



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

SUMMARY MINUTES AND ACTION REPORT

The first meeting of the Nevada Legislature’s Legislative Committee on Child Welfare and Juvenile Justice was held on Thursday, January 30, 2014, at 9 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 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/77th2013/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).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblyman Jason M. Frierson, Chair
Senator Tick Segerblom, Vice Chair
Senator Scott T. Hammond
Senator Ruben J. Kihuen
Assemblyman John Hambrick
Assemblyman James Ohrenschall

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Patrick Guinan, Principal Research Analyst, Research Division
Bryan Fernley-Gonzalez, Principal Deputy Legislative Counsel, Legal Division
Karly O’Krent, Deputy Legislative Counsel, Legal Division
Janet Coons, Senior Research Secretary, Research Division

OPENING REMARKS

- Chair Frierson welcomed members, presenters, and the public to the first meeting of the Legislative Committee on Child Welfare and Juvenile Justice. He thanked everyone in attendance for their passion regarding juvenile justice issues and the members for accepting their appointments to the Committee.

Chair Frierson introduced the Legislative Counsel Bureau (LCB) staff and discussed meeting protocol. He stated the Committee must complete its work by August 2014 and announced tentative dates for the next three meetings—February 28, March 27, and April 24, 2014.

PUBLIC COMMENT

- Chair Frierson called for public comment; however, no testimony was presented.

PRESENTATION ON ACTIVITIES OF THE LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE DURING THE 2011-2012 INTERIM

- Patrick Guinan, Principal Research Analyst, Research Division, LCB, provided a history of the creation of the Committee, its duties, and past activities from the 2011-2012 Interim. He noted the duties are codified in NRS 218E.715; the Committee is charged with evaluating and reviewing issues related to the provision of child welfare services and juvenile justice in the State. (Please see [Exhibit B](#).)

Mr. Guinan stated that Section 10 of Assembly Bill 202 (Chapter 483, *Statutes of Nevada 2013*) requires the Committee to create a task force to study certain issues relating to juvenile justice. (Please see [Exhibit C](#).) He identified the ten voting members Chair Frierson will appoint to the task force and the issues they will study. Mr. Guinan stated the task force shall state its findings to the Committee and propose recommended legislation ([Exhibit B](#)).

Continuing, Mr. Guinan said the Committee may submit up to ten bill draft requests (BDRs) for consideration by the 2015 Legislature, which will incorporate any legislative proposals from the task force adopted by the Committee. He stated the Committee would hold a Work Session during its last meeting, at which time members would vote to submit BDRs to the LCB's Legal Division on or before September 1, 2014. (The deadline has been extended to September 2, 2014, since September 1 falls on a holiday.)

Concluding his presentation, Mr. Guinan identified the main topics covered by the BDRs submitted during the 2011-2012 Interim:

1. Child care facility background checks;
2. Domestic sex trafficking of minors, child prostitution, and the prosecution of persons accused of pandering and soliciting children;
3. Incarceration and prosecution of juveniles, including parole eligibility for youthful offenders; and
4. Protection of children.

APPOINTMENT OF MEMBERS TO THE TASK FORCE TO STUDY JUVENILE JUSTICE ISSUES OF THE LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE (ASSEMBLY BILL 202, CHAPTER 483, *STATUTES OF NEVADA 2013*)

- Chair Frierson mentioned that Nevada’s Supreme Court oversees the Commission on Statewide Juvenile Justice Reform, of which Assemblymen Ohrenschall and Hambrick are members. To avoid the duplication of efforts and take full advantage of the resources available, he stated his intention of deferring to the Commission for the vetting of juvenile justice issues. Chair Frierson read the list of proposed appointees to the task force:
 1. Assemblyman James Ohrenschall, Chair;
 2. Esther Brown, Founder and Executive Director, The Embracing Project;
 3. Frank Cervantes, Director, Washoe County Juvenile Services;
 4. James “Greg” Cox, Director, Department of Corrections;
 5. Brigid J. Duffy, Deputy District Attorney, Juvenile Division, Family Court and Services Center, Clark County;
 6. Marianne Hamrick, L.C.S.W., Nevada Childhood Cancer Foundation;
 7. Steve McBride, Deputy Administrator, Juvenile Services, Division of Child and Family Services, Department of Health and Human Services;
 8. Shannon Richards, Deputy Attorney General, Office of the Attorney General;
 9. Susan D. Roske, Chief Deputy Public Defender, Juvenile Division, Office of the Clark County Public Defender; and
 10. The Honorable William O. Voy, District Justice, Eighth Judicial District Court, Department A, Family Division, Clark County. (Please see [Exhibit D.](#))

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

ASSEMBLYMAN HAMBRICK MOVED TO APPROVE THE LIST OF APPOINTEES TO THE LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE'S TASK FORCE TO STUDY JUVENILE JUSTICE ISSUES. THE MOTION WAS SECONDED BY SENATOR SEGERBLOM AND PASSED UNANIMOUSLY.

