

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

**Seventy-Fifth Session
April 27, 2009**

The Committee on Health and Human Services was called to order by Chair Debbie Smith at 1:39 p.m. on Monday, April 27, 2009, 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/75th2009/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 Debbie Smith, Chairwoman
Assemblywoman Peggy Pierce, Vice Chair
Assemblyman Ty Cobb
Assemblyman Mo Denis
Assemblyman John Hambrick
Assemblyman Joseph (Joe) P. Hardy
Assemblywoman Sheila Leslie
Assemblywoman April Mastroluca
Assemblywoman Bonnie Parnell
Assemblywoman Ellen B. Spiegel
Assemblyman Lynn D. Stewart

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Steven Horsford, Clark County Senatorial District No. 4

STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Chris Kanowitz, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Kevin Schiller, Director, Department of Social Services, Washoe County,
Nevada
Constance Brooks, Senior Management Analyst, Administrative Services,
Office of the County Manager, Clark County, Nevada

Chairwoman Smith:

[Roll called. Quorum present.] We have four bills to hear today. We have a focus on some of the studies that have come out of the Senate—the Division of Child and Family Services (DCFS) bills.

While we are waiting for Senator Horsford to arrive to present the bills, I would like to announce that we will be hearing an update from the Department of Health and Human Services on the Swine Flu situation. As you probably know, the Governor held a press conference this afternoon, and so I have asked for an update at our next meeting.

We will be in recess while we wait for Senator Horsford.

[Committee in recess at 1:43 p.m.]

Chairwoman Smith:

The Committee will come back to order [at 1:47 p.m.]. I would like to open the hearing on Senate Bill 342. Welcome, Senator Horsford, to our Committee.

Senate Bill 342: Expands the relatives who receive preference when a child is placed in the custody of a person other than the parent of the child by a court, an agency which provides child welfare services or other person.
(BDR 38-478)

Senator Steven Horsford, Clark County Senatorial District No. 4:

The bills that are before you today are from the Interim Committee on the Placement of Children in Foster Care. Along with the Senate members, Assemblyman Bernie Anderson, former Assemblywoman Susan Gerhardt, and former Assemblywoman Valerie Weber were also members of the Interim Committee, and the recommendations that are before you came out of the Committee unanimously.

Just to put some perspective on why these bills are before us, Nevada ranks fifth in the rate of children who are removed from their homes and placed in foster care. New information I just got from Thomas Morton in Clark County indicates that we are first in the number of infants removed, and seventh on children under the age of seven who are removed from their homes. The reality is that some children need to be removed from their homes for safety reasons. Based on the information that we received during the interim, and an issue that this Committee has dealt with in the past, often the children are returned to their families in pretty short order, and many of the issues that led to their removal in the first place are not really mitigated prior to their return. So what we really do is create a cycle. Placement into foster care is an option for some children, but the reality is that the outcomes for most children in foster care result in higher incidences of everything from suicide, to dropping-out, to being placed in the adult corrections system. It is simply not the place that want the majority of our children to be placed in. To be clear, when it is because of the safety of the child, it is important that we remove them from the home, but most of the time, there are strategies that we can develop and support, with adequate resources, that help reunify the child with their parent or guardian.

Let me start with S.B. 342, which expands the relatives who receive preference when a child is placed in the custody of a person other than the parent of the child by a court. Senate Bill 342 expands the use of relatives as placement resources for children who are placed in out-of-home care. Nevada law currently allows child welfare agencies and judges to place children with relatives who are related within the third degree of consanguinity. Federal law allows states to expand placements to persons within the fifth degree of consanguinity. The Interim Committee heard testimony that indicated that changing Nevada law to include relatives in the fifth degree of consanguinity as placement options would increase the number of children placed with relatives instead of the children remaining in long-term foster care. There is a chart ([Exhibit C](#)) that the Nevada Commission on Ethics published on this consanguinity issue. It is a helpful guide for determining the family relationships. Relatives within the third degree of consanguinity include parents, who are in the first degree; grandparents and siblings are in the second degree; great-grandparents, aunts, and uncles are in the third degree of consanguinity.

Expanding to the fifth degree of consanguinity would add first cousins, great-great-grandparents, great-aunts and great-uncles, first cousins once removed, and great-grand-aunts and great-grand-uncles as potential placement options. Again, it would ultimately be left to the discretion of the child welfare agencies to determine all of the other appropriate requirements, but it allows us to maximize those family members who may be eligible and willing to take over care of the child.

