

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Seventh Session  
March 22, 2013**

The Committee on Judiciary was called to order by Chairman Jason Frierson at 8:05 a.m. on Friday, March 22, 2013, 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 [nelis.leg.state.nv.us/77th2013](http://nelis.leg.state.nv.us/77th2013). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Jason Frierson, Chairman  
Assemblywoman Lesley E. Cohen  
Assemblywoman Olivia Diaz  
Assemblywoman Marilyn Dondero Loop  
Assemblyman Wesley Duncan  
Assemblyman Ira Hansen  
Assemblyman Andrew Martin  
Assemblywoman Ellen B. Spiegel  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

Assemblyman James Ohrenschall, Vice Chairman (excused)  
Assemblyman Richard Carrillo (excused)  
Assemblywoman Michele Fiore (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Andy Eisen, Clark County Assembly District No. 21



**STAFF MEMBERS PRESENT:**

Dave Ziegler, Committee Policy Analyst  
Dianne Harvey, Committee Secretary  
Karyn Werner, Committee Assistant

**OTHERS PRESENT:**

Jill Marano, Deputy Administrator, Division of Child and Family Services,  
Department of Health and Human Services  
Ken Lange, representing Nevada Youth Care Providers  
T. Arthur Ritchie, Jr., Judge, Eighth Judicial District, Clark County  
Nancy Saitta, Associate Justice, Supreme Court of Nevada  
Denise Tanata Ashby, Executive Director, Children's Advocacy Alliance  
Alex Ortiz, representing Clark County  
Lisa Ruiz-Lee, Director, Department of Family Services, Clark County  
John "Jack" Martin, Assistant Director, Clark County Department of  
Juvenile Justice Services  
Rachael Richardson, representing A Nu Beginning, Las Vegas  
Julie Butler, Records Bureau Chief, Records and Technology Division,  
Department of Public Safety

**Chairman Frierson:**

[Roll was taken. Committee protocol was explained.] We have two bills today plus a work session, and we have BDR 15-804 relating to criminal justice. I will seek a motion to introduce that BDR.

**BDR 15-804**—Revises various provisions relating to criminal justice. (Later introduced as [Assembly Bill 415](#).)

ASSEMBLYWOMAN COHEN MOVED TO INTRODUCE BDR 15-804.

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN OHRENSCHALL, CARRILLO, AND FIORE WERE ABSENT FOR THE VOTE.)

We will now go to the agenda. The work session may be altered because we have some absences. We will proceed in order of the agenda and the bills we have scheduled to hear today.

First is [Assembly Bill 100](#). I will open the hearing and invite Dr. Eisen to introduce the bill.

**Assembly Bill 100:** Designates five family court judges in counties with a population of 700,000 or more to hear only cases involving child abuse and neglect, adoptions of children in foster care and the termination of parental rights. (BDR 1-532)

**Assemblyman Andy Eisen, Clark County Assembly District No. 21:**

I appreciate the opportunity to introduce Assembly Bill 100, which is a bill that designates five family court judges in counties with populations greater than 700,000, currently Clark County, to hear only cases involving child abuse and neglect, adoptions of children in foster care, and termination of parental rights.

The family court, currently composed of 20 judges in Clark County, has a broad range of responsibilities, all of which are important. However, the timelines of the adjudication of matters regarding children in foster care and their ability to find and be placed in appropriate permanent placement is a matter of the utmost importance. The intent of this bill is to address, in a long-term way, some of the problems that have developed, given the caseload of the Clark County Family Court.

For those that may not be familiar with the process, a child entering into the foster care system typically begins with the substantiation of allegations of child abuse or neglect and the finding that there are safety concerns or substantial risk of future abuse or neglect. The child is then placed in protective custody and taken to a preliminary hearing. If the court then finds the child is to be removed from the home, the court holds an adjudicatory and dispositional hearing and determines a placement and permanency plan. Then there are periodic reviews of that progress and, after twelve months, a permanency hearing.

In general, there are three routes for the typical outcome. The ideal situation, if possible, is reunification with the family. The second would be adoption out of foster care, either to a family member or to a nonrelative. Lastly is emancipation, which sometimes occurs as the consequence of a child aging out of the system at age 18, or other times by a court declaration of emancipation under circumstances defined clearly in statute. Once this permanent placement is made, regardless of what it is, the case is closed.