PRESENTATION BY THE NEVADA SUPREME COURT'S COMMISSION ON STATEWIDE JUVENILE JUSTICE REFORM

- The Honorable Nancy M. Saitta, Associate Justice, Nevada Supreme Court, presented background information on the creation, the members, and the mission statement of the Commission on Statewide Juvenile Justice Reform. She said the Commission would study and evaluate: (1) the continuum of care; (2) the availability and needs of regional facilities and programs; (3) the redirection of more State commitment funds to community-based services and commitment alternatives; (4) the implementation of judicial protocols; and (5) the identification of long-term funding stabilization plans to prioritize juvenile justice funding. (Please see [Exhibit E.](#))

Associate Justice Saitta identified nationally recognized experts who have made presentations to the Commission, as well as "snapshot" presentations of Nevada's juveniles presently in State commitment as of November 4, 2011. She said the Commission has learned it is beneficial to keep children near their homes and families. Associate Justice Saitta added many states are moving away from a rural model toward a regional model with facilities centrally located near the offending youths and their families. She shared the Commission has also learned the following about juvenile justice: (1) states have placed conditions on who can be incarcerated or committed to state facilities; (2) national juvenile crime rates have been reduced; (3) investing in early intervention and providing community-based programming reduces the number of youths in the deep end of the system; (4) states have developed new funding formulas through collaborative efforts with their legislatures; (5) the adoption of best practices is beneficial overall; and (6) data is vital to tracking the success of programs to determine additional services needed.

Associate Justice Saitta reported the accomplishments of the Commission:

1. Legislation from the 2013 Session that includes Senate Bill 31 (Chapter 155, *Statutes of Nevada*), S.B. 106 (Chapter 156, *Statutes of Nevada*), and S.B. 108 (Chapter 191, *Statutes of Nevada*);
2. The reopening of Summit View, renamed Red Rock Academy;
3. The School Attendance Review Board pilot program in Clark County; and
4. The development of a uniform data dictionary.

Associate Justice Saitta explained the Commission has appointed subcommittees to review various juvenile justice issues such as: (1) identifying locations for a Northern Nevada regional juvenile facility; (2) researching the feasibility of a collocated facility; (3) developing a uniform method of data collection; (4) developing a juvenile competency statute; (5) studying and reviewing the sealing of juvenile court record statutes; and (6) developing priorities following the review and evaluation of national best practices on school discipline and “zero tolerance” policies.

Concluding her presentation, Associate Justice Saitta stressed that the Commission encourages collaboration, open communication, and the sharing of resources with the Legislative Committee on Child Welfare and Juvenile Justice and its task force in order to bring legislative recommendations forward during the 2015 Session.

- The Honorable James W. Hardesty, Associate Justice, Nevada Supreme Court, stated the Commission will also address the absence of adequate mental health resources and the placement of children outside Nevada due to a lack of mental health facilities. Stressing these are significant areas of concern for the Commission, he expressed his hope that the Legislature will make them a priority during the 2015 Session. Without the improvement of mental health assistance, counselors, and facilities, Associate Justice Hardesty maintained that juveniles will continue to have repeat problems extending into their adult lives.

He recognized Stephanie Heying, Court Services Analyst, Judicial Programs and Services, Administrative Office of the Courts, for providing extraordinary assistance to the Commission.

- Associate Justice Saitta acknowledged John McCormick, Assistant Court Administrator, Judicial Programs and Services, Administrative Office of the Courts, for his service to the Commission.
- Senator Segerblom mentioned a Supreme Court decision regarding the Adam Walsh Act and juvenile sex offenders. He asked if the Commission was going to address this topic, to which Associate Justice Saitta responded it would consider the issue and bring a recommendation forward.

PRESENTATION ON COST-EFFECTIVE APPROACHES TO JUVENILE JUSTICE THAT INCREASE PUBLIC SAFETY

- Marc A. Levin, Director, Center for Effective Justice, Texas Public Policy Foundation and Policy Director, Right on Crime, Austin, Texas, applauded Nevada’s work regarding juvenile justice issues. He stated the Right on Crime initiative addresses personal responsibility and holds offenders and the system accountable for results; it emphasizes treatment, rehabilitation, and restitution for victims of crime.

Mr. Levin shared that large-scale abuse of youths in Texas facilities was the impetus for significant reform of the state's juvenile justice system in late 2006 and early 2007. He said Texas adopted a policy that does not allow misdemeanants in state lockups. Mr. Levin discussed how the successful enactment of grant-funded commitment reduction programs in the counties has decreased the number of youths locked up in Texas from 5,000 to approximately 1,300. He added that the juvenile crime rate has continued to decline with fewer juvenile arrests, and Texas is experiencing its lowest overall crime rate since 1968.

Addressing Nevada's juvenile justice system, Mr. Levin pointed out that secure facilities consume \$18.2 million of the current \$25.9 million budget. He noted the Nevada Youth Training Center in Elko has 160 beds but is budgeted for only 110 beds; it operates at a level of 65 to 75 youths, which indicates significant overcapacity. Since Elko is far-removed from where most of the youths come from, he expressed pleasure that the Commission is moving toward a regional model. Mr. Levin reported that research shows keeping youths closer to their families, churches, and other sources of community support garners better results.

