

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Seventy-Sixth Session
March 23, 2011**

The Committee on Ways and Means was called to order by Chairwoman Debbie Smith at 9:05 a.m. on Wednesday, March 23, 2011, in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, 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 Debbie Smith, Chairwoman
Assemblyman Marcus Conklin, Vice Chair
Assemblyman Paul Aizley
Assemblyman Kelvin Atkinson
Assemblyman David P. Bobzien
Assemblywoman Maggie Carlton
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman John Hambrick
Assemblyman Crescent Hardy
Assemblyman Pat Hickey
Assemblyman Joseph M. Hogan
Assemblyman Randy Kirner
Assemblywoman April Mastroluca
Assemblyman John Ocegüera

STAFF MEMBERS PRESENT:

Rick Combs, Assembly Fiscal Analyst
Mike Chapman, Principal Deputy Fiscal Analyst
Sherie Silva, Committee Secretary
Cynthia Wyett, Committee Assistant

Chairwoman Smith called the meeting to order and asked the secretary to call roll. All members were present.

Chairwoman Smith announced the agenda included Assembly Bill 192, and she welcomed Barbara Buckley, former Speaker of the Assembly, to the testimony table to present the bill.

Assembly Bill 192: Revises various provisions relating to fees charged by county recorders. (BDR 20-901)

Barbara Buckley, Executive Director of the Legal Aid Center of Southern Nevada (Center), stated she had been involved with the Center for 21 years, and she was present to discuss one of the most important activities of the Center, which was to represent abused and neglected children.

By way of background, Ms. Buckley explained the Legal Aid Center of Southern Nevada was a nonprofit organization founded in 1958. The Center had a staff of 60, including 28 attorneys, and over 45,000 individuals were served in 2010. The Center's mission was the preservation of access to justice. She said it was cruel irony that if an individual committed a crime, he would be assigned an attorney. But the only help an abused child or a victim of domestic violence received was provided by the nonprofit sector. The nonprofit sector traditionally provided services through donations, grants, and filing fees.

Ms. Buckley said the Legal Aid Center of Southern Nevada had six major programs:

- Children's Attorneys Project
- Domestic Violence Project
- Consumer Rights Project
- Pro Bono Project
- Community Legal Education Project
- Civil Law Self Help Center

Along with a PowerPoint presentation ([Exhibit C](#)), Ms. Buckley highlighted the activities conducted in the Center's programs:

Community Legal Education Project

Ms. Buckley explained all University of Nevada, Las Vegas, William S. Boyd School of Law students committed 40 hours of free work to the Legal Aid Center. The students offered free legal classes under the supervision of a Center attorney. Every week, 150 to 200 individuals attended free legal classes

in the community, and the topics included divorce, custody, bankruptcy, small claims court, guardianship, and foreclosure mediation. Ms. Buckley said the program began when the Boyd School of Law opened, and since that time, over 40,000 persons had been served. The student commitment was a requirement of graduation as part of the Boyd School of Law's commitment to community service.

Pro Bono Project

Ms. Buckley said the Pro Bono Project supplemented the work of the Center's lawyers. Every lawyer in the community was asked to handle one pro bono case a year. The Center provided the lawyers with free training and mentoring; the court reporters donated their time; the court waived filing fees for the indigent; free malpractice insurance was provided; and lawyers who wanted to consult about their cases were served free lunches. Ms. Buckley said some of the best lawyers in the community represented domestic violence victims for free. There were currently approximately 1,000 lawyers participating in Clark County—it was an amazing program.

Children's Attorneys Project (CAP)

Ms. Buckley said the largest area of representation at the Legal Aid Center was for abused and neglected children. In 1999, the Center received a small grant to pilot the work, which was the brainchild of Myrna Williams, Thom Reilly, Nancy Saitta, district court judges and community activists who noticed that Nevada was the last place in the country and the largest metropolitan area without independent legal representation for children: Nevada was again behind the times by about 30 years. Ms. Buckley said with one small grant, the first attorney was hired, and currently there were 10 attorneys who, along with over 250 volunteer attorneys, represented nearly half of the children in the foster care system. In addition, 2 free continuing legal education classes had been offered so far this month, and that number would be increased to 30.

