

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Eighty-Second Session
March 13, 2023**

The Committee on Judiciary was called to order by Chair Brittney Miller at 9 a.m. on Monday, March 13, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Brittney Miller, Chair
Assemblywoman Elaine Marzola, Vice Chair
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Lesley E. Cohen
Assemblywoman Venicia Considine
Assemblywoman Danielle Gallant
Assemblyman Ken Gray
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Selena La Rue Hatch
Assemblywoman Erica Mosca
Assemblywoman Sabra Newby
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Devon Kajatt, Committee Manager
Traci Dory, Committee Secretary
Ashley Torres, Committee Assistant

OTHERS PRESENT:

Jennifer Robertson, Private Citizen, Las Vegas, Nevada
Leann McAllister, Executive Director, Nevada Chapter, American Academy of Pediatrics
Joanna Jacob, Manager, Government Affairs, Clark County
Cadence Matijevich, Government Affairs Liaison, Office of the County Manager, Washoe County
Jonathan Norman, Statewide Advocacy, Outreach, and Policy Director, Nevada Coalition of Legal Service Providers
Steven Cohen, Private Citizen, Las Vegas, Nevada
Dora Martinez, Private Citizen, Reno, Nevada

Chair Miller:

[Roll was called. Committee protocol was explained.] Our agenda today has one bill hearing and a work session, but we are also going to add a bill draft request (BDR) introduction. We will start with the bill draft introduction.

As a reminder, Committee, we are just voting so that the bill draft request can become a bill. We are voting to introduce it, and we will still have a full hearing on it and your votes may change accordingly.

I have BDR 15-473 and am seeking a motion to introduce it.

BDR 15-473—Revises provisions relating to the prosecution of certain crimes. (Later introduced as [Assembly Bill 291](#).)

ASSEMBLYWOMAN MARZOLA MOVED TO INTRODUCE BILL
DRAFT REQUEST 15-473.

ASSEMBLYWOMAN NEWBY SECOND THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Next on our agenda, we have two items on work session. With the work session, this is our vote to move it out of Committee and to the floor.

Assembly Bill 68: Revises provisions governing the assessment imposed on certain counties for the operation of a regional facility for the treatment and rehabilitation of children. (BDR 5-438)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 68 was sponsored by the Assembly Committee on Judiciary on behalf of Douglas County and was heard in this Committee on February 14, 2023 [[Exhibit C](#)].

This bill revises the formula used to calculate the assessment owed by each county for the operation of a regional facility for the treatment and rehabilitation of children. There are no amendments to the measure.

Chair Miller:

Are there any questions from Committee members? [There was none.] I will entertain a motion to do pass for Assembly Bill 68.

ASSEMBLYWOMAN MARZOLA MOVED TO DO PASS ASSEMBLY BILL 68.

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Cohen. We will take Assembly Bill 76 next.

Assembly Bill 76: Revises provisions governing civil actions. (BDR 2-147)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 76 was sponsored by Assemblyman Yeager and was heard in this Committee on February 13, 2023 [[Exhibit D](#)].

This bill increases the maximum amount of costs that a court may award to a prevailing party for the reasonable fees of expert witnesses from \$1,500 for each expert witness to not more than \$15,000 for each expert witness. There are no amendments to the measure.

Chair Miller:

Are there any questions from Committee members? [There was none.] I will entertain a motion to do pass for Assembly Bill 76.

ASSEMBLYWOMAN MARZOLA MOVED TO DO PASS ASSEMBLY BILL 76.

ASSEMBLYWOMAN HARDY SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Considine. I will open the hearing on Assembly Bill 255, presented by Assemblywoman Cohen and Mrs. Jennifer Robertson.

Assembly Bill 255: Revises provisions governing adoption. (BDR 11-658)

Assemblywoman Lesley E. Cohen, Assembly District No. 29:

Presenting with me in southern Nevada is Jennifer Robertson, who among other things is an adoptive parent of children with special needs. In a few moments, I will ask Mrs. Robertson to tell the Committee about her amazing family because she is the best person to tell their story. Before I turn the presentation over to Mrs. Robertson, I would like to tell the Committee the history of Assembly Bill 255 and a little about the adoption assistance program.

