

# Child Welfare and Juvenile Justice

BULLETIN NO. 15-10





**LEGISLATIVE COMMITTEE ON CHILD WELFARE  
AND JUVENILE JUSTICE**

**BULLETIN NO. 15-10**

**JANUARY 2015**



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## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

*Nevada Revised Statutes 218E.705*

This summary presents the recommendations adopted by the Legislative Committee on Child Welfare and Juvenile Justice during its July 18, 2014, meeting. The Committee submits the following recommendations and bill draft requests (BDRs) to the 78th Session of the Nevada Legislature.

#### RECOMMENDATIONS FOR LEGISLATION

##### *Direct File of Juvenile Offenders*

1. Draft legislation amending the *Nevada Revised Statutes* (NRS) to provide that if a child is charged as an adult under “direct file” provisions (NRS 62B.330) but is found not guilty of the direct file charge, the district court may return the child to juvenile court to address any lesser included charge. **(BDR 5–186)**

##### *Juvenile Competency*

2. Draft legislation to create a new juvenile competency chapter under Title 5 (“Juvenile Justice”) of NRS. The chapter will outline the process of determining competency in juvenile proceedings, including the appointment of experts, competency evaluations, hearings on competency, findings, and orders of the court. **(BDR 5–188)**

##### *School Discipline*

3. Draft legislation to: (1) amend subsections 1 and 3 of NRS 392.466 to allow the superintendent of schools the discretion to waive the expulsion requirement for battery, the sale or distribution of a controlled substance, and status as a habitual disciplinary problem; and (2) remove language in subsection 1 of NRS 392.910, which makes the use of vile or indecent language within a school a misdemeanor. **(BDR 34–189)**

##### *Custody—Best Interest of the Child*

4. Draft legislation amending subsection 4(f) of NRS 125.480 relating to child custody. In determining the “best interest of the child” and regarding the mental health of the parents, the subsection would now include the following or similar language: The mental and physical health of the parents, “*including the abuse of alcohol, prescription medications and other legal or illegal substances. The court may require independent corroboration of an allegation that a parent is habitually or continually using controlled substances or illegal drugs.*” **(BDR 11–190)**

*The “Rehoming” of Adopted Children*

5. Draft legislation amending Chapter 432B (“Protection of Children from Abuse and Neglect”) and/or Chapter 127 (“Adoption of Children and Adults”) of NRS in order to define the words “rehoming,” “advertise,” “adoption disruption,” and “adoption dissolution,” and address the delegation of parental responsibility through power of attorney or guardianship for the purposes of rehoming. **(BDR 11–191)**

*Child Welfare*

6. Draft legislation amending Chapter 432B of NRS to adequately reflect the wide range of “entities,” beyond just a “person,” that may be responsible for negligent treatment, maltreatment, abuse, or neglect of a child. **(BDR 38–192)**

*Foster Care*

7. Draft legislation amending Chapter 424 (“Foster Homes for Children”) of NRS to provide statutory authority for the conduct of background checks on persons who are routinely found within a foster home environment. **(BDR 38–193)**

*Funding for Child Welfare and Juvenile Justice Programs*

8. Draft statutes similar to NRS 432B.219 creating: (1) a categorical grant to fund a program for youths who voluntarily remain under court jurisdiction until the age of 21; and (2) a categorical grant to fund a higher level of care for the most challenging youths in both the welfare and juvenile justice systems. **(BDR 38–194)**

*Serving Notices—Proposed Technical Fix*

9. Draft legislation amending Chapter 432B of NRS to provide that the manner of serving a summons after a petition stating that a child is in need of protection has been filed with a court is the same as the manner of giving notice of an initial hearing after removal of the child from his or her home. **(BDR –195)**

*Parental Rights and Family Reunification—Standards for Burden of Proof*

10. Draft legislation aligning burdens of proof found in NRS 432B.393 and NRS 128.105 regarding the termination of parental rights, reasonable efforts to preserve and reunify a family, and clarifying that the burden of proof in Indian child welfare cases is “beyond a reasonable doubt.” **(BDR 38–196)**

## COMMITTEE ACTIONS

In addition, the Committee directed staff to:

1. Draft a letter to the Supreme Court of Nevada's Commission on Statewide Juvenile Justice Reform (Commission) urging its support for the development of a Memorandum of Understanding (MOU) between the Department of Corrections (DOC) and the various juvenile offender facilities in Nevada, which would provide for the transfer of youthful offenders from DOC facilities to juvenile facilities.
2. Draft a letter to the Commission urging it to review the following items and make recommendations to the Legislature based upon its findings:
  - a. Consider requesting legislation mandating the transfer of youthful offenders under 18 years old to juvenile facilities;
  - b. Conduct fact-finding visits to co-located facilities, MOU-based facilities, and facilities under statutory juvenile series management in other states;
  - c. Conduct further study prior to moving forward with a Capital Improvement Program for the building of a co-located facility in Nevada;
  - d. Consider requesting legislation to amend subsection 4 of NRS 62C.030 to make housing a juvenile in a juvenile detention facility the "default" regardless of the charge and require the State to petition the court to transfer the juvenile to an adult facility pending the upcoming court process if the State so chooses; and
  - e. Support the conduct of a "trial period" housing youths from the Nevada Youth Training Center at the Jan Evans Juvenile Justice Center.