Family court is an essential part of this process. They are involved in the protective hearing, the dispositional hearing, the placement plan, permanency hearing, termination of parental rights if needed, and adoption or guardianship hearings. The problem that has developed, largely as a consequence of the caseloads, is backlog. The time to permanency for many of these children has become long. When I talk about the urgency and time sensitivity of these

issues, it is essential for a child's development and growth that we get them to an appropriate permanent placement as quickly as is reasonably attainable. What we are now seeing is approximately 300 children awaiting adoption who are eligible for adoption but are waiting for placement on the court calendar. The median time for reunification is nearly one year. The median time to adoption is roughly two-and-a-half years. This is a lengthy and, I believe, harmful disruption in a child's life.

The goal here is to decrease the backlog to improve the efficiency of the system of processing these cases through the courts so that we can reach the best disposition for each of these children in the quickest time reasonable. Assembly Bill 100 proposes a solution for that problem. The bill is brief and the provisions are straightforward. In section 1, subsection 2, the bill designates that five of the district judges for the Eighth Judicial District Court in Clark County hear only cases brought under *Nevada Revised Statutes* (NRS) Chapter 432B which is the child welfare statute, NRS Chapter 127 which provides for the adoption of a child from foster care, and NRS Chapter 128 which applies to the termination of parental rights.

Section 2 clarifies those courts have exclusive jurisdiction over those same kinds of cases.

Sections 3 and 4 are transitional language making clear that this does not affect the term of any current sitting judge and defining the effective dates of this implementation.

This is a serious issue, and I believe the responsibility we all bear is to do everything we can to accelerate the process of getting these children to an appropriate, permanent setting in whatever way we can. I think all of us owe this to children who are in a tragic situation. The longer the disruption in their lives takes place, the more harm is done. That is my overview of the bill and I am happy to answer any questions.

**Chairman Frierson:**

Thank you, Dr. Eisen. Do we have any questions?

**Assemblyman Wheeler:**

I think the intent of this bill is good. Since we are not adding judges, it looks like a scheduling problem to me. I am wondering why they are having scheduling problems now, and will this bill change that? How can we change that so we can get these children out of the system faster?

**Assemblyman Eisen:**

Thank you for the opportunity to clarify how we came up with this number. Currently in the Clark County Family Court, there is a team of five judicial officers who are attending to this work; however, that is composed of two judges and three hearing masters. The issue is that the masters' powers are limited. They cannot make adjudications; they can hear evidence and do preliminary work to get cases moving. The other issue is cases may move from any of the masters to either of the judges, and that movement back and forth through the disjointedness of the system leads to a loss of memory of some of the history with a particular family, resulting in the necessity to go over the same information from one hearing to another. We are seeking to use the same number of judicial officers, but all will be judges, so that they would be empowered to make decisions, and we could move toward a widely accepted best practice, which is one family, one judge.

**Assemblyman Duncan:**

Will the hearing officers be eliminated, and will it be solely judges that are hearing these cases? Is that the intent of the bill?

**Assemblyman Eisen:**

This bill would provide those five judges exclusively.

**Assemblywoman Cohen:**

How will the five judges be determined out of the group of twenty that are there already?

**Assemblyman Eisen:**

If you look in section 3, it does not affect any of the current judges. The system now allows the chief judge to determine which judges are those who hear only family court cases. This does not change that process. This just indicates the number that has to be chosen, and section 3 indicates among whom that selection would be made.

**Chairman Frierson:**

Dr. Eisen, for those not familiar with family court, is the distinction proposed in the bill to deal with the fact that family judges hear these NRS Chapter 432B cases as well as other cases? Is it the exclusivity that the bill is trying to accomplish?

**Assemblyman Eisen:**

The bill tries to address this from both sides of that issue. One, the exclusivity that only a certain subset of these judges would be hearing this in order to maintain the one family, one judge principle, but also to ensure there would be

a sufficient number of judicial officers hearing these cases. That is an issue in terms of moving back and forth. This bill carves aside that resource within the court to ensure there are an adequate number of judicial officers to address these concerns.

**Assemblyman Martin:**

I am curious about the nature of the policy change you are proposing. You mentioned backlog in the adoption process. What is the current backlog and what is your reason for deciding on five judges? What then would the expected backlog be, if any? How much faster would the process be? If you could give us a sense of timing and caseloads, that would be great.

**Assemblyman Eisen:**

First, on the question concerning the magnitude of the backlog, as I mentioned before, there are approximately 300 children currently in foster care eligible for adoption who are awaiting placement on the court calendar. With regard to the number of judges, keeping with the current number of judicial officers who are working on these matters now, two judges and three hearing masters, five judges would streamline that. I cannot say for sure that is the perfect number. The hope is that this will be a step toward a solution in the long term. Given the resources in the court now and the number of bodies working on this, this was a number I believed to be a reasonable start. I think a key to this is to continue to monitor this process to see if this number would need to be increased over time.