Mrs. Robertson and I have known each other for a few years, becoming friends through mutual friends. After the 2019 Session, I chaired the interim Legislative Committee on Health Care. Mrs. Robertson told me about a gap in the subsidy adopted families receive for children with special needs. I asked her and the then-administrator of the Division of Child and Family Services (DCFS) to present before the interim committee. She told the committee about her family and the impact that the gap in the subsidy has on her family, and the DCFS administrator gave a presentation about the adoption assistance program subsidy. Unfortunately, from the time we scheduled the hearing until the time we actually had the hearing, COVID-19 hit, so our ability to fund social services as a state was greatly hampered, and that is probably the understatement of the year. However, I still wanted the hearing to go forward because we wanted the committee to hear the information and be ready when the time was right. And I believe that the time is right now.

Before going through the bill, here is some very basic information about the subsidy. As we learned in 2020, the adoption assistance program was enacted in accordance with the Adoption Assistance and Child Welfare Act of 1980. The subsidy encourages and supports families in adopting children with special needs from foster care by enabling families to adopt without placing an undue financial burden on the families. It provides a subsidy based on each child's special needs rather than the adoptive family's income; the child is in the

custody of the welfare agency or Nevada licensed child placing agency through termination of parental rights and/or relinquishment for six months; and there was an effort made to locate an adoptive family who could adopt without subsidy assistance. The child must meet the following requirements: not yet be 18 years old; they cannot or should not be returned to their birth parents; and they meet one of the criteria for special needs, which is race, age, physical, or mental problems. The monthly adoption assistance payments may be negotiated up to but not exceed the monthly foster care maintenance rates. The family actually negotiates for the rates or for the subsidy and then additional assistance may be available to support children with special needs or who are medically fragile.

What the bill does is really simple. Currently, an agency which provides child welfare services may provide financial assistance to a family that adopts a child with special needs until the child attains the age of majority, becomes self-sustaining, is emancipated, or dies, whichever occurs first. What the bill would do is allow the subsidy to continue out until "the child: (a) Reaches the age of 18, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school; (b) Graduates from high school, if the child is at least 18 years of age; (c) Become self-supporting; (d) Is emancipated; or (e) Dies."

The language that we used mirrors the language of our child support statute. In my practice as a family law attorney, I have always assumed that we use this language because we are basically acknowledging that when a child turns 18, they are not automatically self-supporting. When a child turns 18 and they are still in high school, they are still living at home, they are going to school, and that is why child support generally continues until they graduate. If the Committee would not be averse to extending out until the child reaches 21, as some people have mentioned, but right now what we are asking for is until they turn 18 and graduate from high school, as the language shows. I think what we need to be clear about with this subsidy is these children are fully adopted and their parents have the rights and responsibilities that parents have in raising their children. But at the same time, we should not forget that at some point in these children's lives, these children were the responsibility of the state, and these adoptive families made their families whole by adopting these children. These families also took on a financial responsibility that our state would otherwise be required to bear. With that, I am going to ask Mrs. Robertson to tell us about her family.

Jennifer Robertson, Private Citizen, Las Vegas, Nevada:

I am a mom of five kids here in Las Vegas, and I am with you today to talk about four of my kids. When my husband Brian and I were still dating we had all of those conversations you have about how many children we each wanted and what our hopes were for our family in the future. He wanted two kids, and I wanted three. While he came from a stable, traditional family of a mom, a dad, and four kids, I was an only child of a young teen mom and I relied more than once on the kindness of family, friends, and even acquaintances to get through a rather unstable childhood. When Brian and I talked about starting a family, I told him that I would like to look into foster care at some point. I think he cocked his head and said, Oh, okay. That is about how much thought went into that agreement.

Years later, when we were unable to start a family naturally, we looked at each other and said, Want to call about foster classes, and that was an easy next step. We never looked back. We were licensed foster parents for about ten years in Clark County. We were lucky enough to adopt our very first placement. He was a wildly angry two-year-old with fiery curls and he had a temper to match. Less than a year later, we got a call for a newborn sibling whom I brought home from the hospital at four days old. We were excited to know that they would grow up together; they would share a similar life experience; they would always have someone who understood exactly what the other was going through. And 16 years later, we never could have anticipated the joy and the challenges those two have brought to us.