Vice Chair Pierce:

Are there any questions for the Senator?

Assemblyman Hardy:

My question is why did it take so long to get this legislation? I grew up with my cousins, who are in the fifth degree of consanguinity. They are my age. So if I had a problem with my children, my cousins would be able to take my child into foster care, which makes sense.

Vice Chair Pierce:

Is there anyone else to testify on the bill?

Kevin Schiller, Director, Department of Social Services, Washoe County, Nevada:

I just wanted to voice our support for S.B. 342. This expansion to defining relatives actually allows us to be more timely in the placement of those children. Under current regulations, licensure is a required component, but the fifth degree of consanguinity gives us a little more flexibility upon removal, so that we do not have to wait for licensure, and we can get those children into those homes faster.

Vice Chair Pierce:

Is there anyone else who would like to come forward in support of S.B. 342?

Constance Brooks, Senior Management Analyst, Administrative Services, Office of the County Manager, Clark County, Nevada:

As Senator Horsford mentioned, Thomas Morton, our Director of Family Services, has been an integral part of developing this legislation as far as the studies that have taken place during the interim. We just wanted to be on record in support of this bill.

Vice Chair Pierce:

Is there anyone who would like to offer opposed or neutral testimony on S.B. 342? I will close the hearing on S.B. 342 and open the hearing on Senate Bill 343 (1st Reprint).

Senate Bill 343 (1st Reprint): Makes various changes concerning the application for and provision of certain treatment or services to a person involved in the child welfare system. (BDR 38-477)

Senator Steven Horsford, Clark County Senatorial District No. 4:

Senate Bill 343 (1st Reprint) addresses a method to help increase the percentage of reunifications of families when children have been removed from their homes due to abuse or neglect, and helps those reunifications occur more quickly. The Interim Committee received testimony from representatives of a legislative Technical Workgroup, which consisted of collaborators from law enforcement, child welfare agencies at the local and state level, and others, who indicated the need for immediate access to mental health and drug and alcohol treatment services for families involved in the child welfare system. Technical Workgroup members testified that in order to meet Adoption and Safe Families Act (ASFA) timelines for moving children to permanency, families needing drug and alcohol treatment must access services immediately when a child is removed. They also testified that these families will not be successful if they are required to wait three to six months for services, which is what is currently happening.

Representatives from the Division of Welfare and Supportive Services testified that they currently do not prioritize treatment services for individuals, but rather refer all individuals for services based upon the order in which they are identified by the Division. Based on the amendment that was adopted in the Senate, the director is required, in the development of the State Plan, to include this as an approach. That was a modification that was made on the Senate side. What this would essentially do, to the extent possible, is those family members who are eligible to receive drug and alcohol treatment or mental health services, receive priority, so that we can return the child as quickly as possible.

Assemblyman Hardy:

If I understand this correctly, there is no increased fiscal note, because we are going to take care of those people anyway, and so we are going to just put them ahead in the line?

Senator Horsford:

That is correct. All four of these bills indicated no fiscal impact after we worked with the agencies.

Vice Chair Pierce:

Is there anyone who would like to speak in support of S.B. 343 (R1)?

Kevin Schiller, Director, Department of Social Services, Washoe County, Nevada:

We support S.B. 343 (R1). Whenever it comes to dealing with our families, every minute of every day is critical in terms of access to services. When we are trying to expedite reunification to meet the needs of those kids, any prioritization is absolutely necessary. We are in support of this bill.

Assemblyman Hardy:

Is there anything that prevents you from prioritizing now?

Kevin Schiller:

There are actually two levels. We have county-driven funding that we utilize to access services for our parents with state funding. What we do run into sometimes are waiting lists for eligibility for Temporary Assistance for Needy Families (TANF) funds to pay Medicaid providers. This is the first time that I have seen something come forward that actually prioritizes the ability to get access to those treatment services.

Assemblyman Hardy:

So these people can get access to TANF sooner as well as these treatment services?

Kevin Schiller:

That is correct.

Vice Chair Pierce:

This seems like a really good idea. What I know about substance abuse is that people are more likely to "rehab" in a "crisis moment." If you make people wait a month, they forget about the crisis, so this seems like a great idea. Is there anyone else to testify in support?

Constance Brooks, Senior Management Analyst, Administrative Services, Office of the County Manager, Clark County, Nevada:

We would like to be on record for being in support of this bill.