Continuing, Ms. Buckley said the Children's Attorneys Project was started for a number of reasons:

- Only half of the children in foster care were being represented, which meant 1,500 children in Clark County had no independent legal representation.
- The government had an attorney, the accused abuser had an attorney, but the child, who did nothing wrong, had no one.

- Clark County was currently spending \$3 million annually to represent accused abusers, but the children could not access that level of help.

Ms. Buckley asked four questions:

- Why should the situation be the status quo?
- Why were attorneys necessary in the first place?
- Why did the benevolent system not take care of children's needs?
- Why was it important for children not to be in the foster care system?

The best way to answer the questions simply, Ms. Buckley stated, was whether Committee members would want government to be their parent. She pointed out if a child in foster care wanted to spend the night with his best friend, the friend's parents had to be fingerprinted. The foster child had to attend meetings every month in addition to multiple court hearings. The foster child was labeled as being different: having government as a parent was not a good thing.

Ms. Buckley explained children who were abused and neglected sometimes acted out. Everything they knew was taken away from them: they could be pulled from their homes, traumatized, possibly separated from brothers and sisters, and forced to transfer schools. Most teenagers acted out, she noted, but usually when a child in foster care acted out, the police were called, and the child ended up in juvenile detention or was labeled as emotionally disturbed and placed in a psychiatric hospital. Doctors would write a prescription and if it did not work, the child could be moved to another home and possibly rehospitalized, and another prescription would be added. Ms. Buckley said there were children in the foster care system taking eight different psychotropic medications, some of which were never approved for children.

Ms. Buckley remarked the over-medicated situation was horrific. The Legal Aid Center's attorneys would file a petition in court and request a second opinion, which usually was that the child did not need to be on the psychotropic medications and would be gradually weaned off of them. She said through a bill sponsored by Assemblywoman Mastroluca in the 2009 Legislative Session, psychotropic medications were now required to be flagged in the Medicaid program. However, Ms. Buckley said, while the policies were catching up, the Legal Aid attorneys were the buffer to ensure children's lives were not ruined as a result of the drugs.

The Adoption Project

Ms. Buckley said the Legal Aid Center's attorneys had prioritized children languishing in the system who should be adopted and removed from the system. The Center had convinced the court to initiate an adoption assessment day to look at all stalled adoptions in an effort to speed them up, which resulted in an increase from 225 adoptions in 2007 to 442 adoptions in 2010. Ms. Buckley anticipated 600 adoptions would take place in 2011, which would save the state money: children would no longer be in the foster care system and the state would no longer have to make foster care payments for them. She said the increase was accomplished through the attorneys filing court motions demanding the sense of urgency the children deserved, which was what the foster care system lacked: there was no urgency on behalf of the children.

Ms. Buckley then went on to explain that Assembly Bill 192 would assess \$2 on certain recording fees for an organization that served the indigent as defined in *Nevada Revised Statutes* (NRS) 19.031. In Clark County, an additional \$1.6 million would be realized. She said passage of A.B. 192, along with Assembly Bill 259 in the Assembly Committee on Judiciary, would result in every child being afforded an attorney. Washoe Legal Services provided the same representation to abused children in Washoe County, and the result would be the same. Ms. Buckley added that passage of the bills would also allow independent legal representation to be offered to children in the rural communities. Nevada Legal Services was the organization that served the rural communities, and it would be able to perform the same pro bono functions.

In conclusion, Ms. Buckley said passage of A.B. 192 would allow the communities of Nevada to attain the goal of providing an attorney for every child in foster care so all of their voices could be heard, and the children of the state deserved no less. She offered to answer questions from the Committee.