They have since been joined by another set of half-siblings unrelated to them. We had a newborn girl we were told would stay for just a few weeks and she turned 13 last month. Her little sister came home a year later. We could not, of course, say no to her placement. We fought so hard to keep our first two together that we wanted them to grow up together as well. As a side note, the day after our fourth child came home, I found out I was pregnant. We thought we were done with three. We quickly had four and now five. We were in a tiny condo, we had a single income, and every day was really, really hard with five very young children.

Our oldest kids came to us with some known and anticipated issues, and all four were designated special needs adoptions due to some developmental delays and some behaviors that would require ongoing therapy and later some medications and other interventions. We would later learn that all four of our kids were prenatally exposed to alcohol and substance abuse in utero, which was either proven or suspected due to years of parental use. You will not find this on their social summaries from foster care or any pre-adoption paperwork. This was all documented by us, post-adoption, while we were preparing for various evaluations, educational testing, hospitalizations, and some neuropsychology exams.

I was able to contact birth parents and birth family members to get confirmation of prenatal drinking, drug use, diagnosed and suspected mental health issues, and learning disabilities. Compound all of those issues with the trauma background in a foster care history—in some cases in multigenerational foster care history—and you can begin to understand the obstacles my kids have had to overcome. Even the newborns that I brought home from the hospital myself, they were dealt a very difficult hand even before they were born. Our children are bright, funny, beautiful, talented, spirited, loving, and entertaining, but designating them special needs adoption was fair and it was accurate.

With the designation of an adoption as a "special needs adoption" comes a negotiation for a post-adoption subsidy from the state. We were and remain so grateful for that subsidy. It allowed us to care for our children when, due to their varying needs, I could not work outside the home. That was unanticipated when we went into this. With multiple therapist appointments each week, we had foster care visits, their birth parent visits, specialists, Individualized Education Program (IEP) visits, hospitals, multiple trips to schools each week, and transportation—taking one kid to a specialist out of state every six months—that was

unexpected. Caring for four kids with special needs has been, at times, overwhelming, but it would have been impossible without the adoption subsidies. We do not get the full amount. It was negotiated based on the needs and expenses of each child, but it helps with the basic needs of our kids in a way that we cannot thank the State of Nevada for enough.

The post-adoption subsidy here in Nevada stops on a child's eighteenth birthday. When I gave testimony in 2020, our oldest son was just about to turn 17—two weeks into his senior year of high school—which means he would have been 18 his entire senior year. My other kids will turn 18 before they graduate as well, which is not unusual, and for many kids, that is just a fact. In fact, some of my son's friends had part-time jobs during their senior year to help pay for their own expenses, college savings, or for pocket money. But my son, who was in the gifted and talented program in elementary school, was struggling in high school. He had an IEP in place as do all of my kids, and just getting them through high school graduation is our only goal. That sounds like a pretty low bar—just graduate, that is your job.

School is hard for my kids. We have many serious diagnoses in our home including fetal alcohol spectrum disorder, mood disorders, dyslexia, specific learning disabilities, attention deficit hyperactivity disorder (ADHD)—inattentive, hyperactive and combined types—diagnosed anxiety, bipolar, and more. We even had a diagnosis of reactive attachment disorder, which is about as serious as you can get in the adoption world. While we are choosing to believe that was an overreaching diagnosis, it shows you the severity of the issues we are dealing with as a family.

My kids also have birth parents and biological family members that have these same struggles and more. Their biological family members suspect that birth parents had undiagnosed and untreated learning disabilities and mental health conditions that contributed to three of our kids' birth parents dropping out of high school before graduation. Two graduated and did not pursue higher education, and one we are not sure about. I say all of this to stress our singular goal as parents really is to get our kids through high school graduation. Honestly, that is the goal.

The current Clark County Department of Family Services (DFS) policy states that after an adopted child turns 18 regardless of the level of diagnosed mental or physical disability, the adoption subsidy terminates. Department of Family Services will refer you to the Social Security Administration for supplemental security income (SSI) assistance. Most of my kids, and many adopted kids with trauma backgrounds, likely do not have needs severe enough to qualify for SSI. My son, as an example, turned 18 and lost his adoption subsidy in September while living at home his entire senior year. Because of his needs and higher needs of his siblings, I still cannot work outside the home, so our son had to do without some extras his senior year. His only job was high school and that was a struggle. School was the sole thing he focused on. It was his only real responsibility. He had to pass algebra. We celebrated when he brought home a "D" in math because he brought that up from an "F" and he passed a class solely because he was driven. He passed a class we did not think he could pass. Had he been required to work a job while trying to improve his grades and

maintain his mental health, we have no doubt that dropping out of school would have been a viable option to him. He is so smart, and we know this because we have had him tested for everything, but he had to work harder than most kids to get there. If he had to work in a job in addition to worrying about his grades, his family obligations, his social life, and he was 18 at the time, I am sure we would be having a different conversation today.