**Assemblyman Duncan:**

Will this create any backlog in other areas of the family court if we are now going from two judges covering this area to five? Has there been any discussion about this?

**Assemblyman Eisen:**

I would have to say that is a risk. Yes, that question has been raised; it is not clear that a problem would occur. Again, my concern for this particular kind of case comes as no surprise to anyone who is on this Committee or anyone who knows my background. I would not necessarily say that this is more important than the other matters that the court hears, but I do think the issue of timeliness is extremely important in these circumstances. While I do not wish the court to have any backlog whatsoever, my feeling, given the potential risk to the children involved in these cases, is if there is one place we need to ensure there is no backlog, this is it.

**Chairman Frierson:**

Are there any other questions for Dr. Eisen? I see none. Thank you, Dr. Eisen. Please stay for follow-up, or for closing remarks.

I now invite those here to testify in support of A.B. 100 to approach both here in Carson City and in Las Vegas. Since there is no one in Carson City, we will go to Las Vegas for those to testify in support of A.B. 100.

**Jill Marano, Deputy Administrator, Division of Child and Family Services,  
Department of Health and Human Services:**

Thank you, I will be speaking about A.B. 100. The Division of Child and Family Services (DCFS) is supportive and advocates for activities that will help children achieve permanency in a timelier manner. We feel, with the addition of the judges, the family court would help with this goal. Additionally, timeliness to permanency is an indicator the federal government monitors through the Child and Family Services review process, and this bill would help us continue to work on improvements in this area. Additionally, we embrace the one family one judge practice that Assemblyman Eisen mentioned and believe this bill would allow Clark County to work toward this model. I would also like to note that the DCFS is willing to partner with Clark County, if desired, to help with training for the court on child welfare issues, should that be requested. Thank you for your time.

**Chairman Frierson:**

Are there any questions from the Committee? I see none.

**Ken Lange, representing Nevada Youth Care Providers:**

We are asking for your support of A.B. 100. I would like to describe what it is like for families and kids who go through this process and what A.B. 100 could potentially mean for them.

First, if anyone has been in the hallway of family court as families move through that system, it is rushed, stressful, and sometimes one wonders whether the officers of the court have enough time to engage the family at a level that would deliver the best results. In some cases, the interaction is quick, brief, and the opportunity to elicit more information and testimony might help in terms of both encouraging the parents to move in the appropriate direction, as well as provide the judge or hearing master with more relevant information to make different kinds of decisions. One might notice, too, as all parties approach the table, there is a lot going on underneath the actual court process, and having a broader judicial staff to do this may provide more room for the conversations between the district attorney, the department, and the court to make the very best decisions.

Many of our parents who are in this situation have a unique and potentially inappropriate role with authority. As you move through a system that pulls you in the door, makes the decisions, and sends you home, it does not necessarily allow for the full manifestation of an appropriate relationship with authority. They are going to help these parents understand where they sit relative to their parental responsibilities and their obligation to move toward unification with their children, or in the case of a termination of parental rights (TPR), how they are going to stand with the court and why. That becomes important when we are adjudicated for different children from different parents in a family. One might say that it is a luxury to have all of this judicial time; we think that it is a necessity to have a robust dialogue with all the parties that come to the table on behalf of the children for whom we are trying to provide security and safety. Thank you.

**Chairman Frierson:**

I see no questions for Mr. Lange. Is there anyone else in Las Vegas who is testifying in support of A.B. 100? [There was no one.]

Is there anyone in Carson City in opposition to A.B. 100? I invite those in Carson City and in Las Vegas to testify.

**T. Arthur Ritchie, Jr., Judge, Eighth Judicial District, Clark County:**

I am a district judge in the Family Division of the Eighth District Court. I heard your admonition not to try to confuse the Committee, and that is the first thing that I am going to do. I want to thank you for allowing us the opportunity to present testimony on this bill.

The position of the court in opposition should not be interpreted to suggest the child welfare system does not need change, reform, or additional resources. The judiciary necessarily opposes A.B. 100 for a couple of reasons. We believe that the bill is unnecessary because of the actions of the court over the last four months. I will summarize the actions of the court since December, which resulted in an order entered yesterday by the chief judge that addresses many of these concerns ([Exhibit C](#)). It is always problematic for the limitation of constitutional powers of a district court judge, which may be the consequence of this bill. That being said, the court embraces the policy behind the bill.