Mr. Levin made the following recommendations regarding Nevada's juvenile justice system for consideration by the Committee:

1. Have valid risk and needs assessments throughout the entire system;
2. Have the right level of ongoing supervision; and
3. Have strong performance measures to indicate success of programs.

According to Mr. Levin, a three-year recidivism rate is often the standard in corrections; therefore, he suggested having benchmarks throughout an entire program. Mr. Levin explained that the Massachusetts Youth Screening Instrument, used for youths with mental illness, indicates if symptoms or conditions are improving within a few months rather than waiting three years to see results. He added that many states are moving to a system wide, electronic risk and needs assessment, beginning from intake, to show intervention and results. Mr. Levin favored solid treatment programs because 30 to 40 percent of the youths incarcerated across the country suffer from mental illness.

Citing trends in juvenile justice reform around the country, Mr. Levin encouraged the Committee to consider the following recommendations for Nevada:

1. Limit incarceration to status offenders and find alternatives other than detainment for runaways or minors possessing alcohol;
2. Incorporate police diversion with victim-offender mediation when possible;
3. Investigate the tier-disciplinary model regarding school discipline and "zero tolerance" policies;

4. Eliminate certification to adult court for nonviolent offenses;
 5. Reduce the wait time for sealing records in nonviolent cases from three years to one or two years, and narrow the exclusion of sealing records until age 30 to category A and B violent offenses;
 6. Amend the statute that declares an eight-year-old can be held criminally responsible; and
 7. Consider misdemeanor and nonviolent offenses by 17-year-olds who are first-time offenders be tried in the juvenile justice system.
- Chair Frierson said the 2013 Nevada Legislature addressed eight-year-olds being criminally responsible and changed the minimum certification age to 13.

Responding to a question by Chair Frierson if any reforms in the Texas juvenile justice system or other states have been translated to actual cost savings, Mr. Levin replied that Texas is spending approximately \$300 million less on juvenile justice than it was four years ago due to fewer youths being incarcerated. He noted the national average spent is \$350 per youth per day in a secure facility, whereas juvenile probation typically costs \$15 to \$20 per youth per day. Mr. Levin said that many states now recognize some youths do not need incarceration in secure facilities, but they do need more than basic probation. He pointed out that in-home programs costing \$50 to \$60 a day provide a huge savings compared to putting youths behind bars.

- Chair Frierson asked Mr. Levin to discuss why and how Texas stakeholders agreed to the changes in their state's juvenile justice system and if the \$300 million in savings was reinvested in the work of the stakeholders, providing them an actual benefit.
- Mr. Levin explained that abuses or budgetary pressures normally bring about change in most states. He said the abuse scandal in Texas put its juvenile justice system on the radar. Mr. Levin cited that youths who become career criminals cost victims and taxpayers \$2 million to \$3 million; therefore, keeping families together is important. He suggested that parents engaged with appropriate services can become more effective and be positive influences for their children. Whether youths are in a residential or state secure facility, he stressed that having access to services and mental health treatment is critical. Regarding the political aspect, he could not think of an issue across the county involving more bipartisanship than juvenile justice reform.
- Repeating Mr. Levin's earlier recommendations of having risk and needs assessments, the right level of supervision, and strong performance measures when juveniles come into the system, Senator Hammond asked if there is any available data that demonstrates the need for these benchmarks.
- Mr. Levin cited the Juvenile Detention Alternative Initiative programs in Clark and Washoe Counties as good examples of ensuring youths come to court for their hearings and helping to reduce recidivism. He said assessment instruments have improved

throughout the nation; the assessment questions consider factors such as attitude toward authority, mental illness, peer groups, prior offense history, and substance abuse in order to identify youths as low, medium, or high risk. Mr. Levin added that assessment also determines the level of supervision and the juvenile probation caseload.

Senator Hammond and Mr. Levin discussed the validation of assessment instruments. Mr. Levin mentioned the Ohio Risk Assessment System developed by Edward Latessa, Ph.D. from the University of Cincinnati that includes an inventory of questions for pretrial, incarceration, and after treatment or release. He stressed the importance of validating the assessment instrument on the population in question. For example, Mr. Levin shared that some instruments do not work well on girls because they have different pathways into crime, adding that the factors predicting recidivism for men and women are different from the factors that apply to boys and girls. He recommended the Committee complete a validation study in Nevada on any assessment instrument it uses. Mr. Levin suggested the Committee invite Professor Latessa to give a presentation at one of its meetings.

Assemblyman Ohrenschall and Mr. Levin discussed how long the Texas reforms have been in place. Mr. Levin said that Texas passed Senate Bill 103 in 2007, which declared the state would no longer house misdemeanants, and it shortened the length of stay at the state level by evaluating youths after 12 months of incarceration.