I am here today to ask that the post-adoption subsidy for special needs adoptions be continued through high school graduation for kids adopted through the state foster care system in Nevada. Other states have this in place; some go to age 21. I do not know those statistics. I am sorry, I only have anecdotal evidence from foster and adoptive friends across the country. We are a tight-knit community. Not all states do that, but many do go through graduation, some through age 21.

Let us talk about statistics. My children are included in so many statistics for the state and for the country. Foster care statistics, adoption statistics, early childhood intervention, special education statistics, so many statistics. Some of the stats I do not want them included in are high school dropout rates, incarceration stats, public assistance stats, teen pregnancies. A quick Google search tells me that 30 percent of teen girls who drop out of high school say that pregnancy is the main reason. The National Campaign to Prevent Teen and Unplanned Pregnancy says the rate is higher for Latino and African-American kids. The National Institutes of Health tells us that 32 percent of students with ADHD-combined type will drop out of high school. We have a lot of ADHD in our home. Approximately 53 percent of adolescents with fetal alcohol spectrum disorder (FASD) have been suspended from school, 29 percent have been expelled, and 25 percent have dropped out. We have FASD in our house. An 18-year-old with ADHD has a 32 percent chance of dropping out of high school, but he probably will not qualify for SSI at age 18; it is ADHD.

We work very hard as parents to prevent our kids from becoming part of those statistics and we are not alone. There are hundreds of Nevada families who would benefit from maintaining an adoption subsidy through high school graduation. For many, including two of my kids, that is just a few months. For others, like my son, it would have been nearly a year. Many of these kids probably do not have needs severe enough to qualify for other financial assistance programs at age 18, but as high school students with foster care, adoption, and trauma backgrounds, these are still children. Thank you for hearing my story. Thank you for listening to this very proud mom talk about my bright, loved, and resilient children. Thank you for your time today and I am open to questions if you have any.

Chair Miller:

Thank you so much, Mrs. Robertson. Often in Judiciary, we do not get to hear the most positive parts of human nature or society. But today you get to bring in some of the most heartfelt parts that we get to hear and remind us of all the amazing, fabulous—even though you probably look at it as just parenthood—Nevadans we have and all the love and the amazing things that are happening here in our state. Thank you for changing the course of the lives of those five children. I am absolutely confident that they will become statistics;

the question is just as you said, the statistics that they are choosing to be. With that, we do have a few questions from Committee members.

Assemblywoman Bilbray-Axelrod:

Once again, these are the things that naturally happen when we are talking to our constituents and friends. I was wondering if you could tell me about the negotiation process. What does that look like? I know, Mrs. Robertson, you mentioned that you did not receive the full amount. I do not know what the full amount is. But I am a little curious about what that looks like. Is it a sliding scale? How does that go? Do you have an attorney?

Assemblywoman Cohen:

It can be up to what the foster families would receive, but I do not know. Mrs. Robertson, if you want to give some more details.

Jennifer Robertson:

The process is pretty straightforward. There is an adoption subsidy kind of a person. When you are filling out your adoption paperwork, one of the things you do is you negotiate your adoption subsidy with a separate person coming in from family services and they calculate everything from the special needs of the kids; things that would be required of the family to care for that child, special products that the child might need, and special medical things that the insurance might not pay for. That also includes, by the way, Medicaid coverage for children adopted through the state. They get full Medicaid coverage until the age of 18 as well. It used to be more highly negotiated. It is my understanding now that more kids do qualify for that. I do not know if the criteria has changed or not, but that was part of our negotiation as well. We get a monthly stipend for the child that cannot exceed the full foster care amount. We do not get the full amount. We did not qualify for that at the time of their negotiations, but all of my children did get the Medicaid coverage as well, up until age 18.