**REPORT TO THE 78TH SESSION OF THE NEVADA LEGISLATURE  
BY THE LEGISLATIVE COMMITTEE ON CHILD WELFARE  
AND JUVENILE JUSTICE**

**I. INTRODUCTION**

The Legislative Committee on Child Welfare and Juvenile Justice (Committee), in compliance with *Nevada Revised Statutes* (NRS) 218E.700 through 218E.720 (Appendix A), 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.

**Members**

The Committee for the 2013–2014 Interim was composed of the following members:

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

**Staff**

The following Legislative Counsel Bureau staff members provided support for the Committee:

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

The Committee held four meetings, including a work session. All meetings were open to the public and conducted through simultaneous videoconference between legislative meeting rooms at the Grant Sawyer State Office Building in Las Vegas, Nevada, and the Legislative Building in Carson City, Nevada. The summaries of testimony and exhibits are available online at: <http://www.leg.state.nv.us/Interim/77th2013/Committee/StatCom/ChildWelfare/?ID=54>.

A summary of the status of the recommendations for legislation made by the Committee during the 2011–2012 Interim and considered by the 2013 Nevada Legislature is attached as Appendix B.

## **II. THE LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE'S TASK FORCE TO STUDY JUVENILE JUSTICE ISSUES**

During the 2013 Legislative Session, the Legislature approved Assembly Bill 202 (Chapter 483, *Statutes of Nevada*), which created the Legislative Committee on Child Welfare and Juvenile Justice's Task Force to Study Juvenile Justice Issues (Task Force). The bill identified a specific set of issues for the Task Force to study and required the Task Force to report its findings and recommendations to the full Committee for consideration prior to the start of the 2015 Legislative Session.

The Task Force conducted two public meetings, both in the same manner as described above regarding the Committee. Recommendations from the Task Force that were approved by the Committee are included in the Summary of Recommendations. The complete list of Task Force recommendations is attached as Appendix C. Summaries of testimony and exhibits provided at Task Force meetings are available online at: <http://www.leg.state.nv.us/Interim/77th2013/Committee/StatCom/JuvJustTaskForce/?ID=76>.

Section 10 of A.B. 202 required the Chair of the Committee to appoint the following ten voting members to the Task Force:

- One member of the Senate or Assembly, who shall serve as Chair of the Task Force—Assemblyman James Ohrenschall;
- One member who is a district attorney—Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Office of the Clark County District Attorney;
- One member who is a public defender—Susan D. Roske, Chief Deputy Public Defender, Juvenile Division, Office of the Clark County Public Defender;
- One member from the Office of the Attorney General (AG)—Shannon C. Richards, Deputy AG, Office of the AG;
- One member from the Division of Child and Family Services (DCFS) of the Department of Health and Human Services (DHHS)—Steve McBride, Deputy Administrator, Juvenile Services, DCFS, DHHS;
- One member who is a judge of the juvenile court—The Honorable William O. Voy, District Judge, Eighth Judicial District Court, Department A, Family Division, Clark County;

- One member who is a director of juvenile services, as defined in NRS 62A.080—Frank Cervantes, Director, Washoe County Juvenile Services;
- One member who is a mental health professional—Marianne Hamrick, Licensed Clinical Social Worker, Nevada Childhood Cancer Foundation;
- One member who is a representative from an organization that advocates on behalf of juveniles—Esther Rodriguez Brown, Founder and Executive Director, The Embracing Project; and
- The Director of the Department of Corrections (DOC)—James G. (Greg) Cox, Director, DOC.

The Task Force was directed to study the following issues and provide its findings and any recommendations for proposed legislation to the full Committee:

- The laws in this State and other states, including an examination of best practices, pertaining to the certification of juveniles as adults and offenses excluded from the jurisdiction of the juvenile court;
- The advantages and disadvantages of blended sentencing;
- The ability of adult correctional facilities and institutions to provide appropriate housing and programming for youthful offenders convicted of crimes as adults and incarcerated in adult facilities and institutions;
- The ability of juvenile detention facilities to provide appropriate housing and programming for youthful offenders convicted of crimes as adults and detained in juvenile detention facilities;
- The costs and benefits of housing juvenile offenders convicted of crimes as adults in adult correctional facilities and institutions and in juvenile detention facilities; and
- Proposed legislation needed to implement any necessary or desirable changes in Nevada law relating to the issues set forth here.

When the Task Force was discussed and its members appointed at the full Committee's initial meeting, Chair Frierson pointed out that the Supreme Court of Nevada's Commission on Statewide Juvenile Justice Reform (Commission), of which Assemblymen Ohrenschall and Hambrick were members, continues to do excellent work in the juvenile justice arena. To avoid any duplication of efforts and take full advantage of the resources available to the Commission, Chair Frierson stated his intention of deferring to the Commission for the vetting of juvenile justice issues.