Responding to Assemblyman Ohrenschall's question of whether Texas tracks recidivism in both the juvenile system and the adult system, Mr. Levin stated the recidivism numbers in Texas include the adult system. Citing a national trend of reduced recidivism, he added there is no correlation between states with increased incarceration and those with lower crime rates. Mr. Levin encouraged the Committee to look at blended sentencing, particularly for an offense subject to certification. By offering blended sentencing as an alternative to certification, he said youths receive the benefit of starting in a more age-appropriate setting. According to Mr. Levin, research indicates that youths in adult facilities are vulnerable to abuse by guards and inmates and are not likely to receive the necessary programming.

- Referring to a national statistic that says youths placed in the juvenile justice system are likely to be there for four years because of probation violations and new offenses, Assemblyman Ohrenschall asked how that statistic compares to states with active reform, such as Texas and Missouri.
- Mr. Levin replied that 70 percent of the nation's youths who commit one offense never commit another, and the remaining 30 percent tend to come back, many of whom end up in the adult system. He said Texas does not have data indicating how many state adult inmates were previously in the juvenile system, but he did mention a study where adult prison inmates were asked what the juvenile system could have done differently to prevent them from entering the adult system. Mr. Levin shared that many of the inmates claimed they did not receive the appropriate treatment or rehabilitation while in the juvenile justice system.

Assemblyman Ohrenschall and Mr. Levin discussed how Texas counties are spending their grant money. Mr. Levin said the reduction in juvenile incarceration in Texas is a result of youths placed in residential and nonresidential programs who otherwise would have gone to state-secured facilities.

Discussion ensued between Chair Frierson and Mr. Levin regarding how Texas deals with the dilemma of exposing nonviolent youths to violent offenders. Mr. Levin said the offense level is not always predictive of the custody or classification level, adding that sometimes the most disruptive kids are not the violent offenders. Stressing that a facility will never be free of disturbances, Mr. Levin stated that appropriate staffing levels and effective training with de-escalation techniques are critical. He mentioned that Texas has the option of moving youths who commit an offense in a facility or who are persistently disruptive into the adult system.

Assemblyman Ohrenschall and Mr. Levin discussed youths who use drugs and alcohol as status offenders. Assemblyman Ohrenschall explained that Nevada could charge youths found to be under the influence and on juvenile probation at the felony level. Mr. Levin defined a status offense as anything done legally as an adult but not as a child. He is of the opinion that charging youths under the influence with a felony is too high; he suggested Nevada charge them with a status offense and take them into custody for treatment.

- Given that research shows that children’s brains do not fully develop until the age of 25, Senator Segerblom asked if any states are trying to raise the age level of juvenile offenses.
- Mr. Levin replied that even though brain development can take 25 years, no states have raised the age of juvenile offenders to that level. He stated that 17-year-olds are considered juveniles in the majority of states, except in violent certification cases.

PRESENTATION ON NATIONAL TRENDS IN CHILD WELFARE AND JUVENILE JUSTICE

- Anne S. Teigen, Senior Policy Specialist, Juvenile Justice Program, National Conference of State Legislatures (NCSL), shared a Microsoft PowerPoint presentation titled, “Legislative Trends and Promising Approaches in Juvenile Justice Reform.” (Please see [Exhibit F.](#)) Ms. Teigen stated that the increase in juvenile violence in the 1990s resulted in all 50 states passing policies to hold more young offenders accountable through adult sentencing. She pointed out that in 2014, juvenile justice systems have been shifting away from punitive policies due to:

1. A steady decline in juvenile crime rate;
2. The current economic climate;
3. The availability of new and better research; and
4. Rulings of the United States Supreme Court.

Ms. Teigen identified the current priorities of juvenile justice systems: (1) promote public safety; (2) produce positive outcomes for kids; and (3) be cost-effective. She noted that state legislatures have focused on exploring innovative approaches to carry out these priorities.

Continuing, Ms. Teigen highlighted eight legislative trends of the past decade in the juvenile justice system:

1. Keeping youths in the juvenile system and out of the adult system by expanding the jurisdiction of juvenile courts, reforming transfer and direct file laws, and addressing juvenile competency;
2. Providing due process protections and preserving the constitutional rights of offenders through quality legal counsel and addressing indigent defense;
3. Developing community-based preventions and interventions through evidence-based practices, diversion and cost-benefit analysis, and addressing the “school to prison pipeline”;
4. Treating mental health needs of juvenile offenders with proper screening and assessment;
5. Reforming detention and corrections by exploring ways to reduce the unwarranted detention of certain juveniles, providing meaningful alternatives to detention, and developing risk-assessment instruments;
6. Attending to disproportionate minority contact by studying its causes and identifying strategies of reduction;
7. Improving reentry and aftercare by passing laws to improve post-release supervision, successful home transitions, job training and assessment, and addressing the confidentiality and expunging of juvenile records; and
8. Focusing on the increasing number of girls in the juvenile justice system through the enactment of safe harbor laws for victims of human trafficking and gender-responsive programming statutes.