Assemblywoman Hansen:

Thank you for what you do. God bless you. This is a no brainer. Can I please sign on to the bill? I know that the state is trying to have some wraparound services here, but it seems like we have a gap that you have really illustrated quite well. I do not know if we have this information right off the top of your head, Assemblywoman Cohen, but it seems to me that we are not talking about a lot of kids here; this is not a huge lift. Certainly, we want to help them. We are talking about filling this gap until they get graduated. Do we have an idea of how many kids we are talking about?

Assemblywoman Cohen:

Yes, of course, you can sign on. We are working on the numbers right now. We will have them. Hopefully this bill will make it to the Assembly Committee on Ways and Means, and they will have those numbers. I will make sure that this Committee has that information as well, but we are working on it. But no, it is not because we do not do that many adoptions from the Department of Health and Human Services. It fluctuates every year because it is a different number of kids, and then it is a different number of months for each kid, each year. It does fluctuate a lot, but it is not a huge number.

Assemblywoman Hansen:

And exactly what you said, we do not see a lot of adoptions in this space and all the more reason, Mrs. Robertson, to thank you so much for what you and your husband have done to provide a wonderful environment for these children. Hopefully we can see this through to fruition.

Chair Miller:

What we know is, there is not a lack of children with special needs needing to be adopted. We know these children are in our system. When you ask for the numbers, if you could ask for the data of those that are currently in foster care so that we can see the difference between those children that are currently in the system in foster care, those children with special needs, compared to those who actually are adopted by families because I am just assuming there is a great divide in those numbers. We know we have children in the system.

Assemblywoman Cohen:

Yes, I will get that. The other factors the department is looking at are age, if the child is older than five, sibling groups, and others. I will ask them to get us all of that information.

Chair Miller:

Thank you. We know with all adoptions, but especially adoptions of children with special needs, that if one of the hindrances is the financial burden, it is cyclical; increasing this and knowing that families can get more financial support, that could actually result in more families adopting children—just in case they ask you why we want to know.

Assemblyman Gray:

I have been watching this one closely. I have an adoption assistance bill going forward as well. I applaud you on this. Anything we can do in this space is great. The latest statistics I have were for 2019. There were 4,541 children in foster care in Nevada, and 1,667 were waiting to be adopted. In 2021, there were 727 that were actually adopted. I was just filling in that little bit of missing information there.

I like this bill. The only problem I do have with it, and I am hoping you would be amenable to some amendments, is I would like it to be open to having private adoption families be able to apply as well. They do not always know what they are getting when they have a private adoption. They could be adopting a child with special needs and not even know it until one, two, or three years down the road. The other thing is, we talked about that period between 18 and 21 where kids may or may not still be in high school. I think there is a definite need to expand the program out to age 21 to allow them to find other bridge programs or things this money would allow them to address. It may not address all of their needs but could allow their families to address some of their needs during that period. If you consider those, great. But again, this is a great bill, and it is going to be helping a lot of folks.

Assemblywoman Cohen:

I am certainly willing to talk. I think of this as a floor. I am willing to consider making the ceiling go higher, but I definitely want this to be our floor.

Assemblywoman Gallant:

Actually, to kind of piggyback on Assemblyman Gray, first of all, I do want to say thank you. I have worked with this population for years in afterschool programs and psychiatric facilities. Having a stable, loving home really can make a difference in the trajectory of their lives. In terms of my question and the definition of school—because I like the idea of having it go to 21 because I do not know many 20-year-olds that do not have some extra challenges that are making good decisions anyway—would it also include junior college, college, and vocational schools so that we can support these kids in establishing a future and a career?

Assemblywoman Cohen:

If we are talking about the floor here, we are talking about getting them through high school. I modeled the language off of our child support statute so that it is basically turning 18 or up to 19, to graduate from high school. It gives them that extra time until they turn 19 to graduate from high school. If we were looking at age of 21, I would be fine with 21 or school or whatever, if we went above the floor.

Assemblywoman Gallant:

Looking at this language here in section 1, subsection 6, paragraph (a), it talks about "Reaches 18 years of age" and "not enrolled in school, or 19 years of age, if the child is enrolled in school," but then paragraph (b) says "Graduates from high school." My suggestion is that if we are able to get it up to 21, you could remove high school from paragraph (b) so that school is just school and there is no confusion.

