

BULLETIN 19-14

Legislative Committee on Child Welfare and Juvenile Justice (NRS 218E.705)



Legislative Counsel Bureau

MARCH 2019

LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

Nevada Revised Statutes 218E.705

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Nevada Revised Statutes

NRS 218E.705 Creation; membership; budget; officers; terms; vacancies.

1. The Legislative Committee on Child Welfare and Juvenile Justice is hereby created. The membership of the Committee consists of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. After the initial selection, each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

(Added to NRS by [2009, 2545](#); A [2011, 3233](#))

EXECUTIVE SUMMARY

The Legislative Committee on Child Welfare and Juvenile Justice was established in 2009 with the Nevada Legislature's passage of [Senate Bill 3](#). During the course of the 2017–2018 Interim, the Committee held four meetings, including one work session. The meetings were held at the Grant Sawyer State Office Building in Las Vegas, Nevada, with simultaneous videoconferencing to the Legislative Building in Carson City, Nevada.

During each meeting, the Committee received formal presentations and expert and public testimony on a broad range of topics involving child welfare and juvenile justice. Issues included:

- Revision of laws related to the protection of children;
- Improvements to programs designed to assist Nevada's foster youth population;
- Crossover populations in the child welfare and juvenile justice systems;
- Prevention of the commercial sexual exploitation of children (CSEC);
- Sentencing and incarceration of juvenile offenders, with special focus on female offenders;
- Reviewing the work and priorities of several child welfare-related organizations;
- Alternative and diversionary programs for at-risk youth; and
- Challenges in securing consistent funding for fictive kin, foster youth entering secondary education, foster youth under court supervision, and specialized foster care providers.

At its final meeting and work session, the Committee adopted six recommendations for bill draft requests (BDRs) to be considered by the 2019 Nevada Legislature. These BDRs concern various elements of juvenile detention, the funding apparatus and quality of data systems for child welfare, financial resources for fictive kin and foster youth, preventing commercial sexual exploitation of children, and foster youth education.

More information about the Committee's activities—including minutes, recordings, and copies of presentations and other exhibits—may be accessed on the Committee's [meeting page](#) for the 2017–2018 Interim.

SUMMARY OF RECOMMENDATIONS

This summary presents the recommendations approved by the Legislative Committee on Child Welfare and Juvenile Justice at its meeting on August 24, 2018. The BDRs will be forwarded to the Legislative Commission for transmittal to the 80th Session of the Nevada Legislature.

Recommendations for Legislation

Juvenile Detention

1. Draft legislation requesting an interim study of juvenile detention in Nevada to be conducted by the Legislative Committee on Child Welfare and Juvenile Justice. The study is to include research on utilizing a regional approach to housing children locally, as well as other issues regarding placement of children, including bed space, educational and wellness programming, family and community contact, and other relevant information. **(BDR S-450)**

Funding of Child Welfare Programs

2. Draft legislation requesting an appropriation of \$250,000 to conduct an independent interim study of funding within Nevada's child welfare system to include a cost-benefit analysis of replacing the Unified Nevada Information Technology for Youth (UNITY) system. The Legislative Committee on Child Welfare and Juvenile Justice will oversee the study. **(BDR S-451)**

Resources for Fictive Kin

3. Draft legislation to amend [Chapter 422A](#) of *Nevada Revised Statutes* (NRS) to provide that, to the extent authorized by federal law, the director of the Department of Health and Human Services (DHHS) is required to include in the state plan for Temporary Assistance for Needy Families (TANF) provisions for the payment of child-only assistance to a fictive kin caregiver. **(BDR 38-452)**

Independent Living Stipends for Foster Youth

4. Draft legislation to provide children who are adopted before 18 years of age the same financial assistance that is provided pursuant to [NRS 432B.591 through 432B.595](#) to children who remain under the jurisdiction of the juvenile court at 18 years of age and who elect to remain under the jurisdiction of the court after 18 years of age. **(BDR 38-453)**

Commercial Sexual Exploitation of Children

5. Draft legislation creating a new Chapter 432C of NRS to ensure compliance with the federal Child Abuse Prevention and Treatment Act of 2010 and the Justice for Victims of Trafficking Act of 2013 and to comply with the Program Improvement Plan as required by the Administration for Children and Families of the United States Department of Health and Human Services. **(BDR 38-457)**

Foster Youth Education

6. Draft legislation to require that:
 - a. All foster youth have an identified educational decision maker;
 - b. An academic learning plan be attached to foster youth court reports;
 - c. Court reports include a foster youth's educational information; and
 - d. The Legislature create a funding mechanism for foster youth entering secondary education. **(BDR 40-458)**