The Task Force held two meetings during which it received testimony on the issues listed above. It considered and adopted several recommendations to make to the full Committee, which may submit up to ten bill draft requests (BDRs) for consideration by the 2015 Legislature. The ten BDRs ultimately requested by the Committee incorporate two legislative proposals from the Task Force. Additionally, the Committee approved the drafting of two letters to the Commission recommended by the Task Force suggesting that further study be conducted on several issues going forward.

### **III. ISSUES CONSIDERED DURING THE 2013–2014 LEGISLATIVE INTERIM**

The following is a list of issues considered by the Committee during the 2013–2014 Interim:

- The Court Appointed Special Advocate Program;
- Child support enforcement;
- Child welfare and juvenile justice crossover;
- Child welfare and juvenile justice program funding;
- Current work of the Supreme Court of Nevada’s Commission on Statewide Juvenile Justice Reform;
- Designating a youth as a “child in need of supervision” versus a “delinquent”;
- Developments in cost-effective approaches to juvenile justice that increase public safety;
- Disproportionate minority contact in child welfare and juvenile justice systems;
- Domestic sex trafficking of minors, child prostitution, and missing and exploited children in Nevada;
- Juvenile competency;
- National trends in child welfare and juvenile justice;
- Nevada’s differential response program for responding to allegations of child abuse and neglect;
- Possible revisions to the statutory definition of “the best interest of the child”;
- Programs to address risk factors for youth, including homelessness and food insecurity;

- The “rehoming” of adopted children;
- Sentencing juvenile offenders as adults;
- Various models for housing youthful offenders appropriately; and
- Youth aging out of foster care.

**IV. DISCUSSION OF TESTIMONY AND RECOMMENDATIONS RELATED  
TO CHILD WELFARE AND JUVENILE JUSTICE  
FOR THE STATE OF NEVADA**

This section provides background information and discusses only those issues upon which the Committee made recommendations. At its fourth meeting, the Committee conducted a work session during which it adopted recommendations to be included in ten BDRs. The BDRs concern the revision of laws related to:

- A. Direct file of juvenile offenders;
- B. Juvenile competency;
- C. School discipline;
- D. Custody—best interest of the child;
- E. The “rehoming” of adopted children;
- F. Child welfare;
- G. Foster care;
- H. Funding for child welfare and juvenile justice programs;
- I. Serving notices—proposed technical fix; and
- J. Parental rights and family reunification—standards for burden of proof.

**A. DIRECT FILE OF JUVENILE OFFENDERS**

Testimony by Anne S. Teigen, Senior Policy Specialist, Juvenile Justice Program, National Conference of State Legislatures (NCSL), and Nina Williams-Mbengue, Program Director, Children and Families Program, NCSL, indicated that reforming transfer and direct file laws in order to help keep youths in the juvenile justice system rather than the adult system, where

appropriate, has been a national trend over the last several years. Further, Rebecca Gasca, Campaign for Youth Justice, noted that Nevada’s current “once an adult, always an adult” statutory scheme leaves a court no discretion whether to charge a youthful offender as a juvenile if he or she has previously been charged as an adult under direct file provisions. Deliberation on this matter led the Committee to approve the following proposal:

**Draft legislation amending the NRS to provide that if a child is charged as an adult under “direct file” provisions (NRS 62B.330) but is found not guilty of the direct file charge, the district court may return the child to juvenile court to address any lesser included charge. (BDR 5–186)**

## **B. JUVENILE COMPETENCY**

Both members and staff of the Commission indicated in testimony that developing a stand-alone juvenile competency statute for Nevada was one of the Commission’s top priorities for the upcoming legislative session. The Commission spent a great deal of time researching and drafting a competency statute and presented it to the Committee at its June 20, 2014, meeting. Noting that 18 other states currently have juvenile competency statutes and acknowledging their importance to juvenile justice reform efforts, Chair Frierson voiced his support for the draft legislation and the Committee unanimously approved the following BDR:

**Draft legislation to create a new juvenile competency chapter under Title 5 (“Juvenile Justice”) of NRS. The chapter will outline the process of determining competency in juvenile proceedings, including the appointment of experts, competency evaluations, meetings on competency, findings, and orders of the court. (BDR 5–188)**

## **C. SCHOOL DISCIPLINE**

The Committee also received testimony from members of the Commission suggesting amendments to portions of the State’s school disturbance statutes. The amendments would allow the superintendent of a school district discretion regarding whether to expel students in certain instances. Noting that discretion is already granted in other potentially more severe circumstances, the Committee unanimously approved the Commission’s recommendation to:

**Draft legislation to: (1) amend subsections 1 and 3 of NRS 392.466 to allow the superintendent of schools the discretion to waive the expulsion requirement for battery, the sale or distribution of a controlled substance, and status as a habitual disciplinary problem; and (2) remove language in subsection 1 of NRS 392.910, which makes the use of vile or indecent language within a school a misdemeanor. (BDR 34–189)**

