MINUTES OF THE MEETING OF THE ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES

Seventy-Fourth Session March 12, 2007

The Committee on Health and Human Services was called to order by Chair Sheila Leslie at 1:32 p.m., on Monday, March 12, 2007, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Sheila Leslie, Chair
Assemblywoman Susan I. Gerhardt, Vice Chair
Assemblyman Bob L. Beers
Assemblyman Joseph P. (Joe) Hardy
Assemblywoman Ellen Koivisto
Assemblywoman Kathy McClain
Assemblywoman Bonnie Parnell
Assemblywoman Peggy Pierce
Assemblyman Lynn D. Stewart
Assemblywoman Valerie E. Weber
Assemblywoman RoseMary Womack

STAFF MEMBERS PRESENT:

Sarah J. Lutter, Committee Policy Analyst Bonnie Borda Hoffecker, Personal Secretary Patricia Evans, Committee Secretary Olivia Lloyd, Committee Assistant



OTHERS PRESENT:

- Jim Gibbons, Governor, State of Nevada
- Michael J. Willden, Director, Department of Heath and Human Services, Carson City, Nevada
- Carole Shauffer, Executive Director, Youth Law Center, San Francisco, California
- Mike Capello, Director, Washoe County Department of Social Services, Reno, Nevada
- Thomas Morton, Director, Clark County Department of Family Services, Las Vegas, Nevada
- Fernando Serrano, Administrator, Department of Health and Human Services, Division of Child and Family Services, Carson City, Nevada
- Mark Nichols, Executive Director, National Association of Social Workers, Las Vegas, Nevada
- Renee Ruiz, representing Service Employees International Union, Las Vegas, Nevada
- Gary Peck, representing American Civil Liberties Union of Nevada, Las Vegas, Nevada
- Glen Campbell, Private Citizen, Las Vegas, Nevada
- Ernest Adler, representing Rite Of Passage, Carson City, Nevada

Chair Sheila Leslie:

[Meeting called to order. Roll called.] There are two bills to be heard today. We are honored to have Governor Gibbons with us.

Jim Gibbons, Governor, State of Nevada:

[Testified from prepared text (Exhibit C).] One of the essential services of government is to safeguard children who cannot adequately protect themselves. As political leaders, it is our duty to provide the best care possible for children who are under the care of the child welfare system. I recognize the actions of Speaker Barbara E. Buckley, who spearheaded a child welfare working group that has devoted time and energy to developing strategies for addressing concerns with the current system. Assemblywoman Sheila Leslie chaired the Children's Civil Rights Committee, and Assemblywomen Susan Gerhardt and Bonnie Parnell were members of a Blue Ribbon Panel reviewing child deaths. Greater accountability, transparency, and oversight of the child welfare system in Nevada were some of the issues addressed. These measures require: State licensing of all child care institutions in Nevada; disclosure of information pertaining to missing children, fatality and near fatality case; and strengthening State oversight responsibility and enforcement over all child care institutions. The State Budget includes enhancements designed to upgrade the child welfare

system. This funding will upgrade the child welfare system by improving caseworker ratios. Also addressed will be recruiting, training, and retaining foster parents. We will expand mental health services, and enhance performance quality assurance.

Chair Leslie:

If this process is effective, it is because of political will. At the Executive Branch, that political will is there. This Committee pledges to work with you and your staff to improve child welfare.

