

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

**Seventy-Sixth Session
February 21, 2011**

The Committee on Health and Human Services was called to order by Chair April Mastroluca at 1:33 p.m. on Monday, February 21, 2011, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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/76th2011/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 April Mastroluca, Chair
Assemblywoman Peggy Pierce, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Teresa Benitez-Thompson
Assemblyman Steven J. Brooks
Assemblyman Richard Carrillo
Assemblyman Jason M. Frierson
Assemblyman John Hambrick
Assemblyman Scott Hammond
Assemblyman Pete Livermore
Assemblyman Mark Sherwood
Assemblywoman Debbie Smith

COMMITTEE MEMBERS ABSENT:

Assemblywoman Lucy Flores (excused)
Assemblyman Pete Goicoechea (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Allison Combs, Committee Policy Analyst
Kirsten Coulombe, Committee Policy Analyst
Risa Lang, Committee Counsel
Mitzi Nelson, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Amber Howell, Deputy Administrator, Bureau of Services for Child Care,
Division of Child and Family Services, Department of Health and
Human Services
John R. McCormick, Rural Courts Coordinator, Administrative Office of
the Courts
Kevin Schiller, Director, Department of Social Services, Washoe County
Thomas Morton, Director, Department of Family Services, Clark County

Chair Mastroluca:

[Roll was called.] Today we will hear Assembly Bill 110 which was addressed by the Legislative Committee on Child Welfare and Juvenile Justice during the 2009-2010 Interim. I served on that Committee and was appointed as Chair when Assemblywoman Leslie was elected to the Nevada State Senate. Representatives from the Clark County Department of Family Services and the state Division of Child and Family Services have advised us that the Kinship Guardian Assistance Program would be beneficial to include in the *Nevada Revised Statutes* (NRS) so the program can be accessed through federal law. The Interim Committee voted to support the concept of the program and asked for the bill draft request. Amber Howell, from the Division of Child and Family Services, will explain the bill.

**Assembly Bill 110: Establishes the Kinship Guardianship Assistance Program.
(BDR 38-196)**

**Amber Howell, Deputy Administrator, Bureau of Services for Child Care,
Division of Child and Family Services, Department of Health and Human
Services:**

I am here this afternoon to present A.B. 110, which seeks to establish the Kinship Guardianship Assistance Program in Nevada to preserve family connections for children who are separated from parental care. [Continued to read from prepared testimony ([Exhibit C](#)).]

Chair Mastroluca:

Can you explain the difference between the proposed Kinship Guardianship Assistance Program and the existing Kinship Care Program that was authorized in 2001?

Amber Howell:

The Kinship Care Program is under the authority of the Division of Welfare and Supportive Services and is a monthly allotment of funds based upon the individual's income to determine the child's eligibility. There is no age-limit requirement or no need for legal guardianship. The applicants must be 16 years or older and the relative's household members must have a combined income below 275 percent of federal poverty level. The Kinship Guardianship Assistance Program proposed in A.B. 110 is different because it is based upon permanent placement of the child who is currently in foster care with a relative who is already receiving a foster care maintenance payment.

Chair Mastroluca:

What are the major benefits for Nevada in creating the Kinship Guardianship Assistance Program?

Amber Howell:

The major benefit is that the children in the program achieve permanency. These are children who are currently in the foster care system and placed with relatives who must be licensed foster caregivers in order to receive financial compensation. This program allows the child to achieve a permanency goal and the relative to continue to be compensated for care once they leave the foster care system. This could have a significant effect on our Child and Family Services Review findings as well.

Chair Mastroluca:

Do you have any idea how many children would currently be affected by this program?

Amber Howell:

Currently 32 percent of our foster children are placed with relative caregivers. This represents the pool of possible applicants that could move over into the Kinship Guardianship Assistance Program.

Chair Mastroluca:

Are there any questions?

Assemblywoman Benitez-Thompson:

You mentioned that other states have implemented the Kinship Guardianship Assistance Program. What kind of impact have we seen in these states? Has the program reduced the number of termination of parental rights trials or increased the number of permanent placements?

Amber Howell:

Some time ago, a survey was distributed to all states that had implemented this program by the Children's Bureau of the U.S. Department of Health and Human Services. The feedback shows that the program has increased permanency numbers and reduced the length of time children remain in foster care.

Assemblyman Sherwood:

I know we are not a fiscal committee; however, section 7, subsection 1, paragraph (f) of the bill mentions \$2,000 per placement as well as an amount equivalent to what a foster parent would receive. Is that the fiscal impact?

Amber Howell:

That language needs to be changed within the bill. The \$2,000 has to do with nonrecurring expenses. The other item would allow the relatives, who are already receiving a foster care maintenance payment, to continue receiving the payment even though the child will not remain in the foster care system.

Assemblyman Sherwood:

So there is no additional money being spent.

Amber Howell:

No.

Chair Mastroluca:

Are there other questions? Can you explain the need for an amendment on this bill?

Amber Howell:

The bill currently amends NRS Chapter 422A, which is a chapter dealing with "welfare and supportive services." We are requesting that the proposed language be moved to NRS Chapter 432B which deals with "protection of children from abuse and neglect." The Division of Child and Family Services is the agency responsible for administering Title IV-E of the Social Security Act and this change will allow us to claim our Title IV-E funds. Many of the recommended changes in the bill are not substantive; they bring the statute into

line with federal law so that it can be included in Nevada's Title IV-E plan and enable us to make payments correctly.