#### **D. CUSTODY—BEST INTEREST OF THE CHILD**

The Honorable Dorothy Nash Holmes, Municipal Judge, Department 3, Washoe County, informed the Committee of her belief that family court judges must be able to assess the mental and physical health of parents when considering the best interest of a child, and these assessments must encompass the ability to investigate potential drug or alcohol abuse if alleged in court. As such, Judge Holmes proposed adding language to the law allowing a court to require independent corroboration of an allegation that a parent habitually abuses drugs and/or alcohol. The Committee approved the following proposal:

**Draft legislation amending subsection 4(f) of NRS 125.480 relating to child custody. In determining the “best interest of the child” and regarding the mental health of the parents, the subsection would now include the following or similar language: The mental and physical health of the parents, “including the abuse of alcohol, prescription medications and other legal or illegal substances. The court may require independent corroboration of an allegation that a parent is habitually or continually using controlled substances or illegal drugs.” (BDR 11-190)**

#### **E. THE “REHOMING” OF ADOPTED CHILDREN**

Responding to a new and little known practice involving adopted children, the Committee received testimony from Lisa Ruiz-Lee, Director, Clark County Department of Family Services (DFS); Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Office of the Clark County District Attorney; and Jill Marano, Deputy Administrator, Family Programs, DCFS, DHHS. They explained that “rehoming” is the practice of placing children with nonrelative strangers outside the purview of the courts or public child welfare agencies. Frequently, these placements are undertaken by parents who cannot meet the complex emotional and behavioral needs of their adopted children. Recent work by investigative journalists indicates that “rehoming” has in some instances resulted in severe abuse and neglect of children. Nevada law does address unlawful placement or adoption of children, but “rehoming” has not yet been entered into statute. Indicating a strong desire to join the relatively few other states that have taken action on this subject to date, the Committee approved the following recommendation:

**Draft legislation amending Chapter 432B (“Protection of Children from Abuse and Neglect”) of NRS, and/or Chapter 127 (“Adoption of Children and Adults”) of NRS, in order to define the words “rehoming,” “advertise,” “adoption disruption,” and “adoption dissolution,” and address the delegation of parental responsibility through power of attorney or guardianship for the purposes of rehoming. (BDR 11-191)**

## F. CHILD WELFARE

Testimony by Director Ruiz-Lee indicated that confusion has arisen recently regarding who can be held accountable for negligent treatment, maltreatment, abuse, or neglect of children due to the use of the word “person” in certain portions of NRS. While the term “person” is used in NRS to indicate entities other than a single individual, the Committee agreed that an amendment to the law would help avoid future technical arguments about who might be responsible for child abuse if a person or an entity overlooked certain behavior. The following BDR was approved unanimously:

**Draft legislation amending Chapter 432B of NRS to adequately reflect the wide range of “entities,” beyond just a “person,” that may be responsible for negligent treatment, maltreatment, abuse, or neglect of a child. (BDR 38-192)**

## G. FOSTER CARE

In its past work, the Committee focused on enhancing children’s safety by ensuring that those who work with children in various capacities, such as in child care facilities, must undergo background checks (see A.B. 93, [Chapter 118, *Statutes of Nevada 2013*]). During the current interim, Director Ruiz-Lee expressed her hope that the Committee would pursue legislation granting family service agencies broader authority to conduct background checks on “nonprimaries,” persons who are not the primary licensee of a foster home but who routinely care for children or are routinely present in the foster home. One example of a common “nonprimary” is the significant other of a licensee who does not live at the home but who is frequently there for extended periods. Director Ruiz-Lee noted the most severe injuries and other abuses encountered by family service agencies dealing with foster homes often involve “nonprimaries.” While the Committee expressed concern that such legislation may grant overly broad authority if not drafted appropriately, it approved the following BDR unanimously:

**Draft legislation amending Chapter 424 (“Foster Homes for Children”) of NRS, to provide statutory authority for the conduct of background checks on persons who are routinely found within a foster home environment. (BDR 38-193)**

## H. FUNDING FOR CHILD WELFARE AND JUVENILE JUSTICE PROGRAMS

The Committee took up two funding-related policy issues during the interim. The first item involved foster youth who voluntarily choose to remain under court jurisdiction between the ages of 18 and 21 and who receive stipends from child and family service agencies during that time as long as they meet certain criteria (A.B. 350, [Chapter 57, *Statutes of Nevada 2011*]). The second issue involved children in both the child welfare and juvenile justice systems who, for various reasons, are the most difficult to care for. In both instances, testimony indicated the State does not have adequate funding in place to continue to provide the level of financial support and/or services required by these two populations. One solution suggested by

Director Ruiz-Lee is to create categorical grants for each population similar to the one created by the Legislature for adoption assistance programs (Senate Bill 447, [Chapter 396, *Statutes of Nevada 2011*]). The Committee approved the following BDR unanimously:

**Draft statutes similar to Chapter 432B of NRS creating: (1) a categorical grant to fund a program for youths who voluntarily remain under court jurisdiction until the age of 21; and (2) a categorical grant to fund a higher level of care for the most challenging youths in both the welfare and juvenile justice systems. (BDR 38-194)**

#### **I. SERVING NOTICES—PROPOSED TECHNICAL FIX**

Director Ruiz-Lee also brought to the Committee’s attention a difference in the way hearing notices must be served when a child is the subject of a petition stating that the child needs protection or that the child has been taken into protective custody. The BDR approved by the Committee seeks to reduce confusion in these two instances and help ensure due process is afforded to all involved.