We would like to begin with an overview of the Assembly Bill No. 580 of the 73rd Session Committee. Reference the final report of the Nevada Institute for Children's Research and Policy (NICRP). [Read from prepared script (Exhibit D).] The Subcommittee to Oversee The Consultant To Study the Health, Safety, Welfare, Civil And Other Rights Of Children In The Care of Certain Governmental Entities Or Private Facilities was formed as a result of the ongoing concerns of the legislature. The study was, in part, a response to a report from the United State's Department of Justice, made pursuant to the Civil Rights of Institutionalized Person Act (CRIPA) report. The purpose of this study was to evaluate the various facilities where children are placed by court order. The intent was to inform the Legislature about the conditions of these facilities to insure that another CRIPA report does not occur in our State. The A.B. No. 580 of the 73rd Session study included 30 facilities, involving juvenile detention facilities at the county level, juvenile corrections facilities at the State level, child welfare facilities, treatment facilities, and group homes. The study did not include family foster care. The consultant selected was The Nevada Institute For Children's Research and Policy, University of Nevada, Las Vegas. consultant followed up on complaints and provided an analysis of those complaints for five years preceding the study. Finally, the consultant conducted unannounced site visits of the facilities. Some concerns included availability of mental health beds for children, licensing, and inspections of facilities. Licensing should be done by an independent entity. Other concerns included training of staff, suggesting staff working directly with children receive ongoing training, and education. The Legislative Commission approved continuing the complaint evaluation until June 2007. The Subcommittee looked at problems with independent child death review panels in Clark County. These problems included the lack of coordination between the various entities involved, inconsistency in the determinations on case reviews, confidentiality, and cases not being investigated. Also found were possibilities of underreporting and inaccuracies with data concerning the cause and substantiation of child deaths. They looked at the lack of transparency by agencies that provide child welfare services concerning children who die or suffer near-fatalities, problems with over-crowding of emergency shelters, licensing issues related to the shelters,

and the impact of drug abuse on the child welfare system. There were problems with inadequate foster home recruitment, which has added to the problem of over-crowded emergency shelters. A combination of young children, babies, and older children were placed in over-crowded emergency shelters. This situation was noted by the federal government, which had threatened penalties for noncompliance with federal law. During this period, law suits were filed against the State and Clark County, alleging various violations of the rights of children. The Subcommittee voted to enact legislation to address some of the concerns raised over the course of the study. We will discuss Assembly Bill 147 today.

Assembly Bill 147: Makes various changes concerning the placement of a child into protective custody. (BDR 38-869)

Assemblywoman Gerhardt:

In the summer of 2005, one year after Clark County officials had closed her case, a two-year old child affected with cerebral palsy, died of starvation in a squalid mobile home in Las Vegas. This is only one of several cases in which children who were or had been under County supervision died. Local media outlets reported a string of tragedies, and called for investigations as more horrific stories of mistreated children unfolded. It became evident that the actual number of child deaths in Clark County was greater than the number reported by the State of Nevada to the Federal Child Welfare Oversight Agency. Law suits were filed calling for disclosure. The need for analysis of the problem was apparent; and after the Division of Child and Family Services (DCFS) received numerous notices from the Federal Administration For Children and Families expressing concern that child deaths in Nevada were being underreported, a data analysis of child deaths in Clark County was initiated. During this process, 79 deaths between 2001 and 2004 were identified as needing further review. Terry Covington, from the National Maternal and Child Health Center For Child Death Review, was contracted to coordinate a review process of these cases. The Blue Ribbon Panel was formed to receive and study the report. The Panel's goal was to receive a national review team report from a multi-disciplinary panel of experts commissioned by DCFS. Covington Report was initiated to lend expertise to the Panel's efforts, shape recommendations for improvement, as well as help address the negative perception among the public and the media about a lack of transparency and accountability within the system. The Panel found wide-spread systemic problems with the State's child welfare agencies and concurred with Terry Covington's conclusions.

The following is a summary of our findings: Unified Nevada Information Technology for Youth (UNITY), the State's child welfare tracking system, was in