Vice Chair Pierce:

Is there anyone else to testify on S.B. 343 (R1)? Seeing none, I will close the hearing on S.B. 343 (R1) and open the hearing on Senate Bill 344.

Senate Bill 344: Authorizes the Director of the Department of Health and Human Services to create an interagency committee to evaluate the child welfare system. (BDR 38-475)

Senator Steven Horsford, Clark County Senatorial District No. 4:

Senate Bill 344 is the result of the Interim Committee on the Placement of Children in Foster Care's desire to strengthen and increase collaboration between child welfare stakeholders. Testimony was received about the need to engage all child welfare stakeholders, including those in the Judicial and Corrections system, the Temporary Assistance for Needy Families (TANF) program, the education system, the mental health and substance abuse systems, as well as the child welfare community, and to generate information, energy, and support from these stakeholders. The proposed vehicle to accomplish this is a voluntary, interagency committee, organized by the Director of the Department of Health and Human Services, which will meet to evaluate the child welfare system in the state. The inclusion of all stakeholder groups is anticipated to increase the likelihood of successful implementation of best practices and help develop a sense of community and responsibility for the welfare of all children. The Interim Committee also included as a method to ensure accountability of the interagency committee that there be an annual report provided to the Director of the Legislative Counsel Bureau (LCB), who in turn would distribute the report to the chairs of the Assembly Committee on Health and Human Services and Senate Committee on Health and Education, as well as to the Assembly and Senate Judiciary Committees. Legal staff recommended that the report be provided biennially on January 1 of odd years, and the bill was drafted as such.

The Interim Committee also incorporated a recommendation from the child welfare agencies that the interagency committee, as one of its first duties, review the language of state statutes and related regulations, to ensure that they are aligned with the current child welfare practice. Chapter 432B of the *Nevada Revised Statutes* (NRS) relating to the protection of children from abuse and neglect, was largely created during the 1980s. While there have been a number of additions and amendments over the years, there has not been a systematic review of the entire statute. An issue that was raised during the Interim was the fact that the authority of law enforcement to remove a child was not aligned with child welfare agencies.

The bill is intended to enable the formation of this interagency committee, but not necessarily mandate it. The Interim Committee did not want to create "just another committee." If it is done correctly, this is something we hope could actually eliminate the need for some of the committees that are currently in place. Testimony received from the Division of Child and Family Services (DCFS) indicated that there are 19 different boards or committees, and the members of the Interim Committee observed that there is a lack of collaboration and coordination among all of the various groups. That has the potential to be detrimental to the children.

It also supports representatives from external organizations being able to participate, including those from faith-based and nonprofit organizations that have a role in helping to fulfill what we hope for all of our children.

Assemblyman Cobb:

My question is more of a policy question. You mentioned all of the various boards and agencies, is there anything in this bill which would encourage some type of greater efficiency in terms of decreasing the duplication of services provided at all different levels? Many boards and commissions have very similar roles, duties, and responsibilities, and maybe this would be a vehicle to create more efficiency in our government.

Senator Horsford:

It is, I think, a potential vehicle. The approach being taken is that it is voluntary that the interagency committee be formed, rather than a mandate. I do think that it will take time to transition out of the 19 boards and commissions that exist, because some of them are federally required or a state statute requires that they report. But if we can streamline them into a few committees, rather than 19, that would help make government a little more efficient, and more importantly, serve the children who are in the system. For example, we heard that in the juvenile justice system, 30 percent of the children in juvenile justice are also in child welfare. Well, there is a duplication right there, and a leveraging of resources that could occur if there was better coordination between juvenile justice and child welfare.

Vice Chair Pierce:

Is there anyone to testify in support of S.B. 344?

Kevin Schiller, Director, Department of Social Services, Washoe County, Nevada:

Washoe County supports S.B. 344. It is very critical to developing our practice model. This Committee has done a lot of things to move our practice forward over the past few years, and I think this will help us continue to move forward

towards reducing that foster care population, and trying to do what is best for children in Nevada.

Vice Chair Pierce:

Is there anyone else to testify?

Constance Brooks, Senior Management Analyst, Administrative Services, Office of the County Manager, Clark County, Nevada:

We are in support of S.B. 344. We applaud any efforts toward bringing everyone to the table so that we can collaborate better and provide better services to our children.

Vice Chair Pierce:

Is there anyone who would like to offer any opposed or neutral testimony? I do not see anybody, so I will close the hearing on S.B. 344 and open the hearing on Senate Concurrent Resolution 4 (1st Reprint).

