Hammond called for additional public comment.

No other testimony was presented.

AGENDA ITEM IX—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:57 p.m.

Respectfully submitted,

Lisa Gardner
Senior Research Secretary

Patrick Guinan
Principal Research Analyst

APPROVED BY:

Senator Scott T. Hammond, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	WITNESS/ENTITY	DESCRIPTION
Agenda Item II A	Brigid Duffy, Director, Juvenile Division, Office of the Clark County District Attorney	Proposed statutory revisions
Agenda Item II B	Dan Musgrove, Chair, Clark County Clark County Children’s Mental Health Consortium	Summary of priorities
Agenda Item IV A	The Honorable Nancy M. Saitta, Associate Justice (Ret.), Nevada Supreme Court	Memorandum with exhibits
Agenda Item IV B	Holly Welborn, Policy Director, American Civil Liberties Union of Nevada	Letter
Agenda Item V	Jason Benshoof, Information Technology Manager, Division of Child and Family Services, Department of Health and Human Services	Microsoft PowerPoint Presentation
Agenda Item VI A-1	Steve Christian, Child Welfare Policy Advisor, Casey Family Programs	Written testimony
Agenda Item VI A-2	Steve Christian, Child Welfare Policy Advisor, Casey Family Programs	Information packet
Agenda Item VII	Patrick Guinan, Principal Research Analyst, Research Division, Legislative Counsel Bureau	Work Session Document

The “Summary Minutes and Action Report” are supplied as an informational service. Copies of all meeting materials are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or (775) 684-6827.