Assemblyman Hickey asked how many of the adoptions were by the children's foster parents.

Ms. Buckley replied nearly all of the adoption numbers were from the foster parents. The law provided that when a child was removed from his home, the first choice was to place him with relatives or friends, and if that was not possible, foster care was the next option. She said usually foster parents bonded with the child and vice versa, and they were the main source of adoptions.

Assemblyman Hickey assumed that the statement that every child would have an attorney meant that every child that had a particular problem would have an attorney. He asked how problems within the foster home were identified.

Ms. Buckley replied he was correct—every child with a problem would be represented. The Legal Aid Center received a referral when a case was actually filed: the child had been removed from his home and an abuse and neglect charge had been filed. She said currently the Center was triaging. Sexually abused kids were the Center's first priority because teenage girls were scared to death, and because the parents received an attorney, the girls were subject to rigorous cross examination without representation. Over-medicated children were also a priority. Teenage children were frustrated because no one would represent their point of view, but the Legal Aid Center's best interest was what the child wanted. She said teenagers especially wanted to have a voice.

On the other hand, Ms. Buckley continued, the young children needed to get out of the system as well. Currently the court would send referrals for the most urgent cases. The Center was at full capacity in April, and 188 new referrals were received in 5 weeks. She requested that the court just send the emergency cases, but the Center was told they were all emergencies.

Assemblywoman Mastroluca asked how the Legal Aid Center decided which child would have an attorney.

Ms. Buckley said the Center usually did not say no, because it was difficult, and then private firms were solicited and offered training from the Center to volunteer. The caseload for the Center's lawyers was supposed to be 100 children, but they would offer to take on two more cases because they could not say no.

Assemblywoman Mastroluca asked how many of the attorneys who were recruited on an emergency basis returned to volunteer again. Ms. Buckley said the Center had incredible success with recruitment and training of attorneys for the children. She said some attorneys were intimidated because they had never been to family court. She was always looking for volunteers and encouraged anyone listening to contact her.

Ms. Buckley remarked volunteers were responding, but it was not enough. Children who did not have attorneys were in a worse situation than the children who did, because the placements went to the aggressive and persistent attorney who constantly pressured the system and the judge.

Assemblyman Hambrick noted on page 2, line 38, the bill read "Two dollars to the organization . . ." It appeared to him the term "the organization" targeted a particular organization. He asked whether Ms. Buckley ever envisioned competitive agencies throughout the state.

Ms. Buckley replied the statement read "the organization" because there was only one organization. Quality, transparency, and accountability were provided through a board of directors and the Access to Justice Commission, which was chaired by Supreme Court Chief Justice Douglas and Justice Hardesty. She explained the bill was written in that manner because if another organization wanted to start representing abused children, the problem would become what to do with the 1,500 children the Center for Legal Aid was already representing and the 10 attorneys who were working at nonprofit wages, without benefits. She had just hired a private attorney from the public sector who took a \$30,000 pay cut because, she emphasized, the work was the best. The attorneys who worked at the Center were able to go home every night with a good feeling about what they had done that day. Ms. Buckley said that had been the situation for many years.

Assemblyman Hambrick asked whether the Legal Aid Center represented the interests of the youth in Esmeralda, White Pine, Lincoln, and other rural counties.

Ms. Buckley explained the Legal Aid Center of Southern Nevada received the fees in Clark County only. In Washoe County the fees were received by Washoe Legal Services, and in the rural communities, Nevada Legal Services received the fees. Each of the organizations was nonprofit and governed by a board of directors and overseen by the Access to Justice Commission.

Assemblyman Kirner remarked the Committee had been listening to budget presentations for the past eight weeks. Without exception, every agency had indicated it could use more money. He asked why the Committee should consider A.B. 192 as opposed to other requests, such as keeping college tuition lower.