Senate Concurrent Resolution 4 (1st Reprint): Urges certain agencies which provide child welfare services to develop a standardized practice model and to address certain issues related to child and family services. (BDR R-476)

Senator Steven Horsford, Clark County Senatorial District No. 4:

Senate Concurrent Resolution 4 (1st Reprint) is the closest we could come to creating a policy statement on how we wanted to approach our child welfare system without setting it in statute. Last session, we attempted to make some rather drastic reforms to the standard for the removal of the child. Rather than that policy being formally adopted in statute, the Interim Committee on the Placement of Children in Foster Care was formed. Through the work of the Interim Committee, it was determined that we needed to create a philosophical model for how we wanted to work with our children, and that is difficult to do in statute, so we decided to do it through resolution.

Senate Concurrent Resolution 4 (1st Reprint) is submitted on behalf of the Interim Committee. There was testimony from representatives of our Technical Workgroup regarding the need to implement a consistent practice model to standardize practice throughout the state regarding safety decisions and subsequent foster care placements. The group testified that standardizing decision points in child welfare cases would support safely reducing the number of children placed in foster care by establishing clear and consistent parameters when a child may be placed in foster care, and what reasonable efforts are

required to prevent such actions. The Technical Workgroup further testified that the recommendations to develop a consistent practice model were centered on the idea that the state must come to some agreement concerning the occurrence and impact of child maltreatment in a family, and create a response approach based on this agreement. The approach the Technical Workgroup recommended was to provide an adequate array of services to meet the needs of families, making reasonable efforts to prevent children from being removed from their homes in the first place, and if they are removed, to expedite their return. The Technical Workgroup identified the final report of a recent assessment of the existing service array in Clark County that indicated that the state faces the dilemma of whether to create an array of services to support families in crisis, or alternatively to create a system for the removal of children and placement of those children in foster care.

The primary intervention from the state is through the foster care payments that we make to families. If the goal is to ultimately reduce the number of children placed in foster care, then we have to make a policy decision regarding what we are going to do to invest those dollars into the child welfare system so that money is not diverted to some other need, even though there are many needs. The child welfare system needs to remain whole. There is currently little, if any, funding for front-end services; services that help families stay together, or if a child is removed, that allow the issues that caused the removal of that child to be addressed so that child can return home. Since there is no money, very little gets done in that phase of the system. So we spend a lot of time investigating parents and removing children, and we spend a lot of time and money on foster care payments, but we spend very little on an array of services at the front-end or on reunification. If we are going to make the decision over time to reduce the number of children in foster care, we need to redirect those funds, through policy, to where they produce the best results for children. Casey Family Programs really helped us perfect the language in this resolution. Their goal is by 2020 to reduce the number of children in care by half, across the country. Now because Nevada is fifth, that would obviously help move us down that list as well, but we need to do this in a way that ensures safety to the child first and foremost, and as the practice model talks about, do it in such a way that ensures that we are looking at the whole system and not just parts of it. Although we are only responsible for the foster care piece, we have to look at the entire system.

So this resolution states that the intent of the Interim Committee and the Technical Workgroup is to urge the Division of Child and Family Services (DCFS), the Department of Health and Human Services, and Clark and Washoe Counties to develop a standardized practice model, and address certain issues related to child and family services. This would be in consultation with other

stakeholders who are connected to the safety and welfare of children in this state. The Interim Committee adopted this resolution along with the other bills. There were several other measures that were taken that did not require legislation. One of them, I want the Committee to be aware of, is a request that there be a model budget developed between the local and state agencies to show, going forward, that if we are successful in reducing the number of children in foster care, that we take a portion of that money and reinvest it into other parts of the system, particularly the front-end. We did not do that through legislation, but there was a letter of intent that was submitted to the Director of DCFS asking them to formulate that type of budget approach so that we could talk about it in upcoming legislative sessions.

I appreciate all the work this Committee is doing and the work of the Interim Committee. I cannot say enough about Casey Family Programs. They provided support to our Interim Committee at no cost. The level of expertise that they provided would have cost the state upwards of \$500,000, and they did it for free because of their commitment to improving the care for children in the welfare system.

Assemblyman Hambrick:

In your opinion, between S.C.R. 4 (R1) and S.B. 342, do you see any kind of philosophical conflict? The resolution is trying to get the kids reunited with their families, but in S.B. 342, we are concerned they may go back too quickly. Do you see a potential conflict, in years to come, in policies regarding these issues?