Recommendations for Committee Action

7. Send a letter urging Nevada's Department of Corrections (NDOC) to pursue memorandums of understanding with appropriate local or state entities to allow female juvenile offenders to be housed in local rather than out-of-state facilities or the Florence McClure Women's Correctional Center.
8. Send a letter to the governor, the Senate Committee on Finance, the Assembly Committee on Ways and Means, and the DHHS urging that state and local child welfare agencies fund the full cost of child care for foster children at the current market rate.
9. Send a letter to the governor, the Senate Committee on Finance, the Assembly Committee on Ways and Means, the DHHS, and the Administrative Office of the Courts supporting the creation of a waiver program to defray the costs of juvenile justice involvement for families with limited resources. Also include a request that relevant entities provide information on any cost waiver programs already in place to facilitate a best practices assessment and create future uniformity.
10. Send a letter to the governor, the Senate Committee on Finance, the Assembly Committee on Ways and Means, Nevada's Department of Education, and the DHHS urging the establishment of an independent auditor to review complaints and grievances submitted by youth involved in the child welfare and/or juvenile justice systems. Also urge that the relevant agencies determine the feasibility of establishing a complaint system to function in coordination with the SafeVoice system that is currently available to all students, faculty, and parents in Nevada.
11. Send a letter to the governor, the Senate Committee on Finance, and the Assembly Committee on Ways and Means urging that they support and adequately fund the priorities of the Nevada Children's Behavioral Health Consortiums as outlined by the Consortiums in a presentation to the Committee.

12. Send a letter to the Legislative Commission requesting it direct the legislative auditor to audit the results of the family-to-family peer support pilot project authorized under [Assembly Bill 307](#) (2015) to assist youths in Clark County who are at risk of long-term residential treatment.
13. Send a letter to the governor, the Senate Committee on Finance, and the Assembly Committee on Ways and Means urging that they support and fully fund programs for specialized foster care.

I. INTRODUCTION

The Legislative Committee on Child Welfare and Juvenile Justice, in compliance with [NRS 218E.700 through 218E.720](#), evaluates and reviews a broad spectrum of issues related to the provision of child welfare services and juvenile justice administration throughout the state. The Committee was established in 2009 to investigate topics including, but not limited to: (1) child welfare service programs; (2) licensing and reimbursement for foster care and mental health service providers; (3) compliance with federal child welfare and juvenile justice requirements; (4) coordination of juvenile justice community-based programs and services; (5) the availability of treatment programs; (6) representation and treatment of minority youth in the juvenile justice system; (7) gender-specific services; and (8) the quality of care provided in state and local institutions.

In accordance with these statutory guidelines, during the 2017–2018 Interim, the Committee held four meetings at which it received information from local, state, and federal agency representatives and subject area experts on several issues, including:

- National trends and state and local initiatives in juvenile justice reform, including an update from the newly formed Juvenile Justice Oversight Commission ([AB 472](#) [2017]) that will likely be sponsoring legislation during the 2019 Session. The Committee also gathered information on challenges in housing female juvenile offenders and violent juvenile offenders, including alternatives to incarceration for both populations;
- National trends and state and local initiatives in child welfare and child and family services with special emphasis on data collection and services for foster youth, including education initiatives;
- Assistance available to commercially sexually exploited children; and
- State and local programs supporting children’s mental health and assisting homeless youth.

Each of the four Committee meetings was held in Room 4401 of the Grant Sawyer State Office Building in Las Vegas and was videoconferenced to the Legislative Building in Carson City. Audiovisual recordings of each of the meetings and other useful information can be accessed online at the following links:

- [January 24, 2018](#);
- [April 5, 2018](#);
- [June 13, 2018](#); and
- [August 24, 2018](#).

At its final meeting of the interim, the Committee approved six BDRs and the drafting of seven letters urging support of certain programs or that actions be taken in various areas as described in the [Executive Summary](#) and in more detail below.

More information about the Committee’s activities—including minutes, recordings of meetings, and copies of presentations and other exhibits—may be accessed on the Legislature’s website for the [2017–2018 Interim](#).

II. DISCUSSION OF TESTIMONY AND RECOMMENDATIONS

At its final meeting and work session on August 24, 2018, the Legislative Committee on Child Welfare and Juvenile Justice considered a total of 13 proposed actions for legislation, letters, or statements to include in its final report. Additional information regarding all recommendations considered is available in the Committee’s [Work Session Document](#).

A. Juvenile Justice and Commercial Sexual Exploitation of Children

Based on testimony provided by Holly Welborn, Policy Director, American Civil Liberties Union of Nevada (ACLU), at both the first and third Committee meetings, Nevada faces a host of serious challenges in providing adequate and appropriate housing for juvenile offenders. Ms. Welborn noted the ACLU had recently concluded a study titled, [Youth Confinement in Nevada: Facility Assessment and Recommendations for Housing Youth Sentenced as Adults](#), which describes a host of problems—including placing youth offenders in adult facilities and juvenile female offenders either at adult or out-of-state facilities—that are costly and labor intensive and risk putting youth on a path toward recidivism rather than rehabilitation. Ms. Welborn requested that the Committee support an interim study of juvenile detention in Nevada during the 2019–2020 Interim and asked the Committee to urge NDOC to work specifically toward housing female juveniles appropriately within Nevada.