Ms. Buckley replied there were two reasons. The first was that recording fees were not General Fund appropriations, and agencies such as higher education and mental health could not supplant their budgets with filing and recording fees. The second reason was passage of the bill would save the state money. Just by having the urgency added by attorney representation, the number of adoptions had doubled in two years, and children were removed from the foster care system. The result was less money would be expended on foster care, caseworkers, and Medicaid costs. Ms. Buckley explained every time a child

went to a psychiatric hospital, the state paid. A loving adoptive home not only would change a child's life for the better, it would also contribute to a reduction in state appropriations.

Assemblyman Hickey assumed that the county recorders would be required to change software to adapt to the fee increase, and he asked how Ms. Buckley suggested the recorders could recoup the costs to change their existing systems.

Ms. Buckley replied fees changed often. The Legislature required new and different fees every legislative session, and the recorders were accustomed to the changes. The systems remained the same—only the amounts changed. She assumed the costs would be negligible.

Chairwoman Smith asked Ms. Buckley to discuss how the Court Appointed Special Advocates (CASA) program interfaced with the court-appointed attorneys. She noted many people were suggesting more volunteer help was needed, but she assumed the CASA volunteers did not replace the court-appointed attorneys.

Ms. Buckley replied the Legal Aid Center was a strong supporter of the CASA program. The CASA volunteers provided much value to a child's life. In addition to reporting on the child's best interest, they helped with transportation and sibling visitation, and they were a great support in a child's case. In Clark County, a CASA volunteer was appointed in about 25 percent of the cases. However, she explained, the missions of CASA and the court-appointed attorney were different. The attorney could file a motion for expedited action and cross-examine witnesses. The CASA volunteer was not an attorney and could not file court documents.

Continuing, Ms. Buckley said the Children's Attorneys Project was also different in another way. The attorney represented what the child wanted: the child was the client. Many people in the system—the caseworker, the CASA, the specialized caseworkers—reported to the court what they thought was in the best interest of the child. She said the Center's attorney relayed the child's desires to the court. She noted that no one knew the child's needs and desires better than the child himself.

Assemblyman Bobzien said he was interested in the interaction between the Center and the Boyd School of Law and asked what the pro bono experience meant to the law school students as they pursued their careers.

Ms. Buckley replied the law school had provided amazing support for the Legal Aid Center of Southern Nevada and for legal services to the poor. Boyd School of Law graduates had a higher rate of doing pro bono work than lawyers from other law schools, and she believed that was the result of the pro bono credit requirement. Week after week, the students would see hundreds of residents lining up for free legal help and classes, and they were touched by the experience. Ms. Buckley commended the Boyd School of Law for its contribution to the community.

Assemblyman Conklin observed the Children's Attorneys Project was a pro bono program, and even though there was no cost for the attorney, he assumed the Center leveraged the fees received for administrative support. For every dollar the Center received, the overall legal aid provided was significantly larger.

Ms. Buckley responded the Center had a staff component of 10 children's lawyers and a pro bono component. A \$500-an-hour lawyer multiplied by 15,000 pro bono hours provided in 2010 was an incredible leveraging opportunity. She said the Center maintained detailed statistics on the number of pro bono hours and their worth down to the exact dollar. She added the Center's website included its budget along with the calculation of the hours and the names of every pro bono attorney who worked for the Center.

Ms. Buckley introduced Ollie Hernandez and Dashun Jackson, a young woman and a young man, who had been represented through the Children's Attorneys Project.

Dashun Jackson stated he was a former foster youth and the Vice President of the Foster and Adoptive Youth Together and President of the Kids in Need Club, and he thanked the Committee for the opportunity to speak on behalf of A.B. 192.

Mr. Jackson said he wanted to provide the members with an image of a foster child's position so they could better understand the situation for those children. He asked the members to visualize the following:

- Imagine yourself as a foster youth, a young child who was taken from the only home you know. Though the home might have been bad, it was a home that you loved and it was your home.
- You are placed into another home with strangers and you are not sure what to expect. You are greeted at the front door with smiles, and as you are ushered in, you see locks on the cabinets

and locks on the refrigerator and locks on the pantries. There are two refrigerators in the garage, but they are also padlocked.