Senator Horsford:

I know that you have worked on some of these issues as the Chair of the Juvenile Justice Commission, but S.B. 342 only says that if you are going to have to remove a child, you look to all of the potential family members who could care for that child before you make the decision to put them into foster care. As Assemblyman Hardy indicated, as long as there is a family member, whether they be a distant cousin or grandparent, who is available and is willing to care for that child, and they meet all of the requirements for the placement, our intent is to have the child placed with them rather than the child being placed into foster care.

Vice Chair Pierce:

Thank you Senator for all your work. Is there anyone to testify in support of S.C.R. 4 (R1)?

Kevin Schiller, Director, Department of Social Services, Washoe County, Nevada:

We support this bill. In Washoe County, we have instigated a family solutions team process, which engages supportive relatives from the point of intervention. We have seen a significant impact on keeping kids out of foster care or getting them out of foster care sooner. I would also comment that the other piece that is significant, in conjunction with Assemblyman Cobb's comments regarding the duplication of efforts, is we are in the process of changing how we deliver mental health services to children in Washoe County, so we are actually going to have a combined model between our two departments, juvenile services, and child welfare. I believe this resolution is necessary, and I believe that it will also address many of those areas of duplication and probably create a more efficient system.

Vice Chair Pierce:

Can you talk more about this family solutions process?

Kevin Schiller:

When we are having a removal, we give them an informational pamphlet, and we schedule meetings, within 72 hours, with our staff facilitators. We bring everyone who is connected to the situation to the table, and we try to determine how best we can intervene, how we can keep the child out of foster care safely, and how we can move forward in trying to protect the child and have the least traumatic impact on the child. It has served as a great resource for us. Our relative placements have risen quite a bit, and our foster care rate is flat right now.

Vice Chair Pierce:

Is there anyone else to testify in support?

Constance Brooks, Senior Management Analyst, Administrative Services, Office of the County Manager, Clark County, Nevada:

We are in support of S.C.R. 4 (R1) and we are very fortunate in Clark County to have our Director of Family Services, Thomas Morton, who is a national researcher and contributor to best practices throughout the nation. We look forward to having him participate in developing this practice model.

Vice Chair Pierce:

Is there anyone who would like to testify in opposition or give neutral testimony on S.C.R. 4 (R1)? Seeing no one, I will close the hearing on S.C.R. 4 (R1) and turn the meeting back over to Chairwoman Smith.

Chairwoman Smith:

Thank you, Madam Vice Chair, for taking over for me while I was absent. I went to the Senate to see how one of our bills was going. We are going to try and move these bills out, so let us go back and consider Senate Bill 342. Is there any discussion? [There was no response]. Seeing none, I will entertain a motion.

ASSEMBLYWOMAN PARNELL MOVED TO DO PASS
SENATE BILL 342.

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN LESLIE WAS
ABSENT FOR THE VOTE.)

Chairwoman Smith:

We will now consider Senate Bill 344. Is there any discussion? If not, I would entertain a motion.

ASSEMBLYWOMAN MASTROLUCA MOVED TO DO PASS
SENATE BILL 344.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

Assemblyman Cobb:

I am getting leery of all these bills that are requiring these departments to do more, and I cannot imagine how they are going to be able to do it without a higher fiscal note, so I have to vote no and maybe change my vote on the floor.

Chairwoman Smith:

Please let me know if you decide to change your vote. Is there any other discussion?

THE MOTION PASSED. (ASSEMBLYMAN COBB VOTED NO AND
RESERVED HIS RIGHT TO CHANGE HIS VOTE ON THE FLOOR.
ASSEMBLYWOMAN LESLIE WAS ABSENT FOR THE VOTE.)

Chairwoman Smith:

We will now consider Senate Concurrent Resolution 4 (1st Reprint). Is there discussion? If not, I will entertain a motion.

ASSEMBLYWOMAN PIERCE MOVED TO ADOPT S
ENATE CONCURRENT RESOLUTION 4 (1st Reprint).

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN LESLIE WAS
ABSENT FOR THE VOTE.)

Chairwoman Smith:

That concludes our business for today. Is there any public comment? Any comment from Committee members? Hearing none, this meeting is adjourned [at 2:29 p.m.].

RESPECTFULLY SUBMITTED:

Chris Kanowitz
Committee Secretary

APPROVED BY:

Assemblywoman Debbie Smith, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: April 27, 2009

Time of Meeting: 1:39 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance roster
S.B. 342	C	Senator Horsford	Consanguinity chart