**Draft legislation amending Chapter 432B of NRS to provide that the manner of serving a summons after a petition stating that a child is in need of protection has been filed with a court is the same as the manner of giving notice of an initial hearing after removal of the child from his or her home. (BDR -195)**

#### **J. PARENTAL RIGHTS AND FAMILY REUNIFICATION—STANDARDS FOR BURDEN OF PROOF**

Finally, the Committee also learned of differences relating to the burdens of proof that are required in actions involving the termination of parental rights and reasonable efforts to preserve and reunify a family. Similarly, the Committee was made aware that some confusion exists regarding the burden of proof required in Indian child welfare cases of a similar nature. The BDR approved by the Committee addresses these matters by aligning the burden of proof in the first two instances as “clear and convincing” and clarifying that in Indian child welfare cases, the burden of proof is “beyond a reasonable doubt.”

**Draft legislation aligning burdens of proof found in NRS 432B.393 and NRS 128.105 regarding the termination of parental rights, reasonable efforts to preserve and reunify a family, and clarifying that the burden of proof in Indian child welfare cases is “beyond a reasonable doubt.” (BDR 38-196)**

#### **V. COMMITTEE ACTIONS**

In addition to proposing the legislation discussed above, the Committee accepted recommendations from the Task Force for the drafting of two letters to the Commission both

of which involve issues that the Committee agreed required further study prior to any legislative action being taken.

1. Draft a letter to the Commission urging its support for the development of a Memorandum of Understanding (MOU) between the DOC and the various juvenile offender facilities in Nevada to facilitate the transfer of youthful offenders from DOC facilities to juvenile facilities.
2. Draft a letter to the Commission urging it to review the following items and make recommendations to the Legislature based upon its findings:
  - a. Consider requesting legislation mandating the transfer of youthful offenders under 18 years old to juvenile facilities;
  - b. Conduct fact-finding visits to co-located facilities, MOU-based facilities, and facilities under statutory juvenile series management in other states;
  - c. Conduct further study prior to moving forward with a Capital Improvement Program for the building of a co-located facility in Nevada;
  - d. Consider requesting legislation to amend subsection 4 of NRS 62C.030 to make housing a juvenile in a juvenile detention facility the “default” regardless of the charge and require the State to petition the court to transfer the juvenile to an adult facility pending the upcoming court process if the State so chooses; and
  - e. Support the conduct of a “trial period” housing youths from the Nevada Youth Training Center at the Jan Evans Juvenile Justice Center.

Copies of the letters approved by the Committee are attached as Appendix D.

The list of BDRs approved by the Committee for the 2015 Legislative Session is attached as Appendix E.

## **VI. CONCLUSION**

This report presents a summary of the bill drafts requested by the members of the Legislative Committee on Child Welfare and Juvenile Justice for discussion before the 2015 Nevada Legislature as well as information concerning the activities and recommendations made by the Committee’s Task Force to Study Juvenile Justice Issues. In addition, this document provides information identifying certain other issues that were addressed during the 2013–2014 Interim.

Persons wishing to have more specific information concerning these issues may find it useful to review the Summary Minutes and Action Report and related exhibits for the Committee's meetings online at: <http://www.leg.state.nv.us/Interim/77th2013/Committee/StatCom/ChildWelfare/?ID=54>.

Persons interested in gathering more information on the activities of the Task Force may want to review the Summary Minutes and Action Report and related exhibits from the Task Force's meetings online at: <http://www.leg.state.nv.us/Interim/77th2013/Committee/StatCom/JuvJustTaskForce/?ID=76>.

The Committee wishes to thank all those who took part in its work during the interim.



**VII. APPENDICES**

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**APPENDIX A**

*Nevada Revised Statutes* 218E.700 through 218E.720



*Nevada Revised Statutes*

**NRS 218E.700 “Committee” defined.** As used in [NRS 218E.700](#) to [218E.720](#), inclusive, unless the context otherwise requires, “Committee” means the Legislative Committee on Child Welfare and Juvenile Justice.

(Added to NRS by [2009, 2545](#); A [2013, 3751](#))

**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](#))

**NRS 218E.710 Meetings; quorum; compensation, allowances and expenses of members.**

1. Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.