I met with Assemblyman Eisen and he knows we welcome an important dialogue between the Legislative Branch and the Judicial Branch. Since the family court was created 20 years ago, the collaborative approach, especially in dependency cases, makes the system better. We agree that the juvenile dependency cases are some of the most important cases managed by the district court, and have made findings and recommendations if there is



a problem with the current management of those cases. We agree that the district court must be active and vigilant in allocating sufficient resources to effectively manage these cases. We recognize a common goal to improve access to justice in our community, and this hearing on A.B. 100 affords the court a good opportunity to participate in this dialogue and to report the recent efforts to improve the management of the dependency cases in our district court.

As a judge, I like to get answers to my questions directly. Before I get into the specifics, I would like to respond to the comment related to adoptions. There is no problem with the hearing of adoptions. In fact, all of the 20 family-court judges hear adoptions. If there is a petition and it is ready, it is a complicated matter. Children might be available for adoption, but there may be reasons why the petition is not brought to the court and heard. There is no delay in getting an adoption heard. In fact, if all of the paperwork is ready, you could probably get it set and heard within a judicial day.

I want to recognize the fact that this bill, or this dialogue that occurred last year, was a catalyst for the entry of an administrative order by the chief judge in December. That order charged the court with creating a committee that evaluated the dependency docket in our court. I chaired that committee. We had four other judges: Judge Robert Teuton, Judge Frank Sullivan, Judge Charles Hoskin, and Judge Nancy Saitta of the Nevada Supreme Court. Also serving on the committee was Barbara Buckley of Legal Aid Center of Southern Nevada; Jeff Wells, the assistant county manager of Clark County; and our court executive officer. We had meetings (six of them) every two weeks, beginning on December 12, in which we evaluated everything that relates to the caseload and the management of cases. Those meetings involved bringing in all of the justice partners. We received reports from the special public defender, Court Appointed Special Advocates, the district attorney, Division of Family Services, Children Awaiting Parents, and the Office of Appointed Counsel. The report has been provided for you, and it not only shows the work that has been done, but the recommendations for improvements in the system.

We have five judicial officers—two judges and three hearing masters—who have managed this docket. The order entered by the chief judge yesterday assigns a third judicial officer with three hearing masters, bringing this up to a total of six. The court has determined, in looking at the caseload, this is sufficient to meet the needs of these cases to address all of the policy points where we agree, including more time to decide the cases, one judge for one family, and judges being assigned the cases. I do not want to get into too much detail, but the Eighth District Court rules, and frankly, the way juvenile cases were managed in

Clark County even before the Family Division was created 20 years ago, were that we had hearing masters that were supervised by a district judge (John Mendoza, Miriam Shearing, and John McGroarty). The system of having the juvenile judge supervise the hearing masters continued when the Family Court was created. The fundamental change adopted by the judicial administrative order is that the judges will be assigned and responsible for the cases from beginning to end, and handle all the contested adjudicatory matters, with the hearing masters managing at their direction. So, instead of a system of five judicial officers assigned a piece of the juvenile docket, you will have three district court judges assigned the docket with the hearing masters working in support. The committee unanimously recommended that was the best way to manage the cases.

In answer to the question about how many judges are appropriate or whether they should be district court judges or hearing masters, that is a policy argument that you can get on both sides. Six judicial officers are sufficient to meet the size of the caseload. Our chief judge, Jennifer Togliatti, issued that administrative order on December 5, 2012. The committee was formed, met, and did extensive work during the course of the last three months. I would suggest that this demonstrates how the court can approach a case type whether it is business court, probate, or juvenile matters. We review our caseload, we evaluate it, and we take the responsibility to manage it appropriately. While the court opposes the bill for the reasons I stated, we embrace the principle and the policy behind it. The chief judge wasted no time. On March 1, following two and a half months of meetings, the committee reported the findings and recommendations to the Family Division. The written report was prepared and finalized either yesterday or the day before and the chief judge issued an administrative order adopting those recommendations and assigning the additional resources. We would suggest that addresses the policy considerations for this bill. As part of the order, we have an ongoing task to make sure that the conclusion is realized. The committee's ongoing responsibility will be to review performance. The administrative order that was entered requires the juvenile court judges to report quarterly to the Family Division as a whole.

The Family Court consisted of 13 judges before 2008. The Legislature is greatly responsible for giving us an opportunity to provide exponentially better service to Clark County. We have a new case management system that replaced one that was over 20 years old. This case management system allows us to generate reports that not only tell us every case that we have, and how many days it is on a real-time basis, but also will allow us to evaluate performance on all of our statutory mandates under NRS Chapter 432B. We had to adopt the model court definitions for hearings so that we could track

or start the clock running for these. For the first time we will be able to evaluate whether we are having any backlog on certain mandated events.