Ms. Teigen mentioned a postcard published by NCSL that includes definitions of transfer and direct file laws (<http://www.ncsl.org/research/civil-and-criminal-justice/juvenile-age-of-jurisdiction-and-transfer-to-adult-court-laws.aspx>). She explained that certification closely resembles statutory exclusion in other states where state law excludes some classes of cases involving juvenile-age offenders from juvenile court.

Ms. Teigen shared that legislative trends over the past decade reflect a new understanding of adolescent brain development and the value of cost-effective measures that save money, increase public safety, and produce better outcomes for youths. She suggested the John D. and Catherine T. MacArthur Foundation's Models for Change initiative would be a valuable resource for the Committee. Ms. Teigen noted that NCSL maintains a database that tracks juvenile justice bills from all 50 states.

Responding to a request by Assemblyman Ohrenschall for data on the number of youths in the juvenile justice system that end up incarcerated as adults, Ms. Teigen replied she would look for data regarding long-term recidivism.

- Chair Frierson acknowledged that NCSL has been a tremendous resource to Nevada regarding juvenile justice issues.
- Nina Williams-Mbengue, Program Director, Children and Families Program, NCSL, shared a Microsoft PowerPoint presentation which provided an overview of national policy trends related to child welfare; the Title IV-E child welfare waiver demonstration projects; and state legislative trends. (Please see [Exhibit G.](#))

Ms. Williams-Mbengue discussed the number and types of cases reported to the child welfare system in 2011; foster care placements in 2012; and caseload trends of children in care from 2005 through 2012. She noted a significant decline in foster care caseloads across the nation, according to the Adoption and Foster Care Analysis and Reporting System, adding that beginning in 2008, the number of children leaving care has surpassed the number of children entering care. Ms. Williams-Mbengue pointed out that some decline in Nevada's caseloads was evident from 2008 through 2011.

Assemblyman Ohrenschall asked if the chart referencing foster care placements included group homes, to which Ms. Williams-Mbengue replied it included all children in foster care, including group homes, under the age of 18.

- Continuing, Ms. Williams-Mbengue discussed the Title IV-E child welfare waiver demonstration project, explaining that Title IV-E is the federal source of funding for foster care across the nation. She said the U.S. Department of Health and Human Services may approve up to ten waiver projects per year during federal fiscal year (FY) 2012 to FY 2014 that are designed to: (1) increase permanency for all infants, children, and youths by reducing their time in foster care placements; (2) increase positive outcomes for infants, children, youths, and families in their homes and communities; and (3) prevent child abuse and neglect and the reentry of infants, children, and youths into foster care. Ms. Williams-Mbengue identified the states that have received waiver projects and their areas of focus. She stressed that foster care money is used to experiment with innovative programs that will have a positive impact on children, youths, and families. Ms. Williams-Mbengue also identified various interventions that states are testing in the waiver projects.

- Ms. Williams-Mbengue identified four recent trends and practices impacting child welfare policy:
 1. Foster care caseload reduction;
 2. State flexibility opportunity through Title IV-E waiver and reinvestment into prevention and early intervention services;
 3. Emphasis on the use of evidence-based practice in foster care;
 4. Focus on social and emotional well-being for children and youths in foster care.

- According to Ms. Williams-Mbengue, recent legislative trends impacting child welfare policy have focused on:
 1. Prevention and early intervention through differential response programs, family group and team decision-making, and home visitation programs;
 2. Supporting relative caregivers with kinship guardianship assistance programs, relative notification, and licensing;
 3. Achieving permanency through roundtables, educating children in foster care, improving court performance, reinstating parental rights, youths participating in hearings, and improving legal representation for children and families;
 4. Supporting older youths by extending foster care beyond age 18 and supporting post-secondary educational efforts;
 5. Focusing on children of color; and
 6. Addressing Indian child welfare.

Ms. Williams-Mbengue mentioned that the NCSL has formed a partnership with the National Governors Association, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges to work with the legislators of seven states, child welfare agency executives, judicial representatives, and Medicaid and medical directors to develop strategic, statewide plans that deal with the social and emotional well-being of children in their states. She cited examples of legislative initiatives from Connecticut, West Virginia, and Wisconsin.

Concluding her testimony, Ms. Williams-Mbengue referred to a list of state legislative items tracked by NCSL. She noted the most requested item is mandatory reporting of child abuse and neglect in the wake of The Pennsylvania State University scandal. She added that NCSL has received many questions about improving the adoption process from foster care. Ms. Williams-Mbengue shared that the Washington State Institute for Public Policy and the California Evidence-Based Clearinghouse for Child Welfare are effective resources for child welfare.

Responding to a question by Senator Hammond regarding what is being done to streamline the adoption process, Ms. Williams-Mbengue replied that many states are: (1) determining if the courts are backlogged with cases; (2) making the process more attractive for kin to adopt children; (3) improving the recruitment of foster families; and (4) evaluating statutes for lengthy court or hearing deadlines.

Addressing a request by Assemblyman Ohrenschall for information on how states handle situations when youths are in both the child welfare and juvenile justice systems, Ms. Williams Mbengue acknowledged this is a huge problem. Ms. Teigen added that systems integration is a critical area reviewed by the Model for Change Resource Center Partnership. She said reports would be coming out next year, but she could possibly provide current information.