Assemblywoman Cohen:

I think if we got it up to 21, I think it would just be 21. I do not think we would worry about school. Although, I guess we would have the issue about if they are self-supporting or working; that would not be an issue. Yes, I will look into that.

Chair Miller:

Thank you for that. I think we could base that on whether or not they were still a dependent child. You know, mom and dad are still filing taxes, paying our insurance. If we are still dependent, we are still dependent. So that might be the word we are looking for.

Assemblywoman Summers-Armstrong:

I was curious about the process of negotiation, and I would like to sort of expand upon the questions that were asked by my colleague. When you are doing the negotiation, does that happen as soon as you get the child? Does it happen later? For instance, I believe you said that some things were identified in the beginning, but you learned later through your own observation and follow-up as the children got older that their needs increased, or that things were not seen in the beginning. Were you able to go back at that time and renegotiate, or once you negotiate, it is over and there is no reopening?

Jennifer Robertson:

That is a very thoughtful question. Yes, there is a process that you can renegotiate if the child's needs or, I believe, if the family's situation changes. I will give you an example of

that. During COVID-19, my husband lost his job. If I could be completely honest with you as a Committee, that adoption subsidy put food on the table for my children when we could not get unemployment through the state yet. You will remember it took a long time to get unemployment benefits for people that qualified. My husband went almost a year without getting his unemployment, and the adoption subsidy literally put food on the table for my family. We were able to negotiate the subsidy for one of my children when her needs increased, and our family's financial situation changed. That was during COVID-19. We were able to renegotiate one of our adoption subsidies. It was not that much, but it was certainly necessary. And for that child, we were able to increase to the maximum amount which is the current foster care rate. To answer your question more succinctly, yes, you can renegotiate when the needs of the child change or when you can bring forth more evidence of that need.

Chair Miller:

I want to be certain that when families are negotiating this support, are the adoption attorneys there? Are they part of this process helping to advocate for the families, or is this something that the burden is completely on the parents to negotiate?

Assemblywoman Cohen:

I am not sure. Are you aware, Mrs. Robertson?

Jennifer Robertson:

We had no assistance from an attorney during this process. We simply negotiated with a representative from the adoption department about the needs of the child. I believe it was literally a spreadsheet, and they were able to fill in what we could prove, what we were able to advocate for, but there were no attorneys involved, at least on our end. That might have been helpful, to be honest, but no, there were not.

Assemblyman Yurek:

Thank you so much for what you have done and for sharing your story here today. I will tell you my business partner is also part of the foster care system. He and his wife have been a part of that and have had some adoptions, and I tell him, and I will tell you, I think there is a special place in heaven for people like you who take on those challenges voluntarily.

One of the great things about this position is getting to be introduced into areas of law that I am not very familiar with. As I read this section of the statute in the bill, even though you are not changing relevant portions of this, and I apologize for my own ignorance on this, but I see the challenges and the increased financial challenges that would come with adopting a child with physical or mental problems. I notice in the statute, it says, special needs based on race, age, or physical and mental illness. Can you help me understand how would somebody be determined to be with special needs based on race and age? Can you help me understand how that works?

Jennifer Robertson:

If I could interject with what I know, the fact of the matter is children of minority races as determined in our society are harder to place for adoption. Our children are all races. We have quite the racial makeup in our home. I know because I am a genealogist and have worked on their family trees for them so that they have those for their own records. A sibling set, for example, can be deemed a special needs adoption because siblings are harder to place together. Is it great? No. Is it fair? Of course not. But the state deems that children of minority races are harder to place for adoption. I will tell you that all of the foster care friends that I have, we are open to race, gender, and needs. The only disability that my husband and I checked off that we were not open to was fetal alcohol spectrum disorder, and we have fetal alcohol spectrum disorder in our home. I apologize for rambling, but yes, it is just based on how difficult it is to place a child for adoption. That is what could deem them special needs.

Chair Miller:

I do not see any additional questions. I will open it up for testimony in support of [Assembly Bill 255](#).