In conclusion, the court embraces an opportunity to talk about the policy and thanks the Legislature for its historical support of the court, and certainly for these important case types. While the bill cannot be supported for the reason we have stated, we do support the change in the management of the cases, addressing the policy considerations of making sure the judge has continuity with the family, the elected district judge is responsible for the caseload, and we have tools to monitor performance so we can answer the question of how many judges are sufficient. We evaluated the civil domestic caseload. One of the benefits of expanding the court was that we made significant improvements in the management of our domestic caseload. Even though we had two judges, one judge supervised the masters and handled the bulk of the dependency hearings. The other judge dealt with termination of parental rights and some other matters. We are adding more than a judge in that each one of the judges will have an equal caseload; dividing that caseload into thirds is a responsibility. The reorganization of caseloads is more than just adding one district court judge. The court committee recommended that we should expand because we do not think it will have a material detrimental effect on the management of the other areas. Thank you, Mr. Chairman.

**Chairman Frierson:**

I have one question about the committee you mentioned earlier. Could you expand on the formation of the committee and its members?

**T. Arthur Ritchie, Jr.:**

The two judges who are primarily responsible for dependency cases, Judge Sullivan and Judge Teuton, were on the committee. I was the chair of the committee and Charles Hoskin, another judge in the Family Division, was on the committee. He is going to be the presiding judge after Gloria Sanchez. The Court Improvement Project and the Supreme Court support of managing judicial matters throughout the state required we have a member of the Supreme Court, so Justice Saitta also served on that committee. I have been on the Family Court bench for over 13 years. Over the years, as the presiding judge of the Family Court and as the Chief Judge of the district, I had no one with whom I interacted who was more dedicated to child welfare issues and juvenile matters than Barbara Buckley was. I thought that she should be a part of the committee, and she was a good participant. It gave us balance as far as not just being judges evaluating what we do well and what we do not do well. Often a committee can be criticized for taking too long, but as you can see, everyone on that committee committed to meeting for at least two hours every two weeks, which we started in December. We did that all the way through

because we knew we needed to have change. In addition, Jeff Wells with the Assistant County Manager's Office in Clark County was an essential piece of that committee because we had to be careful we did not make decisions, establish calendars, or interfere with their ability to cover. It was important. In fact, this Monday our two juvenile judges met with the assistant district attorney to make sure those calendars could be covered and all of the logistics were there.

Other reforms came out of this committee process. We did not just wait until the end of the committee; it became apparent early on that our case management system could be more efficient by immediately scanning documents into the record and having counsel appointed from that first hearing to stop delays. Our court administration and information technology (IT) staff worked to make sure that discovery could be e-filed, so that they would be disseminated in real time. We have implemented efficiencies to reduce the time, especially early in a case before the committee finished its business. We had a judge who reviewed every termination of parental rights case. The report you have indicates we evaluated those that have been decided, those that were pending, and those that had not been served. We reviewed all of the juvenile dependency cases to determine how many cases we actually had. We had to close cases that should have been closed, and we determined the caseload is somewhere between 2,200 and 2,400 cases. That was essential to make any kind of management decision as to how many judges should be managing that docket. It was a tremendous amount of work. We developed case management tools with IT staff that did not even exist prior to December. I would say the benefit of this catalyst was that the members of the committee spent at least 16 to 20 hours a meeting—those working on this nonstop for three months have probably spent hundreds of hours—on the question on how to organize the dependency docket better.

**Chairman Frierson:**

You mentioned several judges on the committee. Was Barbara Buckley the only person who was not a judge?

**T. Arthur Ritchie, Jr.:**

Jeff Wells, the assistant county manager, was also on the committee. We also had Justice Saitta from the Nevada Supreme Court. We had meetings in which justice partners came and shared their thoughts on what needed to be changed, and how they saw their piece of this process. I would say that the dependency docket requires collaboration and dialogue in order to improve our services. We received input from the special public defender, Division of Child and Family Services, Court Appointed Special Advocate (CASA), and Children Awaiting Parents (CAP). There were common themes that became apparent. We need

to make sure that we comply with model practices, the bench cards are followed, and the safety checklists are used. In January, there were meetings between the judges and the hearing masters to make sure that those types of practices are emphasized. We made them specific job action items to make sure that they take place. We expect to have significant improvement in that area.

**Chairman Frierson:**

I am glad that you mentioned that some of the other community members were included. To what extent was DCFS involved? You mentioned the special public defender and district attorneys.