- You walk into an ordinary room with gray bunk beds and colorless sheets.
- Imagine yourself attending different doctor's appointments and being forced to take medications that you either do not need or think you do not need. But because you are looked at, examined, and diagnosed as a troublemaker, you are forced to take the medications.
- You attend different court hearings and do not understand a single word that was being said.
- Imagine having everyone around you making big decisions that could possibly dictate your future, but because you don't know better and are scared, you do not speak out.
- Imagine a life in foster care without an attorney or someone to step in to insist that something must be done.
- Imagine that foster youth around the globe are looked at, examined, and diagnosed as problems to society and dealers of wrongful deeds.

Mr. Jackson said he believed passage of the bill would allow youth to have a voice instead of just headlines such as the following:

- "Foster Mother in Nevada Arrested for Death of Seven-Month Child by the Name of Baby Boy Charles in August 2006." The child was beaten, and no one knew why.
- On February 11, 2010, the headline was "Arizona Foster Mother Arrested for Child Abuse." The mother, Tammy Ray Andrews, shot the child with a BB gun; tied him up; put a brown paper bag over his head while beating him; and stabbed him. He was not allowed to eat or go outside. He was taken out of school to be home schooled, but never received schooling.
- In New Jersey, four boys were beaten by their foster mother; they were forced to eat drywall to fill their stomachs. A few years later one of the boys was noticed digging through a trash can, and he and his brothers were ultimately rescued.

Mr. Jackson pointed out those children did not have an attorney or a voice. He acknowledged the abuse cases might have been a result of negligence on the part of the social services department for not visiting the children on a continued basis, but if the children had legal representation, they would have had someone to look after them.

Mr. Jackson said he was forced to take medications, but he believed he did not need them and took himself off of them. He suppressed his real issues and had psychotic thoughts because of the medications, and he felt trapped by the very things that were supposed to help him. He soon realized he was not being treated as a human being: he was a guinea pig being tested for the drugs. When he took himself off the drugs, he began to deal with his issues and walk on his own.

Mr. Jackson wanted to leave the members with a true story, which he believed had a message that by helping someone, changes could be made.

An older man was walking along the beach, and he saw a dancing figure in the distance. As he got closer, he noticed a young boy throwing starfish back into the ocean. The starfish had washed ashore the night before and could not get back to the water. The older man asked the boy why he was throwing the starfish back into the ocean when he couldn't possibly make a difference to all of them. The young boy picked up another starfish and then another and threw them back into the ocean and said, "I made a difference to that one. And I made a difference to that one."

Mr. Jackson said foster children were those starfish. They were helpless without their water—helpless without someone to pick them up and throw them back into the ocean of life.

Continuing, Mr. Jackson recalled that Leon Fulcher, a former foster youth and renowned author, once said, "Ask yourself: Was there anything I could have done to prevent this situation? If the answer is yes, do something now and become a better person for it." Mr. Jackson said as obstacles were faced today, that same quote remained applicable. He said, "You are that better person, and if there is something you can do to prevent a child in foster care from the ordeals I and other foster youth experienced, then you should do so. It would make a tremendous difference."

Mr. Jackson asked the members to remember that the mother and father who inflicted the abuse were represented, and the abused foster youth was not. He asked the members to take a moment, meditate, and consider those exact

words because, in the end, that is what captivated. The foster youth were the victims, but treated like the criminals, and the real criminals were treated like they were the victims.

Chairwoman Smith thanked Mr. Jackson for his excellent testimony. There were no questions from the Committee.