serious need of an overhaul. It is not possible to effectively respond to child deaths without accurate information. The Blue Ribbon Panel recommended the UNITY system be examined by a team of internal and external experts consisting of both users and computer programmers, to share and cross-check critical data. Oversight includes monitoring of county welfare agencies to ensure action plans are being implemented. The Assembly will hear legislation this session aimed to provide independent, cost-effective oversight to agencies which provide child welfare services, to ensure compliance with State and federal statutory and regulatory mandates. Greater transparency would also mitigate the public perception of secrecy and subterfuge under the State's child welfare agencies. Clark County has increased the number of hot-line staff members, added additional staff, and appropriated two full-time foster parent recruiters and trainers. The Blue Ribbon Panel was told supervisor-to-case worker ratio was one to seven. The Blue Ribbon Panel recommends application of best practices as published by the Child Welfare League of America. The Panel recommends the State's institutions of higher learning offer degrees in fields such as forensics, domestic violence, and parenting. Minimally, a Master's degree in social work is required in these areas. The State must mandate that all workers complete core child welfare training and advanced practice skills development in the form of a certification program. currently developing a new community center foster family recruitment plan and strategy which targets specific populations of children. The State must provide continuous support and training to foster families to assist with children who have medical or behavioral health problems. The State must improve and streamline licensing processes and ensure that emergency foster homes can receive a child within 30 days of the initial request.

One of the original members of the Covington group, Ed Cotton, was retained to further investigate problems in Nevada's child welfare system and make recommendations for change. Mr. Cotton found problems including incomplete record keeping and documentation, failure to investigate abuse allegations in a timely manner, poor case worker training, insufficient supervision, and a failure to follow up on the welfare of children in open cases. The pages containing the information on 55 children were excised at the request of the Clark County District Attorney's office. Mr. Cotton's recommendations to the County are: the County must make better use of the hotline by ensuring an alleged victim is seen within 24 hours from the time the report was received, staff be available 24 hours a day to investigate cases, and the State must limit the number of cases handled by each investigator to 10 per month. Additionally, officials must not be allowed to close a case without documenting every level of the investigation. While the Blue Ribbon Panel on child death review concluded its business in January 2007, ongoing state-wide corrective action plans must be monitored and implemented. With passage of the proposed legislation,

independent monitoring, collaboration among law enforcement, the coroner's office, the district attorney's office, and child protective services, systemic change is possible. Some of the material being distributed includes newspaper articles seen in Clark County (Exhibit E).

Chair Leslie:

A Blue Ribbon study was also done for Washoe County and rural Nevada.

Michael J. Willden, Director, Department of Health and Human Services, Carson City, Nevada:

When the Blue Ribbon panel was started in Clark County, we knew we would get to Washoe County and rural Nevada case files as soon as possible. The Covington team was brought in to do the same type of review in each of the three jurisdictions. After the Covington report in each district, we created a corrective action planning matrix. The Department will continue to follow through with the process.

Chair Leslie:

In the long run, the child welfare system will be better served.

Assemblywoman Bonnie Parnell:

Probably the overriding cause of some of these problems is not having enough time to reach everyone.

Chair Leslie:

We need a committee introduction on BDR 38-352. The requester is Clark County.

BDR 38-352-Authorizes certain counties to contract for the licensing and regulation of foster homes. (Later introduced as Assembly Bill 292.)

ASSEMBLYWOMAN PARNELL MOVED TO INTRODUCE BDR 38-352.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSES UNANIMOUSLY.

Chair Leslie:

We will open the hearing on Assembly Bill 147.

Assembly Bill 147: Makes various changes concerning the placement of a child into protective custody. (BDR 38-869)

This bill prohibits a person who takes a child, who is six or younger, into protective custody, from placing that child in certain group shelters. It requires a court, along with an agency which provides child welfare services, to establish a plan to transfer a child, who is six or younger and who has been into a group shelter, to another placement.

Carole Shauffer, Executive Director, Youth Law Center, San Francisco:

[Read from prepared text ($\underbrace{\text{Exhibit F}}$).] Support for a modified $\underbrace{\text{A.B. } 147}$ is support for healthy development.

Chair Leslie:

Does placing children in group homes mean there are not enough foster parents?

Carole Shauffer:

The average length of a child in a shelter is long, particularly for young children. Keeping children in shelters may lead to placement disruptions. It may be difficult for foster parents to relate to children who have had these experiences.

Chair Leslie:

What would be a reasonable time frame for implementing this program?

Carole Shauffer:

It is suggested it be a phased-in program. Children zero to three years old, who are the most vulnerable, would not be in congregate care by the end of this year. By the end of next year, no children who are zero to six years old will be in congregate care.

Chair Leslie:

Are there any other questions?

