

Steve Sisolak
Governor



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Director

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
Helping people. It's who we are and what we do.



Ross Armstrong
Administrator

DATE: April 6, 2021

TO: Melanie Scheible, Chair
Senate Committee on Judiciary

FROM: Ross Armstrong, Administrator
Division of Child and Family Services

SUBJECT: **Information Related to Juvenile Competency - Senate Bill 366**

The Division remains in the neutral position on this bill and submits the following information for the committee's information as it explores the direction it wants to take with youth competency matters.

During the interim the Division submitted, with the help of Dr. Ravin, Statewide Psychiatric Medical Director for the Division of Public and Behavioral Health, a presentation about juvenile competency best practices. Those best practices included a focus on having a system to qualify individuals making competency assessments specifically for juveniles. This is important due to the nature of the still-developing youth brain and its intersection with competency challenges. It also provided information related to national practices which rely primarily on home or community-based competency restoration services as opposed to the institutionalization of children for such a purpose.

There are essentially two pathways to incompetency. The first being untreated or undertreated symptoms of severe mental illness and the second being a developmental disability or challenge, including cognitive and psychosocial immaturity. While the Division does operate facilities for children facing mental health challenges, the Division does not operate, is not funded for, and does not have the qualified staffing to serve the population with developmental disabilities. If the bill proceeds, such capacity would have to be built within the Division. Additionally, the Division is not appropriately suited to serve as primary environment for psychosocial development of a child. Such development can only be achieved in the settings of family, school, and other social environments appropriate for the child's age and individual needs.

The Committee should also be aware the State of Nevada is currently under investigation by the United States Department of Justice for potential violations of the Americans with Disabilities Act as it relates to the Olmstead decision. The allegation is the Nevada's youth-serving systems including juvenile justice and child welfare overly rely on the institutionalization of children resulting in their isolation from society. This includes the reliance on out-of-state placements for addressing mental and behavioral health needs. The last report showed that approximately 65% of out-of-state youth are sent by juvenile justice agencies.

The Division looks forward to engaging in ongoing conversations related to the important issue of juvenile competency and the juvenile justice system's dual role of protecting the safety of the community and helping youth thrive.