Chair Mastroluca:

Are there any questions?

Assemblywoman Benitez-Thompson:

For the record, page 3, lines 7 and 8 of the proposed bill stipulate that the Kinship Guardianship Assistance Program can only be considered when there is no plan for reunification or adoption for the child. Could this language stifle the ability for a caseworker to take action on the plan? Will they have to wait for the next hearing to change their case plan? Or will the caseworker have more latitude to use the program at any point in the case plan?

Amber Howell:

This program is only available when adoption is no longer an appropriate goal for the child. When it has been determined that adoption or reunification is not going to occur, the case plan and permanency goal would be changed.

Assemblywoman Benitez-Thompson:

To clarify, if you have a mutual agreement between the biological parents and a relative who wanted to take custody of the child, the Kinship Guardianship Assistance Program could not be utilized until the case plan was changed to reflect that adoption or reunification was no longer a goal.

Amber Howell:

That is correct.

Assemblyman Livermore:

Are undocumented immigrants covered under this program?

Amber Howell:

I do not know specifically how we would work with that pool of children. Currently, we pay out of the General Fund when undocumented immigrants come into the state's care. We are requesting that the amendment contain a category both for Title IV-E children, who would meet the federal requirements, as well as those children who do not meet the Title IV-E criteria to allow those children to be covered by the program.

Assemblyman Livermore:

I can understand the reasoning behind "immediate need," but I cannot understand how the legal system can permanently transfer parental rights from

one undocumented immigrant to another. I do not know how that would be accomplished.

Chair Mastroluca:

Are there any other questions for Ms. Howell?

Assemblyman Anderson:

Page 3, line 10 establishes that at age 14, a child can be consulted regarding the guardianship arrangement. How is that age established?

Amber Howell:

That is federal language.

Chair Mastroluca:

I do not see any others with questions. I will now hear testimony from those who wish to speak in support of A.B. 110.

John R. McCormick, Rural Courts Coordinator, Administrative Office of the Courts:

I am here today to express support of A.B. 110 on behalf of Justice Nancy Saitta of the Nevada Supreme Court, and Judge Frank Sullivan, with the Family Division of the Eighth Judicial District Court. I have provided letters ([Exhibit D](#) and [Exhibit E](#)) from them both indicating support for this bill. In addition, Judge Deborah Schumacher, a family court judge in the Second Judicial District Court, and Judge Andrew Puccinelli, Chairman of the Nevada District Judges Association, also wanted me to convey their support. This bill would increase options for achieving permanency for children in the foster care system.

Chair Mastroluca:

Are there any questions? [There was no response.]

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

I would like to voice the county's support for A.B. 110. To follow up on the question asked earlier regarding the permanency plan, adoption and reunification typically occur through the case planning process as the child moves through the system. The permanency goal is reviewed at three-, six-, and nine-month intervals as options are discussed with the relatives. In many of these cases, we are moving toward adoption in order to provide financial support for the family; however, this requires the termination of parental rights. The Kinship Guardianship Assistance Program will provide significant cost savings and a process change in terms of permanency time frames.

There was also a question raised regarding residency status. Per the federal government, we have to provide service to those children, even if they are not legal residents. The Kinship Guardianship Assistance Program would function much like an adoption subsidy in terms of the county agency administering the payment. We would first have to determine Title IV-E eligibility. If a child is excluded from Title IV-E eligibility, their subsidy would be funded through State General Fund dollars that are allocated to our budget. In addition, we would be closely evaluating relatives or family members through the first six to nine months to determine guardianship for the child, because the guardianship arrangement must be a long-term, permanent plan.

Chair Mastroluca:

Are there any questions? [There was no response.]

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

I would like to be added to the list of others who are supporting this legislation. I believe it greatly expands the opportunity to achieve permanency. There is a certain cost-neutrality to this program. The relatives are already receiving foster care maintenance payments and would receive guardianship assistance payments in amounts that are roughly equivalent to what they are already receiving. The savings to the state come from reduced administrative costs. As long as these children remain in foster care—sometimes until their age of majority—the caseworker must make monthly visits and the court must review the case every six months. There is an additional burden and workload placed upon district attorneys, family attorneys, and others. Cases that remain open involve a certain amount of hidden costs. Overall, as we move children to permanency, we will see workload reduction in the courts, child welfare agencies, and in the complement of attorneys who also serve these cases.

Chair Mastroluca:

Are there any questions for Mr. Morton? [There was no response.] Is there anyone else in Carson City or Las Vegas who would like to speak in support or opposition of A.B. 110? [There was no response.]

I am requesting that Assemblyman Hambrick, who was previously on the Interim Committee that addressed this program, Assemblywoman Pierce, and Assemblywoman Benitez-Thompson work together with Mrs. Howell and our legal counsel, Risa Lang, to put together an amendment for this bill that mirrors the appropriate federal language and return it to a Committee work session for review.

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Is there any public comment? [There was no response.] This meeting is adjourned [at 1:54 p.m.].

RESPECTFULLY SUBMITTED:

Mitzi Nelson
Committee Secretary

APPROVED BY:

Assemblywoman April Mastroluca, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: February 21, 2011

Time of Meeting: 1:33 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Meeting Agenda
	B		Attendance Roster
A.B. 110	C	Amber Howell	Prepared testimony
A.B. 110	D	John McCormick	Letter in support from Justice Nancy M. Saitta
A.B. 110	E	John McCormick	Letter in support from Judge Frank P. Sullivan