Assemblyman Hardy:

I think the concept should be not that babies need mothers, but an individual baby needs an individual mother. Do you have data on individual case studies?

Carole Shauffer:

The Robertson study, where they did observations of individual children, relates to that. The cortisol studies are primarily of children who have been through foster care systems in the United States.

Assemblywoman Womack:

Sometimes children may go from group home to foster care and back. If children are placed in foster care at an earlier age, is there a lesser chance of being in a swinging-door syndrome?

Carole Shauffer:

There is slightly more disruption in children who have been in a shelter. The experience in a shelter does not prepare children for living with one family. They have some dysfunctional behaviors, such as not turning to an adult for comfort; therefore, it is more likely the children are rejected right back to a group home.

Chair Leslie:

Let us hear from child welfare agency representatives and others favorable to this bill.

Mike Capello, MSW, Director, Washoe County Department of Social Services:

[Testified from prepared text, (Exhibit G).] We recognize a group shelter is not the optimum setting for young children placed into protective custody. We recognize child care centers are not the answer. Significant progress has been made in expanding the number of family foster homes in Washoe County. Generally, children age zero to two years of age are not placed into group shelter, such as Kids Kottage, unless they are part of a sibling group or are the child of a teen mother who is also in Kids Kottage. It takes four to five licensed family foster home beds to equal the capacity of one Kids Kottage bed. This translates to approximately 120 new foster home beds in Washoe County. It is believed that recruitment of additional family foster homes is achievable. We are focusing resources on expanding placement prevention services such as Family Preservation and other in-home support services.

Chair Leslie:

What is meant by family-based shelter care?

Mike Capello:

This means licensing foster homes.

Chair Leslie:

What is your comment on the two issues raised by Ms. Shauffer?

Mike Capello:

We are in support of not using shift care. The time table sounded reasonable.

Assemblyman Hardy:

Foster parents are frustrated with all the rules, regulations and problems. Is this an issue in Washoe County, or a universal problem? Can we look at the process in a foster-family-friendly way?

Mike Capello:

We have developed foster care liaisons. These liaisons are department staff who assist foster parents to navigate through the system. The Sierra Association of Foster Parents has obtained a grant to develop a foster parent mentoring program.

Thomas Morton, Director, Clark County Department of Family Services:

Many people do not recognize the nature and extent of trauma that occurs to children when they are removed from their homes, nor the extent of that trauma-even to very young children-when they are placed within days after their birth. That trauma is somewhat masked by the state of their development and behavior. The evidence of damage done to these children often does not appear behaviorally until a child is five to seven years old. The trauma often sustains itself internally. The Governor's budget and Clark County Commission have added staffing allowances, allowing expanded recruitment and staffing to provide additional support for foster parents. Foster parents and case workers are part of a system of care, not the cure. Clark County Department of Family Services is submitting a proposal to the State for a medical wrap-around project. This would allow provision of medical case management, wrap-around nursing care, and other related services for children whose acuity level is not high enough to require hospitalization. There are a large number of children in Clark County who enter group care and leave within five days. If children can be returned home within that short period of time, it raises a serious question about whether or not something could have been done immediately to prevent the removal of those children, and the trauma and experience of being in a group care setting. One of the goals we are exploring with the Youth Law Center is that no more than one child under the age of two be placed in a foster home, excepting siblings.

Chair Leslie:

Do you have any specific suggestions for modifications on A.B. 147?

Thomas Morton:

First, a phase-in period would be appropriate. Second, limiting the number of children, and also specifically referencing this cannot be a shift-work environment.

Chair Leslie:

Limiting the number of children was not addressed in this bill. Could you provide suggested amendments in writing?