2. The Director or the Director’s designee shall act as the nonvoting recording Secretary of the Committee.

3. Four members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

4. Except during a regular or special session, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to [NRS 218A.655](#).

5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

(Added to NRS by [2009, 2546](#); A [2011, 3233](#))

**NRS 218E.715 General duties.** The Committee shall evaluate and review issues relating to:

1. The provision of child welfare services in this State, including, without limitation:
  - (a) Programs for the provision of child welfare services;
  - (b) Licensing and reimbursement of providers of foster care;
  - (c) Mental health services; and
  - (d) Compliance with federal requirements regarding child welfare; and
2. Juvenile justice in this State, including, without limitation:
  - (a) The coordinated continuum of care in which community-based programs and services are combined to ensure that health services, substance abuse treatment, education, training and care are compatible with the needs of each juvenile in the juvenile justice system;
  - (b) Individualized supervision, care and treatment to accommodate the individual needs and potential of the juvenile and the juvenile's family, and treatment programs which integrate the juvenile into situations of living and interacting that are compatible with a healthy, stable and familial environment;
  - (c) Programs for aftercare and reintegration in which juveniles will continue to receive treatment after their active rehabilitation in a facility to prevent the relapse or regression of progress achieved during the recovery process;
  - (d) Overrepresentation and disparate treatment of minorities in the juvenile justice system, including, without limitation, a review of the various places where bias may influence decisions concerning minorities;
  - (e) Gender-specific services, including, without limitation, programs for female juvenile offenders which consider female development in their design and implementation and which address the needs of females, including issues relating to:
    - (1) Victimization and abuse;
    - (2) Substance abuse;
    - (3) Mental health;
    - (4) Education; and
    - (5) Vocational and skills training;
  - (f) The quality of care provided for juvenile offenders in state institutions and facilities, including, without limitation:
    - (1) The qualifications and training of staff;
    - (2) The documentation of the performance of state institutions and facilities;
    - (3) The coordination and collaboration of agencies; and
    - (4) The availability of services relating to mental health, substance abuse, education, vocational training and treatment of sex offenders and violent offenders;
  - (g) The feasibility and necessity for the independent monitoring of state institutions and facilities for the quality of care provided to juvenile offenders; and

(h) Programs developed in other states which provide a system of community-based programs that place juvenile offenders in more specialized programs according to the needs of the juveniles.

(Added to NRS by [2009, 2546](#))

**NRS 218E.720 General powers.**

1. The Committee may:

(a) Conduct investigations and hold hearings in connection with its duties pursuant to [NRS 218E.715](#) and exercise any of the investigative powers set forth in [NRS 218E.105](#) to [218E.140](#), inclusive;

(b) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee; and

(c) Propose recommended legislation concerning child welfare and juvenile justice to the Legislature.

2. The Committee shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the Legislature a report concerning the evaluation and review conducted pursuant to [NRS 218E.715](#).

(Added to NRS by [2009, 2547](#); A [2011, 3233](#); [2013, 3751](#))



**APPENDIX B**

Status of Bill Draft Requests From  
the 2011-2012 Interim



**STATUS OF BILL DRAFT REQUESTS FROM THE 2011–2012 INTERIM**

<b>BDR</b>	<b>SUMMARY</b>	<b>BILL</b>	<b>STATUS</b>
38-61	Makes various changes relating to background checks required to be conducted by child care facilities.	AB 93	Chapter 118, <i>Statutes of Nevada 2013</i>
05-62	Makes various changes relating to sexually exploited children.	AB 152	Failed
14-63	Establishes the crime of sex trafficking of a minor.	AB 113	Failed
05-64	Revises various provisions relating to juveniles charged as adults for committing certain crimes.	AB 202	Chapter 483, <i>Statutes of Nevada 2013</i>
38-65	Makes various changes concerning the protection of children and youth in the child welfare system from identity theft	SB 99	Chapter 323, <i>Statutes of Nevada 2013</i>
38-66	Revises various provisions concerning investigations of reports of abuse or neglect of a child.	SB 176	Chapter 478, <i>Statutes of Nevada 2013</i>
38-67	Revises various provisions relating to the protection of children from abuse and neglect.	AB 81	Failed
38-68	Revises various provisions concerning reasonable efforts required of an agency which provides child welfare services to preserve and reunify the family of a child in the child welfare system.	SB 98	Chapter 67, <i>Statutes of Nevada 2013</i>
38-69	Revises various provisions relating to the hearings concerning children who are removed from their homes.	SB 97	Chapter 66, <i>Statutes of Nevada 2013</i>
38-73	Revises various provisions concerning abuse or neglect of a child.	AB 315	Failed



## **APPENDIX C**

**Complete List of Proposals Made by the Legislative Committee  
on Child Welfare and Juvenile Justice's Task Force  
to Study Juvenile Justice Issues**



**COMPLETE LIST OF PROPOSALS MADE BY THE LEGISLATIVE COMMITTEE  
ON CHILD WELFARE AND JUVENILE JUSTICE'S TASK FORCE  
TO STUDY JUVENILE JUSTICE ISSUES**

*Direct File Jurisdiction*

1. Amend NRS to provide that if a juvenile is direct-filed to district court on one charge, but is then acquitted of that charge and convicted of a lesser included charge, the district court will have discretion to send the case to juvenile court. *(from Task Force discussion)*

*Offender Housing*

2. Draft a letter to the members of the Supreme Court of Nevada's Commission on Statewide Juvenile Justice Reform urging the Commission's support for the development of a Memorandum of Understanding (MOU) between the Department of Corrections (DOC) and the various juvenile offender facilities in Nevada, which would provide for the transfer of youthful offenders from DOC facilities to juvenile facilities.