Leann McAllister, Executive Director, Nevada Chapter, American Academy of Pediatrics:

I am in support of [Assembly Bill 255](#) [[Exhibit E](#)]. As you have heard today, kids do so much better when they are in a family, and I believe the subsidy will enable more families to adopt special needs kids. Dr. Nadine Burke Harris is a fellow of the American Academy of Pediatrics. She has made it her life's work to study adverse childhood experiences and the effect they have on a child's life. I encourage all of you, and families in Nevada, to visit numberstory.org to understand your own trauma history and how you can persevere and overcome your trauma history.

Joanna Jacob, Manager, Government Affairs, Clark County:

On behalf of our Department of Family Services, I wanted to be in support of this bill today. To answer some of the questions from the Committee, I checked as we were in the hearing, we currently have 2,254 adoption families in Clark County. Almost all of them, anecdotally, will work with Assemblywoman Cohen on the data requests discussed today, but technically, almost all of them are considered, within this definition, eligible for the adoption subsidies. I think that we are very much in support of this bill, especially for the continuity of this support for adoptive families, for the children who might turn 18 during the course of their high school years. We are very concerned with that sharp cut off at 18, especially with, as Mrs. Robertson eloquently described, what that can do to continuity of services and therapy and the things that go to support our kids. We are part of the conversation globally across many committees about child welfare in the state right now.

I really appreciate and want to thank Assemblywoman Cohen for promoting and sponsoring this bill. Thank you, Mrs. Robertson, for your testimony. Clark County is in support of the bill.

Cadence Matijevich, Government Affairs Liaison, Office of the County Manager, Washoe County:

We, too, would like to thank Assemblywoman Cohen for bringing the bill forward. I will, for the sake of time, echo the comments from my colleague from Clark County. Washoe County is very much in support of this bill, and we, too, will gather the data that was requested.

Jonathan Norman, Statewide Advocacy, Outreach, and Policy Director, Nevada Coalition of Legal Service Providers:

Our coalition of legal service providers includes the client assistance program (CAP) both at Northern Nevada Legal Aid and Legal Aid Center of Southern Nevada, which represents 3,000 to 4,000 kids in foster care at any given time. I cannot say anything better than Mrs. Robertson said, but I was a CAP attorney for five years and I can tell you, with a lot of kids, you are wondering where you are going to find your Mrs. Robertson. Because you are always thinking, We do not have a path to a family for this child, and when people like her step up and say, We need this additional support, I think it is pretty powerful and I want to urge your support.

Chair Miller:

Thank you. Is there anyone else who would like to testify in support of Assembly Bill 255?

Steven Cohen, Private Citizen, Las Vegas, Nevada:

I will echo the previous remarks, and just want to clarify that the age of 21 that a couple of members hit on is derived from federal special education law known as the Individuals with Disabilities Education Act.

Dora Martinez, Private Citizen, Reno, Nevada:

I ditto all the previous statements and thank you so much for the bill. We appreciate all you do. Take care, be safe.

Chair Miller:

I will close testimony in support. Is there anyone who would like to testify in opposition to Assembly Bill 255? [There was no one.] Is there anyone who would like to testify in neutral to Assembly Bill 255? [There was no one.] I would invite the presenter back to the table for any concluding remarks.

Assemblywoman Cohen:

Thank you for the conversation and hearing the bill. Mrs. Robertson, do you have anything else that you would like to add?

Jennifer Robertson:

I want to thank you for your time today. It is nerve-racking to get up here and speak about my children and my family. I am so proud of them, and I want to tell you that I am so proud of this Committee for hearing the needs of my family and other families like mine and giving

me some hope today that we can fill that gap. It is a small gap but I think it is an important gap, and I just want to thank you on behalf of my family and others like mine.

Chair Miller:

Thank you so much for sharing your story with us, Mrs. Robertson. Please, if it is appropriate, let your kids watch this later so then they can see their mom being a hero and advocating for them as well. We need to see our moms do that. Thank you so much, and please send our best to your family.

We will formally close the hearing on Assembly Bill 255. I will open it for public comment. [There was none.] I will see everyone tomorrow at 8:00 a.m. This meeting is adjourned [at 9:53 a.m.].

RESPECTFULLY SUBMITTED:

Traci Dory
Committee Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Assembly Bill 68](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 76](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is a letter dated March 13, 2023, submitted by Leann McAllister, Executive Director, Nevada Chapter, American Academy of Pediatrics, in support of [Assembly Bill 255](#).