Fernando Serrano, Administrator, Division of Child and Family Services:

The DCFS is affected by this bill in both our role regarding the child welfare system and in the role as the agency that monitors and administers child welfare services statewide. We can provide an annual report to the Legislature and all the monitoring that would go into doing so. We are the direct service provider in the 15 rural counties. In rural Nevada, we place all children in foster homes due to the unavailability of group homes. There are not any congregate care facilities that hold 16 or more children. Washoe County, Clark County, and the rural areas have some recruiting foster care efforts ahead. (Exhibit H)

Chair Leslie:

Perhaps welfare agencies can meet and provide an amendment on the shift-care issue, the phase-in issue, and Mr. Morton's point on limiting the number of children. If you could, within the next two weeks, get back to this Committee.

Mark Nichols, Executive Director, National Association of Social Workers, Nevada Chapter:

The Nevada Association of Social Workers (NASW) believes that the best interests of the children shall be paramount. Child welfare is a field of practice for social workers and must abide by best professional practices. The expertise, training, and education of the social work professional best meets the needs of our children.

Renee Ruiz, representing Service Employees International Union of Nevada:

Our main concern is items not included in the bill. [Read from prepared text (Exhibit I).]

Chair Leslie:

We expect the law to be followed. The recruitment issue is being addressed in the budget, which makes it inappropriate to include in this bill.

Gary Peck, American Civil Liberties Union (ACLU), Las Vegas:

It is nice to be able to support a bill that seems not to be controversial. We support the phase-in period, limiting numbers, and no-shift care. Our concern is about the systematic violation of fundamental rights of children.

Chair Leslie:

Is there anyone else in either location who would like to testify in favor of this bill?

Glen Campbell, Private Citizen, Las Vegas:

Once again, I am the only opposing vote to a piece of legislation. There needs to be an alternate view presented about this bill. This bill is predicated on the assumption that group care is bad and foster care is good. Foster care is also in crisis. Group care, when it is well run, can be positive, especially for short stays. In this session, we are considering the full-day kindergarten bill.

Chair Leslie:

Let us not talk about kindergarten.

Glen Campbell:

I am trying to draw parallels. We are saying that institutional care is okay in kindergarten or day care, but we are saying it is not okay when the children are kept overnight.

Chair Leslie:

Do you have some specific amendments that you would like to submit to the Committee? That would probably be best.

Glen Campbell:

I am voicing opposition. If the Committee if going to consider this bill fairly, it should consider opposing viewpoints.

Chair Leslie:

Yes, we are only trying to get some suggestions.

Glen Campbell:

My suggestion is to do not pass this bill. Would you like to hear my reasons?

Chair Leslie:

I think you have already outlined them, sir.

Glen Campbell:

You are saying that you are not going to allow full debate on this bill.

Chair Leslie:

You have two minutes to make your points.

Glen Campbell:

My points cannot be made in two minutes. I need five minutes.

Chair Leslie:

Would you like your two minutes? You are wasting time, Mr. Campbell.

Glen Campbell:

I am going to shift this controversy to you, Ms. Chairwoman. If you come to a bill and everyone down the line is opposing this bill, is there not an obligation to at least appoint a devil's advocate? We are taking discretion away from the commanders in the field. Child welfare is a war.

Chair Leslie:

If you would like to submit further comments in writing, we would love to have them. I am closing the hearing on A.B. 147 and opening the hearing on Assembly Bill 188.

Assembly Bill 188: Makes various changes to provisions governing the licensing of certain child care facilities. (BDR 38-599)

Michael J. Willden:

Assembly Bill 188 is one of three pieces of legislation considered and approved by the Blue Ribbon Panel. This piece of legislation puts DCFS into the equation in licensing child care institutions. The two large congregate care institutions, Child Haven in Las Vegas, and Kids Kottage in the North, were not licensed. Washoe County has voluntarily undergone licensing of congregate care institutions for children. Child Haven is not licensed, although we have a State team reviewing them on a day to day basis. What this bill will do is add definition to the statute to create statutory language defining a child care institution. There are three points: institutions for the education of children the boarding school component; services to children who have been diagnosed as severely emotionally disturbed; and emergency shelter care to children who have been placed in protective custody. The rest of the testimony corrects a backward way of licensing. Currently, if there is a local licensing ordinance, the State does not need to be involved. Correction would be for child care institutions. The State should be involved and licensing would not be delegated to local authorities.