- Chair Frierson encouraged the members of the Committee to consult NCSL for any information they may need.

PRESENTATION ON PROGRAMS OF THE CLARK COUNTY DEPARTMENT OF FAMILY SERVICES (CCDFS)

- Lisa Ruiz-Lee, Director, CCDFS, shared a Microsoft PowerPoint presentation that highlighted the history of the child welfare structure of Nevada and a child's journey through the foster care system. (Please see [Exhibit H](#).) She acknowledged the State and its many partners that make child welfare work in Nevada.

Ms. Ruiz-Lee discussed the array of child welfare services provided by Clark County. She shared that child welfare is complicated, being comprised of more than 27 program divisions. Ms. Ruiz-Lee focused on the Southern Nevada Children's Assessment Center, the only accredited children's assessment center in Nevada for children and families suspected to be victims of sexual abuse. She explained that family advocates, law enforcement, medical facilities, mental health experts, and a nationally recognized forensic interviewing staff are all located on-site, creating a child-centered and child-friendly environment that provides all the services needed at one time.

Ms. Ruiz-Lee presented data regarding the age, ethnicity, gender, and race of children currently in care. She discussed the number of intake (hotline) calls from 2010 through 2013, noting the total and average numbers of abandoned, community, and emergency calls.

Responding to Senator Hammond's request for a definition of abandoned calls, Ms. Ruiz-Lee explained they are calls where people hang up, usually within the first 30 seconds, before the assessment worker has had a chance to answer. She said the tracking of abandoned calls indicates wait times, which is important because CCDFS has a standard of trying to answer calls in five minutes or less.

Assemblyman Hambrick asked if CCDFS has the capability of returning the lost calls, to which Ms. Ruiz-Lee replied it does not because the system does not log telephone numbers. She mentioned CCDFS is looking at a new system that utilizes an online “chat” function to increase its accessibility to mandated reporters of abuse and neglect.

- Continuing, Ms. Ruiz-Lee addressed the workload of Child Protective Services (CPS) investigations. She said economic contributing factors, statute changes in mandatory reporting, and intake service alignment and retraining have contributed to an increased workload. Ms. Ruiz-Lee pointed out a significant increase of physical injury (abuse/neglect) allegations in 2013.

Assemblyman Ohrenschall asked if CCDFS investigates cases of children born with fetal alcohol syndrome or drug addiction, to which Ms. Ruiz-Lee replied it does receive reports identifying substance-exposed infants. She explained that CCDFS provides appropriate services to support the family, but if a substance-exposed infant is the only allegation reported, Ms. Ruiz-Lee claimed that is not a legal reason to maintain long-term involvement with the family.

- If an intake assessment and a CPS investigation on a child coming into the welfare system indicate that long-term oversight is necessary, Ms. Ruiz-Lee said the child would be transitioned to permanency services. She noted that 51 percent of the children in care remain with their parents or relatives and that placement stability is improving.

Ms. Ruiz-Lee discussed case outcomes and caseload sizes. She indicated the length of time to adoption has decreased by more than 240 days since 2010; family reunifications have been up by 40 percent in the last two years; and the highest annual adoption finalizations have occurred in the last three years. Ms. Ruiz-Lee stated that CCDFS added 50 additional positions last year and will focus on adding staff to CPS in 2014 to offset workload increases from 2013.

Continuing, Ms. Ruiz-Lee identified improvement initiatives taking place in Clark County and at the State level:

1. Building connections and community partnerships and engagement, focusing on the Safety Practice Model: Safety Intervention Permanency System and the Quality Parenting Initiative;
2. Enhancing license reviews that include user-friendly materials and written expectations for the review process and compliance, group meetings with providers to review changes and agency expectations, individual agency meetings to review requirements and documentation, and new contract language that focuses on quality of care requirements;
3. Expanding the Specialized Foster Care Pilot Program from 33 to 180 children with outcomes addressing hospitalizations, placement disruptions, and psychotropic medications; and

4. Implementing the Youth At-Risk of Homelessness Planning Grant that will focus on data sharing and collaboration, education and employment, permanent connections, service capacity building and resource utilization, social and emotional well-being, and stable housing.

Responding to a question by Assemblyman Ohrenschall regarding the average number of children per each licensed home, Ms. Ruiz-Lee explained that CCDFS licenses a regular foster home for 0 to 6 beds and a group home for 7 to 15 beds. She stated a facility having more than 15 beds is licensed through the State as institutional.

Assemblyman Ohrenschall asked if CCDFS places siblings together in a licensed home, to which Ms. Ruiz-Lee replied CCDFS has experienced success with sibling preservation. She said as the number of beds decline, keeping siblings together becomes difficult, especially during the holidays. Ms. Ruiz-Lee added that CCDFS can adjust the number of licensed beds in order to meet the needs of siblings.