Ollie Hernandez said she was testifying as a former foster youth who strongly supported A.B. 192. Her introduction into foster care was not typical. She had moved in with her aunt and uncle when she was five years old because her mother could not care for her and her younger sister. She said for the first few years she lived a simple and routine life. When her older sister came to live with them, the living conditions deteriorated. Her aunt and uncle took her and her younger sister to Child Haven, which she said was difficult.

Ms. Hernandez said when she entered her first foster home at age nine, she had no idea who the foster parents were, she did not know them, and she did not want to know them. She began to adjust and take on the responsibilities of an older sister, and then she received word that her mother had died. Her life began to spiral downward, and she started to defy her foster parents, she was caught stealing, and she fought with her sister. Her sister's behavior also worsened, and both girls were sent to a second foster home.

Ms. Hernandez said she was more comfortable in the second home and optimistic that the situation would work out. The foster mother discussed adoption with her, and she was agreeable to that. However, her younger sister was not and started to defy the foster parents again.

After Ms. Hernandez entered middle school, she moved back in with her aunt and uncle and her older sister, who was then 16 and defiant. Later in the year, her older sister had an argument with her uncle and he struck her in the mouth, after which she moved out and entered foster care. Ms. Hernandez was frustrated because she wanted to be with her older sister, and problems had started between her younger sister and her aunt and uncle. The girls were subsequently placed in foster care again.

Over the next two years, Ms. Hernandez said her life was chaotic. She and her sister entered two different foster homes in one year. She joined the ROTC (Reserve Officers' Training Corps) her freshman year in high school with the hope the members would become her family, but that did not occur. When she met her Children's Attorneys Project (CAP) attorney, they bonded immediately. Within a short period of time, her CAP attorney arranged a visitation with her older sister, and in the years that followed, her attorney argued for her at every

court date, and she petitioned the court to have her taken off of medications she did not need.

Ms. Hernandez was accepted into an elite organization at the University of Nevada, Las Vegas when she was a junior in high school, but she did not have money for the supplies; her CAP attorney provided her with gift cards within 48 hours. When she was a senior in high school and residing in an independent living facility, her CAP attorney kept her on track by monitoring her homework, assisting with applications for college scholarships, and ensuring her caseworkers were providing the support she needed.

Ms. Hernandez said her CAP attorney had been her main support system for the past six years. She attended every awards ceremony Ms. Hernandez was involved in, she listened to her frustrations, and she addressed her concerns about the future and what college she would attend. She said she would not be the person she was today without her CAP attorney: she would not have a plan for her future. Because her CAP attorney had encouraged and guided her, she had graduated from high school with an advanced honors diploma, and she was currently a freshman in college living independently and paying rent.

Ms. Hernandez summarized her testimony with the following statement:

In the dictionary, the definition of an attorney or lawyer is, "One whose profession is to conduct lawsuits for clients or to advise as to legal rights and obligations in other matters." The definition does not say that an attorney has to be the main source of support of a client or help mentor their clients through their short lives. But for a child in foster care, that is exactly what a CAP attorney does. In my experience, a CAP attorney takes on many needed roles: an advocate, a mentor, and a friend. A CAP attorney is your voice when you have lost yours. A CAP attorney is a person who is going to stand up and fight for you when no one else will, no matter what your age, gender, or ethnicity. The CAP attorney will make sure you and your personal welfare are not sabotaged by anyone. They will listen to your opinions, worries, and dreams and put forth the effort to make sure that those dreams and goals happen. A CAP attorney is like the calm within a storm, and though you don't see them all the time, you know that they are always there. Every foster child needs a CAP attorney; we all need someone we can count on and someone who can help us achieve a brighter future. Thank you.

Chairwoman Smith commended Ms. Hernandez and Mr. Jackson for their testimony and their achievements. They had utilized the resources they were given to become what they were today, and she congratulated them both. She thanked them for testifying.