Chair Leslie:

Section 4 covers every child care institution, including congregate care facilities?

Michael J. Willden:

The definition is 16 or more children.

Chair Leslie:

Why 16? Where did that number come from?

Michael J. Willden:

Foster care ends at age 15. Family foster care ends at 5 or 6 children, group care goes from 6 to 15, and an institution 16 or greater.

Assemblyman Hardy:

Do we have the staff and the funding to do all the licensing?

Michael J. Willden:

We are not putting a fiscal note on this bill. If the new positions are funded in the Governor's budget, we will be able to do the oversight that is necessary.

Chair Leslie:

Mr. Hardy, here is the explanation of the positions in the budget. I think that is what you are looking for.

Michael J. Willden:

The new volume of work will be for Child Haven.

Fernando Serrano:

This bill would give DCFS another tool to help ensure the safety of children by licensing of facilities that provide services for 16 or more children. This is consistent with the State's role of providing monitoring and oversight for the child welfare system.

Chair Leslie:

Are there any questions from Committee members? Are there others who would like to come forward to support A.B. 188?

Mike Capello:

As indicated by Mr. Willden, Kids Kottage has been licensed since its inception, but historically, Child Haven has been optionally licensed.

Chair Leslie:

Before, you had the option of being licensed? Under this bill, you would not have the option?

Mike Capello:

We asked the State to license the facility, though there was not a clear requirement to do so. We felt it was critically important to have State oversight of the facility. The County owns the facility, and we contract with a provider to run it.

Thomas Morton:

We support the concept of licensure and believe that Child Haven should meet all of the conditions thereof. We are developing specific licensing regulations and standards for shelter care, which may be somewhat distinct from 24-four hour child care. The solution to over-capacity in congregate care is to find more resources, but that takes time.

Chair Leslie:

Can someone answer the point made by Mr. Morton about regulations?

Mike Willden:

Yes, we are doing those regulations.

Chair Leslie:

Is there anyone else in favor or against A.B. 188?

Glen Campbell:

I am opposed to this bill.

Ernest Adler, representing Rite of Passage Schools, Reno:

There is only one portion of this bill that may cause a problem. Rite of Passage is actually licensed by the California Department of Education, as it is a California Charter school. One of the reasons is, in California, you can actually have longer than a 180-day school year for troubled kids. Could there be some sort of accommodation made for the fact that Rite of Passage is dually licensed? This is not an objection to the entire Bill.

Chair Leslie:

Does Rite of Passage have a dual license from Nevada?

Ernest Adler:

It has a private school license from Nevada and a California Charter school license.

Chair Leslie:

It is licensed by the Nevada Department of Education? But the curriculum is not approved?

Ernest Adler:

I do not think the curriculum is approved. The curriculum has already been approved by the State of California. Rite of Passage has met all the standards.

Assembly Committee on Health and Human Ser March 12, 2007 Page 15	vices		
Chair Leslie: We will have our legal staff take a look at that. Anyone else who would want to testify for or against A.B. 188? Closed hearing on A.B. 188.			
[Meeting adjourned at 3:27 p.m.].			
	RESPECTFULLY SUBMITTED:		
	Patricia Evans Committee Secretary		
APPROVED BY:			
Assemblywoman Sheila Leslie, Chair	_		

DATE:_____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: March 12, 2007 Time of Meeting: 1:32 p.m.

Bill	Exhibit	Witness / Agency	Description
	Α	* * * * * * * * * * * * * * * * * * * *	Agenda
	В	* * * * * * * * * * * * * * * * * * * *	Attendance Roster
AB 188	С	Governor Gibbons	In support of AB 188.
AB No. 580	D	Assemblywoman Leslie	Nevada Institute for Children's Research and Policy
AB No. 580	E	Assemblywoman Gerhardt	Newspaper Articles
AB 147	F	Carole Sharuffer	Young children in shelters
AB 147	G	Michael Capello	Group Shelters, Family Foster Homes
AB 147	Н	Fernando Serrano	DCFS
AB 147	I	Renee Ruiz	SEIU of Nevada