Related to the issue of appropriate housing for youthful offenders is the expense families incur when their children become involved in the criminal justice system. In testimony provided by Denise Tanata, Executive Director, Children’s Advocacy Alliance (CAA), the Committee learned that low-income families often struggle to pay fines and other costs associated with the juvenile justice system, which creates a sometimes insurmountable barrier to helping a child get back on the right track. (Ms. Tanata’s presentation materials can be found here: [CAA](#).) Ms. Tanata also noted that, while several jurisdictions offer waiver programs to defray these costs, there is no uniform reporting on these programs or uniform system in place across the state. Therefore,

Ms. Tanata suggested the Committee draft a letter requesting information from the various jurisdictions on any existing waiver programs so that best practices can be shared and a uniform system can be developed in the future.

The CAA also pointed out that no system currently exists whereby a juvenile justice or child welfare involved youth can file a complaint or grievance without having to deal directly with someone who works within the system about which the child may be complaining. As such, the CAA requested that the Committee urge the establishment of an independent auditor to review youth complaints and ask the relevant agencies to determine the feasibility of integrating a complaint system into the SafeVoice system that is currently available across Nevada.

Finally, CSEC remains a serious problem across the country and in Nevada. In an April 5 [presentation](#) given by members of the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children, established by Governor Brian Sandoval in 2016, the Federal Bureau of Investigation named Las Vegas a “High Intensity Child Prostitution Area,” and the Las Vegas Metropolitan Police Department identified 140 trafficking victims in 2016 alone. Most of these victims are female, and most are initially contacted through an arrest, thus involving them with the juvenile justice system. While the Coalition continues to do a great deal of work in the areas of prevention, detection, interdiction, and decriminalization and providing services to victims, one area where the Committee could be of immediate assistance was in introducing legislation. Nevada needs to ensure that its statutory scheme complies with federal law in order to receive all CSEC funding available to continue its fight against this crime and provide assistance to victims.

In response to these discussions, the Committee chose to move forward with Recommendations 1 through 5, described as follows.

Recommendation 1

Draft legislation requesting an interim study of juvenile detention in Nevada to be conducted by the Legislative Committee on Child Welfare and Juvenile Justice. The study is to include research on utilizing a regional approach to housing children locally, as well as other issues regarding placement of children, including bed space, educational and wellness programming, family and community contact, and other relevant information. **(BDR S-450)**

Recommendation 2

Send a letter urging NDOC to pursue memorandums of understanding with appropriate local or state entities to allow female juvenile offenders to be housed in local rather than out-of-state facilities or the Florence McClure Women’s Correctional Center.

Recommendation 3

Send a letter to the governor, the Senate Committee on Finance, the Assembly Committee on Ways and Means, the DHHS, and the Administrative Office of the Courts supporting the creation of a waiver program to defray the costs of juvenile justice involvement for families with limited resources. The letter is to include a request that relevant entities provide information on any cost

waiver programs already in place in order to facilitate a best practices assessment and create uniformity in the future.

Recommendation 4

Send a letter to the governor, the Senate Committee on Finance, the Assembly Committee on Ways and Means, Nevada's Department of Education, and the DHHS urging the establishment of an independent auditor to review complaints and grievances submitted by youth involved in the child welfare and/or juvenile justice systems. The letter also urges the relevant agencies to determine the feasibility of establishing the complaint system to function in coordination with the SafeVoice system that is currently available to all students, faculty, and parents in Nevada.

Recommendation 5

Draft legislation creating a new Chapter 432C of NRS to ensure compliance with the federal Child Abuse Prevention and Treatment Act of 2010 and the Justice for Victims of Trafficking Act of 2013 and to comply with the Program Improvement Plan as required by the Administration for Children and Families of the United States Department of Health and Human Services. **(BDR 38–457)**

B. Foster Youth

In recent sessions, the Legislature has taken steps to assist foster youth and their families in several critical areas, but more work needs to be done. During this interim, the Committee received information from several interested parties and stakeholders relating to foster care reimbursement rates, funding for specialized foster care programs, foster youth education, independent living stipends for certain foster youth and, on a closely related matter, funding for child-only assistance to fictive kin caregivers.