- Ms. Ruiz-Lee discussed two areas of opportunity: (1) the specialized foster care rate structure and (2) investigations of entities by CPS. She supported the changes made by Medicaid to the existing rate structure because the previous system created room for fraudulent activity and the billing of unnecessary services. Ms. Ruiz-Lee strongly suggested that since the funding model has changed considerably due to Medicaid changes, a conversation about what a placement rate for specialized foster care should look like and how it should be funded needs to take place.

Regarding the investigations of entities, Ms. Ruiz-Lee referred to the statutory language in Chapter 432B of NRS, "Protection of Children From Abuse and Neglect," which focuses on the responsibility of a "person" as it applies to a child's welfare. She stated a problem exists because a "person" may not always be responsible for a child's welfare; an entity, such as a correctional facility or a foster care agency, could be responsible. Ms. Ruiz-Lee said that CCDFS has found reasonable cause to believe that child abuse and neglect has occurred because of the action, or inaction, of an entity responsible for a child's safety. She questioned whether CCDFS has the statutory authority to take action against an entity since it is not a person; therefore, Ms. Ruiz-Lee suggested statutory language might need adjustments or revisions. She added that some of these entities have separate licensing boards and some do not.

Concluding her testimony, Ms. Ruiz-Lee stated that Nevada has made significant progress regarding its child welfare system. She praised the dedicated staff for saving children's lives every day. Ms. Ruiz-Lee acknowledged there is room for improvement, and she requested the Committee's help in accomplishing that goal.

- Chair Frierson echoed Ms. Ruiz-Lee's sentiments regarding the staff.

UPDATE ON CHILD SUPPORT PROGRAMS AND LEGISLATIVE PROPOSALS

- Teresa Lowry, Assistant District Attorney, Family Support Division, Clark County District Attorney's Office, presented two slides to demonstrate the current progress of the Child Support Enforcement Program (Program) for Nevada and Clark County. (Please see [Exhibit I](#).) She stated that Nevada serves over 118,000 children and collects over \$200 million for their support; Clark County alone collects over \$125 million. Ms. Lowry identified four federal performance measures that make the Program performance-based and data-driven: (1) establish paternity; (2) establish orders; (3) collect current child support; and (4) collect child support in arrears. She pointed out that in 2009, Nevada ranked almost last regarding the federal performance measures, but she added there has been evidence of yearly improvement since then.

Ms. Lowry shared that Clark County is the recipient of two national awards for most improved program and an award for the best outreach program for child support. She discussed how the child welfare system and the Program serve many of the same families and children. Ms. Lowry said the Program is exceptionally collaborative at the State level with county programs. She explained that a statewide task force, resulting from the Legislature's 2005 audit of the Program and the MAXIMUS study, has been working to improve and institute best practices in the smaller counties as well as in Clark County, which carries almost 60 percent of the State's caseload.

Ms. Lowry provided an update on the improved performance of the Program. She said it is 66 percent federally funded with the counties funding the remaining 34 percent. Ms. Lowry reported that Nevada earned over \$3.3 million in federal incentive dollars in FY 2012 because of improved program performance. She explained the counties pool their percentages and collaboratively decide what is best for the Program statewide.

Ms. Lowry shared information about an upcoming feasibility study on the NOMAD operating system, which is the State system that runs the Program. She said a report from December 2006 concluded that the NOMAD system was antiquated, archaic, and did not work. Ms. Lowry stated the 2013 Legislature approved a feasibility study for FY 2014-2015, which the Division of Welfare and Supportive Services of the Department of Health and Human Services will manage. She expressed her support of the study and encouraged the Committee to look at the final report when it becomes available, stressing that the federal government will pay 66 percent of the cost to replace the antiquated system.

Ms. Lowry discussed possible revisions to current laws regarding a statewide notification system for the Program. She explained that when parents who owe child support come into money for whatever reason, a notification system is not set up to access that money. Ms. Lowry suggested a statewide lien registry would give the Program an opportunity to increase child support collections. She said she would look

to this Committee for a BDR during the 2015 Session to further improve the Child Support Enforcement Program.

Assemblyman Hambrick and Ms. Lowry discussed why there was no request made during the 2013 Session to update the NOMAD system. She explained that the federal government requires a feasibility study before replacing a database or operating system. Ms. Lowry stated the 2013 Legislature approved the first step of the process.

- Assemblyman Hambrick commented that in some jurisdictions, the court pays the court-ordered financial settlements and the parents then pay the court. He suggested parents are more likely to pay child support in this scenario.
- Ms. Lowry assured the Committee that Nevada uses every tool possible from mediation to the court process to enforce child support payments.
- Chair Frierson stated that from a policy standpoint, the Committee would communicate with Ms. Lowry to provide the tools necessary for the Program.