**T. Arthur Ritchie, Jr.:**

Brigid Duffy participated in the meetings along with David Schieck. The DCFS has been phenomenal in ongoing meetings with Steve Grierson and our IT department. Without them, we would not have made all of this progress in ensuring the information or discovery in these cases is provided in real time. We made great efforts to ensure that the committee would not make any recommendations that any of the justice partners could not handle. These reforms were wholly embraced; we received no negative feedback. It is a weird circumstance to find ourselves in the middle of a change in thought process between judges supervising hearing masters and judges being assigned the cases. It seems obvious based on what we looked at, but we are talking about 30 to 40 years of practice in Clark County going back before the family court was created.

**Assemblywoman Diaz:**

How certain can we be that these changes will be made without this policy decision moving forward? How promptly will we see these changes going forward? I heard that we have to comply with federal regulations, and I know that there are other underlying factors with that as well.

**T. Arthur Ritchie, Jr.:**

Chief Judge Togliatti entered an order that assigned the third judge yesterday. We are in the process of setting up the calendars now. I told Assemblyman Eisen that we would be giving him feedback in early April as to how the calendars would be set. Some of the things I discussed are already in practice: blue cards are being scanned and sent to counsel, discovery is in the process of being e-filed so it can be disseminated, and the case management tool is being refined to make sure we get feedback on performance. For example, in this particular snapshot between January 2013 and February 22, 2013, when this report was run, 97.14 percent of the cases were heard within that 72-hour period. We never had this data before this document.

There are five other categories going up to the 12-month hearing and 6-month review, but the most important are the adjudicatory hearings, the probable cause hearings that are early cases. Judges will be handling that. Instead of just having Frank Sullivan hearing these cases, Robert Teuton and a third judge will be hearing these cases immediately.

**Assemblyman Duncan:**

Are the three judges going to have exclusive jurisdiction over these cases, or will there still be flexibility? Would you please address the exclusivity of the language?

**T. Author Ritchie, Jr.:**

The family court was created as a division of the district court. They are district court judges. All of the judges in the Family Division hear family cases. The concern about the bill is that it says they will only hear certain types of cases. I know this is not intended, but the first point that I made was that all judges hear adoptions. In fact, we have adoption days a couple of times a year when we have 60 or 70 in a day. I know that there is no intent to say that only five judges would hear adoptions, or even DCFS adoptions. In fact, one of the best things that we get to do is the permanent adoption hearings. Anytime a district judge's jurisdiction is proscribed or limited there are constitutional issues. The principle that I want to emphasize is there should be, and has been, an important policy dialogue among everyone involved in these cases. The court would never take the position that we would refuse input or say that someone cannot give us input as to how to manage these dockets. I think we improve ourselves by having this dialogue. The way the bill is written might suggest that you are creating a judge with less authority or power than the district court judge, or would be limited in jurisdiction. There are many things that we do: temporary protection order duty, 24-hour search warrants, and other case types that might happen. For instance, I was the chief judge for two years and that job required me to handle governor's warrants, probate, bond calendars, and all things that would not be natural to a family court judge, even though I performed family court judge matters. I know that the intent behind the bill is to make sure we have enough judicial resources to handle those important cases, not to say that a judge would have limited authority or power that might be less than a district court judge has.

**Chairman Frierson:**

Are there any questions? [There were none.] Thank you, Judge Ritchie.

Is there anyone else in Carson City to offer testimony in opposition? I see no one. Returning to Las Vegas, is there anyone who wishes to testify in opposition?

**Nancy M. Saitta, Associate Justice, Supreme Court of Nevada:**

I am a member of the Nevada Supreme Court and I am here today like Judge Ritchie. I am here in opposition. As Judge Ritchie stated, it is a matter of concern with respect to the current drafting of the bill and the constitutional intersections where we might be finding ourselves at risk. I am providing friendly opposition today.

First and foremost, in the past, I had the privilege of serving in the Office of the Attorney General as a children's advocate. I have also had the privilege of working in the area of terminations, adoptions, and permanency. The concern that I have always carried in my backpack is that we do the very best we can for as many children as quickly as we possibly can, so they can grow in the most positive way.

The judicial system is not an easy system to navigate. What we are doing here today may be historic. We are bringing two branches of government together to be concerned about these important issues. We can tell you that we appreciate your concern, and we are moving forward in the most positive ways that I have ever seen a court system move, both in timeliness and in making a difficult policy decision. I want to congratulate everyone in this room and those who may be listening elsewhere for their concern and commitment to our children.