Nancy Saitta, Associate Justice of the Supreme Court, testified it was difficult for her to add to the previous testimony, but she wanted to reveal that she was adopted, which made a difference for her. She had the good fortune of being able to be a children's advocate from the beginning of her professional career. She urged the Committee to consider approving the small additional recording fee in A.B. 192 in an effort to provide what every child in the system was entitled to. In every other area of the court system, it was recognized that representation was a right, and yet in the system where the entire proceeding was about the child, the child was not given the right to have representation. She pointed out the cases would not begin or end, except for the abuse and neglect that had brought that child into the system.

Justice Saitta said she had been a proud member of the legal community for 25 years, and everyday she faced a challenge trying to understand a legal concept or how the system could and should work. She asked how anyone could imagine an eight-year-old or ten-year-old child being taken from the only home he knew and placed into a system that was purported to be in the child's best interest. Justice Saitta said the child would repeatedly be told that he was in the system to properly care for him, but for some regrettable reason, there was not enough money to provide representation. Some believed a volunteer, while extremely helpful, could serve the system the same as an attorney, but the reality was that every child facing a Chapter 432B of *Nevada Revised Statutes* proceeding, in every corner of the state, deserved a voice in the courtroom. That did not just mean a place in the courtroom, because sometimes the child was allowed to attend and listen to the proceedings. However, she noted, the two young people who had testified earlier said they did not understand what was going on around them in the hearings.

Justice Saitta said given a voice and given a representative, children could be heard. Their voices would be heard, and their rights would be protected. While she knew the state was facing a difficult fiscal situation and there were many programs asking for money, she wanted members to remember that the children who were fortunate enough to have representation in a family division and abuse and neglect proceeding were likely to be the same children that the state would not be paying for in the prison system. They would likely be taking advantage of an educational system that she hoped would be protected, and perhaps one or two of the young people who had a voice would be able to

serve their state and their community in the same way she has because she had the good fortune to be adopted.

Continuing, Justice Saitta said representation for children was not a choice: it was an obligation that each adult had to the children and leaders of tomorrow. She urged the Committee to carefully consider the request being made in A.B. 192, knowing that every penny spent to represent the child would be well spent, and the benefits would be seen. There were countless other foster children who, given the opportunity to be heard, would be successful and serve the state. She thanked the Committee for the opportunity to speak.

Chairwoman Smith thanked Justice Saitta for her testimony. She commented that she served on the court improvement project that was dealing with child welfare issues under Justice Saitta's chairmanship. She appreciated her passion for the issue and desire to do whatever possible for children in the state.

Paula Berkley, representing the Nevada Network Against Domestic Violence, testified all of the nonprofits in the state were dependent upon each other, and many of the children helped through the Children's Attorneys Project originally came from the domestic violence family program. Ms. Berkley made the analogy that her organization was the right hand and Ms. Buckley's organization was the other, and they could not operate without each other. They were both essential to get a family out of a domestic violence relationship and into a safe and productive one, which sometimes meant a foster care home. Ms. Berkley said everyone was in the situation together, and she realized it was difficult for the Committee to choose, but she believed there was no choice: everyone was connected and dependent upon each other toward the same goal.

Paul Elcano, Executive Director of Washoe Legal Services, testified his organization was the northern counterpart to Ms. Buckley's organization, and they had been working together for seven years on the difficulties with child advocacy. He complimented Ms. Buckley on her presentation because she had done a good job of relating what the organizations were facing with child advocacy problems. He thanked the Committee for its consideration of the bill and offered to answer questions concerning Washoe Legal Services.

Assemblyman Hickey asked who actually paid the existing and proposed recording fees and how the organization was funded. Mr. Elcano replied Washoe Legal Services started with \$80,000 and represented 80 children. With a lot of work and luck, \$500,000 in federal money was acquired for two years, which was parlayed into a contract with the county to represent the children. The current annual budget was between \$750,000 and \$800,000 for the child advocacy program, and the county contract covered approximately

\$460,000. The difference was made up through the allocation of filing fees and over \$100,000 in donations from the community. He noted details of the program and budget were included in his written testimony ([Exhibit D](#)).