PUBLIC COMMENT

- Chair Frierson called for public comment.
- Dave Doyle, Director of Operations, Eagle Quest, stated he has been a dedicated foster parent for ten years. He conveyed a sense of urgency regarding the State's funding for specialized foster care. Not only does the funding affect 300 child welfare children, Mr. Doyle indicated it also affects a large proportion of juvenile justice children who suffer from mental health illness. He explained that Medicaid's removal of the notification process for basic skills training created a 70 percent reduction in funding to the providers who house these children. Mr. Doyle shared that Eagle Quest provides care and stable homes for 175 children on a daily basis but is now receiving less than what it pays its foster parents because of the reductions. He stressed that immediate change is necessary. Mr. Doyle said Assembly Bill 348 (Chapter 306, *Statutes of Nevada 2013*) increases the quality of care by providing checks and balances on foster parents, but doing so in lieu of no funding is catastrophic. Stating that Eagle Quest might have to close its doors within 30 days, Mr. Doyle strongly encouraged the Committee to consider this urgent matter.
- Chair Frierson expressed frustration over the federal government taking action when the Nevada Legislature is not in session.
- Ken Lange, Executive Consultant, Nevada Youth Care Providers (NYCP), said he is representing the 25 member agencies of the NYCP. He provided written testimony regarding the funding for specialized foster care. (Please see [Exhibit J.](#)) Mr. Lange stated that specialized foster care homes, once called therapeutic foster homes, have been active in the State for 20 years and are an integral part of the child welfare

system. He suggested the previous rate structure—where rates were unbundled—was a bad idea in the beginning and is still a bad idea. Mr. Lange said the problem is the discussion that needed to take place did not, and Nevada chose to fund specialized foster care through Medicaid.

He explained that NYCP has instituted a tracking process to monitor the overall impact of the funding cuts, and after the first three weeks, front-end denials have cut prior authorizations by 50 percent. Mr. Lange said this means that in 30 days an agency will no longer be able to receive compensation for the services it had been providing to children. He added that even large organizations with national structures are looking at the situation with extreme alarm. Based on daily rates of approximately \$120 to \$150 a day per child, Mr. Lange said Nevada would need about \$14 million over the course of any given year to prevent children from experiencing disruption and suffering a potential loss of significant capacity in the child welfare system. In 30 to 60 days, he claimed agencies would more than likely not be able to take these kids because they will be unable to pay their staff or cover costs. Mr. Lange suggested the State will need to put an emergency measure in place and talk about blended funding streams or waivers. Stressing that Mr. Doyle's testimony supports the urgency of this matter firsthand, he asked the Committee for its help.

Concluding his testimony, Mr. Lange identified three additional areas of opportunity he would like to see addressed during the interim and the 2015 Session: (1) foster care and its relation to school achievement; (2) mental health issues; and (3) support given to biological parents.

- Chair Frierson thanked Mr. Lange for his testimony and said the Committee could only address these issues in a limited fashion during the interim, but would share all information received and relay the sense of urgency.
- Chair Frierson announced the next meeting of the Legislative Committee on Child Welfare and Juvenile Justice is scheduled for February 28, 2014.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1:47 p.m.

Respectfully submitted,

Janet Coons
Senior Research Secretary

Patrick Guinan
Principal Research Analyst

APPROVED BY:

Assemblyman Jason M. Frierson, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Patrick Guinan, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a memorandum dated January 30, 2014, to the members of the Legislative Committee on Child Welfare and Juvenile Justice from Patrick Guinan, Principal Research Analyst, Research Division, LCB, regarding the Overview of the Legislative Committee on Child Welfare and Juvenile Justice.

[Exhibit C](#) is a summary of Assembly Bill 202 (Chapter 483, *Statutes of Nevada 2013*), provided by Patrick Guinan, Principal Research Analyst, Research Division, LCB.

[Exhibit D](#) is a list of the members appointed to the Task Force to Study Juvenile Justice Issues of the Legislative Committee on Child Welfare and Juvenile Justice, furnished by Patrick Guinan, Principal Research Analyst, Research Division, LCB.

[Exhibit E](#) is a Microsoft PowerPoint presentation titled, “Commission on Statewide Juvenile Justice Reform,” provided by Associate Justice James W. Hardesty, Co-Chair, Nevada Supreme Court, and Associate Justice Nancy M. Saitta, Co-Chair, Nevada Supreme Court.

[Exhibit F](#) is a Microsoft PowerPoint presentation titled, “Legislative Trends and Promising Approaches in Juvenile Justice Reform,” dated January 30, 2014, submitted by Anne Teigen, Program Principal, Criminal Justice, National Conference of State Legislatures (NCSL).

[Exhibit G](#) is a Microsoft PowerPoint presentation titled, “Better Results for Kids: Overview of State Child Welfare Trends,” dated January 30, 2014, furnished by Nina Williams-Mbengue, Program Director, Children and Families Program, NCSL.

[Exhibit H](#) is a Microsoft PowerPoint presentation titled, “Clark County Department of Family Services,” dated January 30, 2014, provided by Lisa Ruiz-Lee, Director, Clark County Department of Family Services.

[Exhibit I](#) is a document titled, “Child Support and Family Services Statistics,” provided by Teresa Lowry, Assistant District Attorney, Family Support Division, Clark County District Attorney’s Office.

[Exhibit J](#) is the written testimony of Ken Lange, Executive Consultant, Nevada Youth Care Providers, dated January 30, 2014.

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 and other materials distributed at the meeting 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.