*Topics for Further Study*

3. Draft a letter to the members of the Supreme Court of Nevada's Commission on Statewide Juvenile Justice Reform urging the Commission to review the following items and make recommendations to the Legislature based on its findings:
  - a. Consider requesting legislation mandating the transfer of youthful offenders under the age of 18 to juvenile facilities;
  - b. Conduct fact-finding visits to co-located facilities, MOU-based facilities, and facilities under statutory juvenile series management in other states;
  - c. Conduct further study prior to moving forward with a Capital Improvement Program for the building of a co-located facility in Nevada;
  - d. Consider requesting legislation to amend subsection 4 of NRS 62C.030 to make housing a juvenile in a juvenile detention facility the 'default' regardless of the charge and require the State to petition the court to transfer the juvenile to an adult facility pending the upcoming court process if the State so chooses *(from Chairman Ohrenschall)*; and
  - e. Support the conduct of a "trial period" housing youths from the Nevada Youth Training Center at the Jan Evans Juvenile Justice Center.



## **APPENDIX D**

Letters Approved by the Committee to the Supreme Court of Nevada's  
Commission on Statewide Juvenile Justice Reform



STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800  
MARILYN K. KIRKPATRICK, *Assemblywoman, Chairman*  
Rick Combs, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
BEN KIECKHEFER, *Senator, Chairman*  
Mark Krmptic, *Fiscal Analyst*  
Cindy Jones, *Fiscal Analyst*

RICK COMBS, *Director*  
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830  
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
H. PEPPER STURM, *Interim Research Director* (775) 684-6825

November 20, 2014

The Honorable James W. Hardesty, Cochair  
The Honorable Nancy M. Saitta, Cochair  
Commission on Statewide Juvenile Justice Reform  
Supreme Court Building  
201 South Carson Street, Suite 300  
Carson City, Nevada 89701-4789

Dear Justice Hardesty and Justice Saitta:

At its meeting on July 18, 2014, the Legislative Committee on Child Welfare and Juvenile Justice (Committee, *Nevada Revised Statutes* 218E.705) voted to request the Supreme Court of Nevada's Commission on Statewide Juvenile Justice Reform (Commission) support the development of a Memorandum of Understanding (MOU) between the Department of Corrections (DOC) and the various juvenile offender facilities in Nevada. The MOU would facilitate the transfer of youthful offenders from DOC facilities to juvenile facilities to ensure these youths are housed in the most appropriate settings possible.

In choosing to make this recommendation, the Committee considered testimony from members of the juvenile justice community as well as recommendations specifically addressing youthful offender housing made by the Committee's Task Force to Study Juvenile Justice Issues (Assembly Bill 202 [Chapter 483, *Statutes of Nevada 2013*]).

Testimony on this topic indicated there are many benefits associated with housing youthful offenders in age appropriate facilities separate from adult offenders, not the least of which is compliance with the federal Prison Rape Elimination Act of 2003. In addition to complying fully with federal law, Nevada may find, as other states recently have, that housing youths appropriately may allow them to be closer to their communities and families, give them access to more effective services and learning opportunities, and help lower recidivism rates.

Finally, as the Commission is well aware, having studied the subject extensively, the costs associated with upgrading existing facilities or building entirely new ones in order to house

The Honorable James W. Hardesty  
The Honorable Nancy M. Saitta  
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adult and youth offenders at the same site are prohibitive. If the possibility exists that the State could generate substantial savings by pursuing separate housing for youths and adults, then we owe it to our citizens to examine this option fully.

Should the Commission choose to accept this recommendation and move forward with the development of an MOU, the Committee would be pleased to receive informational updates as appropriate. Of course, if I or other members of the Committee or our staff can be of any assistance to the Commission regarding this matter, we hope you will not hesitate to call on us. On behalf of the members of the Legislative Committee on Child Welfare and Juvenile Justice and of the Committee's Task Force to Study Juvenile Justice Issues, I thank you and the full Commission for your consideration of this request and for your excellent work to continually improve Nevada's juvenile justice system.

Sincerely,



Jason M. Frierson, Chair  
Legislative Committee on Child Welfare and Juvenile Justice

JMF/jc:W143640

cc: Members of the Commission on Statewide Juvenile Justice Reform  
Staff of the Commission on Statewide Juvenile Justice Reform

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800  
MARILYN K. KIRKPATRICK, *Assemblywoman, Chairman*  
Rick Combs, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
BEN KIECKHEFER, *Senator, Chairman*  
Mark Krmptic, *Fiscal Analyst*  
Cindy Jones, *Fiscal Analyst*

RICK COMBS, *Director*  
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830  
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
H. PEPPER STURM, *Interim Research Director* (775) 684-6825

November 20, 2014

The Honorable James W. Hardesty, Cochair  
The Honorable Nancy M. Saitta, Cochair  
Commission on Statewide Juvenile Justice Reform  
Supreme Court Building  
201 South Carson Street, Suite 300  
Carson City, Nevada 89701-4789

Dear Justice Hardesty and Justice Saitta:

At its meeting on July 18, 2014, the Legislative Committee on Child Welfare and Juvenile Justice (Committee, *Nevada Revised Statutes* 218E.705) voted to request the Supreme Court of Nevada's Commission on Statewide Juvenile Justice Reform (Commission) further investigate several issues it has recently considered prior to making any recommendations to the 2015 Legislature.