I can only add a couple of things to what Judge Ritchie has already said. Although I was accused of being a stalker on the committee to ensure everything that needed to be done was done, I am proud to bear that title because it is the Supreme Court's responsibility to ensure all resources are applied properly throughout the judicial branch. I urge you to spend time reading the report you have, as it is a monumental shift in the manner in which your family division is going to be doing business. I believe Judge Ritchie underrepresented the hard work he and his judicial officers, Judge Teuton, Judge Hoskin, and Judge Sullivan, put into this. The electronic filing and some of the discovery and appointment of counsel issues that he briefly touched upon are huge changes in a judicial system. First and foremost, they benefit the children who are at issue in NRS Chapter 432B cases. That has already been done; it is in place. It appears in the report as part of the committee recommendation. However, with the guidance of Chief Judge Togliatti in the efforts of this committee, when we found something that could be done immediately, they made it happen.

I also want to respond to a couple of concerns from a number of your Committee members having to do with the composition of this committee. This was not just the people named on the front of this report. This was a complete

360 degree, inside-out peer evaluation review of the judges in the family division and the manner in which it does business. Judges did not look at themselves. Judges were not looking at statistics in isolation. All those justice partners who came to the table told us what needed to be done and that they would help us do it, because it was what had to happen.

The manner in which case assignments can now be made is statistically sound. The analysis that Judge Ritchie's committee undertook looked at real numbers of cases, real numbers of judicial hours, and courtroom availability. With your guidance, we are happy to collaborate in doing what the policy underlying this bill is intended to do—to move our kids more quickly through the system.

My last comment is about the model practice of one judge, one family. It is an understatement to say that it is the gold standard nationally. I am proud to say that the changes that Judge Ritchie has represented and those set forth in this report will put Nevada's Eighth Judicial District right in line with best practices throughout the country. I want to thank this Committee for hearing this matter. I appreciate the branches of government being on the same page. To the extent that this is friendly opposition, I am prepared to take any questions you may have.

**Chairman Frierson:**

Thank you, Justice Saitta. Do I have any questions for Justice Saitta? I see none.

Seeing no one else in opposition in Las Vegas, we will come back to Carson City for anyone wishing to testify in the neutral position either here or in Las Vegas. I see no one in Carson City, but one person in Las Vegas.

**Denise Tanata Ashby, Executive Director, Children's Advocacy Alliance:**

The inefficiency and lack of judicial resources for child welfare cases that occur under current practice not only delays permanency for these children, but has resulted in a severe lack of compliance with both state and federal laws. According to the October 2012 press release on this bill, 93 percent of all review and disposition hearings in the child welfare system were overdue at that time. Shifting our current resources to institute a practice of one family, one judge, whether through the legislative process or through judicial form, will allow judges to become familiar with the needs of children and families that come before them creating consistency, continuity, and greater efficiency. Thank you.



**Chairman Frierson:**

Thank you. Are there any questions from the Committee? I see none.

We will now return to Carson City and invite Dr. Eisen to make any closing remarks he may have.

**Assemblyman Eisen:**

I want to thank the Committee for hearing this bill today. I particularly want to thank Chief Judge Togliatti and the judges of the Eighth Judicial Court and the committee formed by Judge Togliatti's administrative order. They have done an enormous amount of work in a very short time. I am very impressed, not only with the volume and quality of work, but with the dedication with which it was done.

I am particularly happy to have just been handed Administrative Order 1303 signed by Judge Togliatti yesterday, which adopts all of the recommendations in the report. I think the speed with which Judge Togliatti issued and filed that order is a demonstration of the acknowledgement by the court of the issues that have been discussed and the need for reform happening quickly.

Over the past few months, I have had the opportunity to work with representatives of the court, including Judge Togliatti and Judge Ritchie and the Chief Executive Officer of the court, Steve Grierson, who definitely deserves an on-the-record pat on the back for the work he has done developing the data systems to track this work forward as explained by Judge Ritchie.

I look forward to the opportunity to continue working with representatives of the court and other interested parties, including those from DCFS and other advocates for children. As we address the next steps and move toward a system that addresses these problems, and develops in Clark County, I hope Nevada will be a model for the nation about how to care for these children in foster care and their needs to find appropriate permanent placement. This is a demonstration of cooperation of powers in the efforts of all three branches of government to work together to address a problem. If there are any further questions, I would be happy to address them at this time.

**Chairman Frierson:**

Thank you, Dr. Eisen. I appreciate the work. I think the speed with which the order was signed was also due to your involvement and your hard work in talking with the stakeholders. We certainly appreciate the work that you have done.

