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## TESTIMONY

**BILL: AB132 – Mandates that all juvenile court hearings would be open to the public.**

**NEVADA DIVISION OF CHILD AND FAMILY SERVICES**

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Good morning Chairman Anderson and members of the Judiciary Committee. I'm Edward Cotton, Administrator of the Division of Child and Family Services. I am here to offer testimony in opposition to AB132, which requires that all juvenile court hearings be open to the public. The only exception would be when a motion is filed alleging that such an action would not be in the best interest of the child who is the subject of the proceeding, and the judge makes a finding agreeing with that motion.

DCFS is strongly opposed to this Bill. It is our position that Dependency Hearings should be presumptively closed to the public, with interested parties having the right to petition the court to open a hearing for a specific purpose. Reasons for my opposition include:

- Children are much less likely to testify if they know that anyone – media, classmates, neighbors, or anyone else can attend the hearing. Often the child's testimony is critical in ensuring that s/he isn't reabused. I had a nine-year-old

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SUBMITTED BY: Edward Cotton

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foster son who had been repeatedly sexually abused by his stepfather. It was very difficult to convince him to testify in court, even though it was closed. I am certain he would not have testified in an open courtroom. Therefore, he would have been returned to the perpetrator and the abuse would have continued. I am happy to report that his testimony prevented that from happening. This is not an isolated cases – this is typical.

- Parents who abuse their children are often able to work through the issues that brought about the abuse, and are able to get their children returned. They are often willing to admit to the abuse as the first step to healing and work with us to get the children returned. However, I am concerned that this would not occur in open court, and the healing process would never happen, causing more children to come into the system.
- I believe that most of these cases would result in a motion to close the proceeding – indeed, the Division would make many such motions – and the result would be a backlog of permanency and other required hearings that would bog down the whole system.
- The child victim could suffer repercussions from open hearings. His name would become widely known, whether the media published it or not. Children who are abused, particularly sexually abused, are often ostracized by other children and family members. This would greatly add to that problem.

Finally, I would cite a statement from Esther Wattenberg, one of the five members of the Minnesota Supreme Court's Task Force that studied this issue in Michigan and other

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states: "There is not one shred of evidence to support the assumptions that press and public access to dependency hearings will improve the quality of the judge and advocacy child welfare work, or reduce the overloaded system.

In summary, I believe there are many reasons to keep these hearings presumptively closed, and not one compelling reason to open them.

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