Chairwoman Smith clarified that Mr. Hickey was asking for an explanation of who was actually paying the recording fees. She asked Ms. Buckley to address the question.

Ms. Buckley explained recording fees were paid when there was a transfer of ownership on a piece of property. The current \$1 fee was added in 2001 to establish a fund to help children in foster care when they aged out of the system. For example, when an 18-year-old left the system, instead of leaving with no cash, he was able to receive funds for security deposits and other needs to get established for independent living. The current \$1 fee did not support legal services: it supported the aging-out fund for abused and neglected children.

Assemblyman Hickey asked whether the attorney that filed the form paid the fee. Ms. Buckley replied the majority of the filing fee-driven revenue for legal aid funding came from attorney filings. A portion of the fee paid by a lawyer when he filed a complaint with the court funded legal services, which she said was different than the recording fee proposed in A.B. 192. She explained the recording fees in the bill were collected by the county recorders' offices for filing a real property transfer, an ownership change, or other documents recorded at the county level: most of the recordings related to housing transactions.

Chairwoman Smith asked for additional testimony in support of A.B. 192; there was none. She asked for testimony in opposition to A.B. 192; there was none. She noted two individuals had signed in to testify as neutral on A.B. 192.

Margaret Flint, representing the Reno Wedding Chapel Alliance, testified the Alliance was not in opposition to the bill, but she was present to address some concerns. She recalled in the 2009 Legislative Session, the Alliance assisted in passing a bill that earmarked \$5 from every certified copy of a marriage license obtained by the parties that were married to support domestic violence. Mrs. Flint asked whether any of those funds were used to support legal aid as well. In addition, she did not see where the other recording fees were affected by the \$5 fee already designated for domestic violence. She speculated that since a certified copy was not a recording, it would not be included in the language. She requested further clarification.

George Flint, owner of the Chapel of the Bells in Reno, testified that in 1969 he had prepared a study for Governor Paul Laxalt that indicated 17 percent of the tourist economy was the direct result of couples coming to Nevada to be married. He said the number of weddings had declined in the state because it was now easier to get married in California, and California's marriage license and recording fees were less expensive. He noted the number of weddings in Washoe County had declined 75 percent since 1978. He was concerned an increase in marriage license fees would further erode the wedding business in Nevada.

Chairwoman Smith advised Mr. and Mrs. Flint to discuss their concerns with Ms. Buckley.

Ms. Buckley clarified that section 1, subsection 3 of the bill exempted recordings of marriage licenses from the \$3 additional fee.

Ms. Buckley thanked Committee members for their time and consideration of A.B. 192. Chairwoman Smith thanked her for bringing the bill forward and for the work of her organization on behalf of children in the state. She agreed that the services provided at the front end would ultimately prevent funding of services on the back end.

Assemblyman Grady expressed concern that testimony was not received from the rural counties. He questioned whether the rurals had representation similar to that provided in Clark and Washoe Counties.

Ms. Buckley replied A.B. 192 would allow the rural counties to have that presence. She would have Anna Johnson from Nevada Legal Services arrange a meeting with Assemblyman Grady to discuss how the program might be implemented. Ms. Buckley noted that some assistance was provided in Nye County, but the goal was to have every child in the state receive benefit from the program.

Assembly Committee on Ways and Means

March 23, 2011

Page 18

There being no further business to come before the Committee, Chairwoman Smith adjourned the meeting at 10:20 a.m.

RESPECTFULLY SUBMITTED:

Sherie Silva
Committee Secretary

APPROVED BY:



Assemblywoman Debbie Smith, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Ways and Means

Date: March 23, 2011

Time of Meeting: 9:05 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Barbara Buckley, Director, Legal Aid Center of Southern Nevada	PowerPoint Presentation Regarding A.B. 192.
	D	Paul Elcano, Executive Director, Washoe Legal Services	Testimony in Support of A.B. 192.