The items recommended for the Commission's review were initially addressed at meetings of the Committee's Task Force to Study Juvenile Justice Issues (Task Force, [Assembly Bill 202, Chapter 483, *Statutes of Nevada 2013*]) whose mandate was to review matters relating to the housing of youthful offenders. They were then brought forward to the full Committee in the form of a recommendation for further study, which the Committee approved.

As you are aware, several members of the Commission sat on either the Committee or the Task Force and thus will be quite familiar with these subjects. The first three recommendations are facility-related and address approaches taken in other states as well as possible changes to Nevada's current housing scheme.

- 1. Commission members should conduct fact-finding visits to other states that utilize co-located facilities, Memorandum of Understanding-based facilities, and facilities under statutory juvenile series management.**

Each of the models mentioned above provide alternative housing models that the Committee believes merit further investigation before Nevada finalizes and moves forward with any substantial changes to its current approach to housing youthful offenders.

**2. Conduct further study prior to moving forward with a Capital Improvement Program for the building of a co-located facility in Nevada.**

In addition to visiting other states to witness firsthand how their various housing models function, the Committee recommends that the Commission further study cost-benefit analysis, public and inmate safety, compliance with federal law, and other relevant issues prior to committing its support for the construction of a co-located facility in Nevada.

**3. Support the conduct of a “trial period” housing youths from the Nevada Youth Training Center (NYTC) at the Jan Evans Juvenile Justice Center (Evans Center).**

Testimony before the Task Force suggested that substantial benefits might be gained by transferring appropriate offenders from the NYTC in Elko to the Evans Center in Reno. Perhaps the most vital benefit of this trial period would be bringing youths closer to their families and communities whose support is crucial to their success going forward.

The final two recommendations are legislative in nature. The Committee believes these proposals have merit but require further consideration and input from the juvenile justice community before a final decision can be made regarding whether statutory amendments are in order, and if so, exactly what form those amendments should take.

**4. Consider requesting legislation mandating the transfer of youthful offenders under 18 years old to juvenile facilities.**

The Committee heard testimony strongly supporting the argument that youths under 18 years old fare much better and are much safer when housed with other youths rather than with adults. The Commission should consider whether Nevada has the appropriate facilities and protocols in place to amend the law to require the transfer of all juveniles currently housed in adult facilities to juvenile ones.

**5. Consider requesting legislation to make housing juveniles in a juvenile detention facility the “default” regardless of the charge, and require the State to petition the court to transfer the juveniles to an adult facility pending the upcoming court process if the State so chooses.**

Should the Commission support Recommendation No. 4 above, the logical companion piece of legislation would be to amend the law such that juvenile offenders will always be housed in a

The Honorable James W. Hardesty  
The Honorable Nancy M. Saitta  
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juvenile facility unless the State demonstrates to a court during regular court proceedings why this should not be the case.

Should the Commission choose to accept these recommendations and continue to study these issues, the Committee would be pleased to receive informational updates as appropriate. Of course, if I or other members of the Committee or our staff can be of any assistance to the Commission, we hope you will not hesitate to call on us. On behalf of the members of both the Legislative Committee on Child Welfare and Juvenile Justice and the Committee's Task Force to Study Juvenile Justice Issues, I thank you and the Commission for your consideration of these recommendations and for your ongoing commitment to juvenile justice reform in Nevada.

Sincerely,



Jason M. Frierson, Chair  
Legislative Committee Child Welfare and Juvenile Justice

JMF/jc:W143641

cc: Members of the Commission on Statewide Juvenile Justice Reform  
Staff of the Commission on Statewide Juvenile Justice Reform



## APPENDIX E

### Suggested Legislation

The following bill draft requests will be available during the 2015 Legislative Session, or can be accessed after “Introduction” at the following website: <http://www.leg.state.nv.us/Session/78th2015/BDRList/page.cfm?showAll=1>.

BDR 5–186 Revises provisions relating to juvenile justice.

BDR 5–188 Enacts a juvenile competency standard.

BDR 34–189 Revises provisions relating to school discipline.

BDR 11–190 Revises provisions relating to child custody.

BDR 11–191 Revises provisions relating to adopted children.

BDR 38–192 Revises provisions relating to child welfare.

BDR 38–193 Revises provisions relating to foster homes.

BDR 38–194 Revises provisions relating to children in foster care.

BDR –195 Revises provisions relating to child welfare.

BDR 38–196 Revises provisions relating to child welfare.