For an overview of current state and local child and family service programs, including foster care, see the presentation given by Reesha Powell, Deputy Administrator, Division of Child and Family Services (DCFS), DHHS, and Alice LeDesma, Division Director, Social Services, Washoe County ([DCFS presentation](#)). A presentation titled, "[Education Outcomes for Kids in Foster Care](#)," which described the challenges faced by foster children in education generally and in higher education more specifically, and which requested legislative action, was given by Kelly Venci Gonzalez, Esq., Team Chief, Education Advocacy Program, Children's Attorneys Project, Legal Aid Center of Southern Nevada (LACSN), and Xavier Planta, Team Chief, Children's Attorneys Project, LACSN.

As a result of its deliberations on foster care, the Committee approved several recommendations, which are described as follows.

Recommendation 1

Draft legislation to provide children who are adopted before 18 years of age the same financial assistance that is provided pursuant to [NRS 432B.591 through 432B.595](#) to children who remain under the jurisdiction of the juvenile court at 18 years of age and who elect to remain under the jurisdiction of the court after 18 years of age. **(BDR 38–453)**

Recommendation 2

Draft legislation to require that:

- All foster youth have an identified educational decision maker;
- An academic learning plan be attached to foster youth court reports; and
- Court reports include a foster youth’s educational information. **(BDR 40–458)**

Recommendation 3

Draft legislation to amend [Chapter 422A](#) of NRS to provide that, to the extent authorized by federal law, the director of the DHHS is required to include in the state plan for TANF provisions for the payment of child-only assistance to a fictive kin caregiver. **(BDR 38–452)**

Recommendation 4

Send a letter to the governor, the Senate Committee on Finance, the Assembly Committee on Ways and Means, and the DHHS urging that state and local child welfare agencies fund the full cost of child care for foster children at the current market rate.

Recommendation 5

Send a letter to the governor, the Senate Committee on Finance, and the Assembly Committee on Ways and Means urging that they support and fully fund programs for specialized foster care.

C. Child Welfare and Mental Health

In the area of child welfare generally, the Committee has for several years heard concerns from stakeholders across the subject area regarding the inadequacy of the UNITY system that is used to track information on children and families involved with the child welfare system (and frequently the juvenile justice system as well). In the past, the Committee has urged replacement of this proprietary 20-plus-year-old system as it is antiquated, difficult to update or repair, difficult to learn, and does not communicate across platforms as is necessary today. This interim, testimony before the Committee also indicated there is not sufficient clarity or accountability regarding the various funding streams for child welfare programs within the system. Ultimately, these concerns resulted in the Committee approving Recommendation 1, described on the following page.

Since its creation, the Committee has taken an active role in promoting children’s mental health. This interim, various members of the Nevada Children’s Behavioral Health Consortium indicated in testimony (see Agenda Items IX A through IX C of the [April 5, 2018, meeting](#)) that the Committee’s past support was greatly appreciated, and it requested the Committee’s continued support. This request was coupled with a specific request the Committee recommend to the Legislative Commission that the legislative auditor audit the results of the family-to-family peer support pilot program which was authorized by the Legislature in 2015 ([AB 307](#)). These discussions led to the approval of Recommendations 2 and 3, which are described below.

Recommendation 1

Draft legislation requesting an appropriation of \$250,000 to conduct an independent interim study of funding within Nevada’s child welfare system to include a cost-benefit analysis of replacing the UNITY system. The Legislative Committee on Child Welfare and Juvenile Justice will oversee the study. **(BDR S–451)**

Recommendation 2

Send a letter to the governor, the Senate Committee on Finance, and the Assembly Committee on Ways and Means urging that they support and adequately fund the priorities of the Nevada Children’s Behavioral Health Consortiums as outlined by the Consortiums.

Recommendation 3

Send a letter to the Legislative Commission requesting it to direct the legislative auditor to audit the results of the family-to-family peer support pilot project authorized under [AB 307](#) (2015) to assist youths in Clark County who are at risk of long-term residential treatment.

III. SUGGESTED LEGISLATION

The following bill draft requests* will be available during the 2019 Legislative Session at the following website: <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/BDRs/List>.

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| BDR S–450 | Directs the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study relating to juvenile detention in this state. |
| BDR S–451 | Directs the Legislative Commission to appoint a committee to conduct an interim study concerning issues regarding the funding of the child welfare system in this State. |
| BDR 38–452 | Revises provisions relating to fictive kin caregivers. |
| BDR 38–453 | Revises provisions relating to monetary payments paid to juveniles under the jurisdiction of the court. |
| BDR 38–457 | Revises provisions relating to the protection of children. |
| BDR 40–458 | Revises provisions relating to child welfare. |

*The following explains the number or letter preceding the dash in the BDR number that is assigned by the Legal Division during the drafting process:

BDR 40–368 A number denotes the NRS Title (i.e., Title 40), which encompasses the main subject of the bill draft.

BDR R–369 The letter “R” denotes the bill draft is a resolution.

BDR S–370 The letter “S” denotes the bill draft is a special act.