I will now close the hearing on Assembly Bill 100 and open the hearing on Assembly Bill 217.

**Assembly Bill 217: Revises provisions governing criminal background checks of applicants for employment with a department of juvenile justice services or an agency which provides child welfare services. (BDR 5-993)**

**Alex Ortiz, representing Clark County:**

With me today are two individuals who will be presenting this bill on behalf of Clark County. They will also discuss a proposed amendment ([Exhibit D](#)), which is on the Nevada Electronic Legislative Information System (NELIS) as well. To my left is Lisa Ruiz-Lee. She is the director of the Department of Family Services (DFS) for Clark County. To her left is John "Jack" Martin, who is the interim director of the Department of Juvenile Justice Services for Clark County. I would like to pass to them for their presentation.

**Lisa Ruiz-Lee, Director, Department of Family Services, Clark County:**

As Alex indicated, I am joined by my colleague Jack Martin, who is here to answer any questions and show support on behalf of this bill as well.

We would like to thank you for the opportunity to present Assembly Bill 217 today. This bill comes to you in our effort to help our child welfare and juvenile justice agencies hire and retain the best possible employees to serve children and families in our community. We firmly believe that any part of the selection process and ongoing employment for the staff who serve our children and families should include a review of previous criminal history and activity, as well as ongoing reviews of criminal history and activity. The bill that comes before you today serves both purposes. In addition, it clearly outlines the acceptable limits around employment with our agencies, and what criminal history or activity would be exclusionary for that employment.

I will walk through the contents of the bill with you as well as summarize a few of the proposed amendments that we have submitted for your consideration. Before I do that, I would like to give you a brief history of where some of the language contained in this bill already exists in statute today. As a child welfare agency, I license more than 1,400 foster homes in our community. These homes are used to place both child welfare and juvenile justice youth. The criminal history requirements that you find in A.B. 217 are largely the same standards mandated for foster parents prior to achieving licensure per *Nevada Revised Statutes* (NRS) 424.031. We did not necessarily reinvent the language, but looked to language that already existed in statute. In addition, NRS Chapter 432A mandates criminal history reviews for those who work in, or operate a licensed childcare facility. *Nevada Revised Statutes* (NRS) 432A.170

delineates those same criminal history requirements for those staff as are found in NRS Chapter 424. Those two statutes were modified during the 2011 Session to mirror one another. Both NRS Chapters 424 and 432A require rerunning background checks every five years on individuals who work in those entities or who are foster parents as well. Again, we did not reinvent the language; we just took the language that already exists in other areas of statute.

As many of you are aware, in Clark County we operate a children's short-term shelter named Child Haven. Child Haven is a licensed institution through the state, and any of our DFS employees who work full-time at that facility are already subject to the requirements of NRS Chapter 432A. While this may seem like a good thing, and it really is for those employees, for us as a department it does create permanent inequity amongst our staff. I have some who are required to meet those requirements and others who are not. As the agency director of all of the functions within the department, I will say that I have staff who work just as long and hard on that Child Haven campus, and while they may not be directly attached to it, should be subject to those same requirements.

This bill draft is lengthy, but essentially, it amends NRS Chapter 62G, which is the juvenile justices' service chapter, and NRS Chapter 432B, which is the child welfare chapter, with identical language. It is repeated throughout the bill because of the many different amendments that would be required to NRS Chapter 62G. I will run through the bill and the proposed amendments that we have in one section of that bill. Since child welfare is my area of expertise, I will look at that segment of language because it is replicated everywhere else.

I will give you a quick overview of the bill and then some of the amendments that we propose. The bill starts out requiring the background and personal history check for employment purposes for our agencies. If you look at section 12, subsection 1, paragraph (a), subparagraph (2), we are proposing an amendment which narrows the scope of the firearm offenses that would be exclusionary on that bill. We took it to read, "Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon." We were concerned with the original bill draft language that, as written, you could have somebody who, for example, is cited with some sort of a hunting violation that could be considered, or could fall into that category. We felt like it was necessary to elevate it so we were not unfairly penalizing individuals who may be good or qualified applicants for employment with us. As you will read the list of crimes, you will see again most of them are mirror images of what is already contained in statute.

As you move further through the bill, you see it requires that we review not only convictions, but also pending charges that are against employees. This bill draft also requires that we do a Statewide Central Registry check. The Central Registry in Nevada contains all substantiated reports of child abuse and neglect that come through the child welfare system. It does allow us to do that as well.

This bill also contains a requirement that actually was made of foster parents for the licensure of foster homes in the federal Adam Walsh Act of 2006. Essentially, it required you go back five years for foster parents in any state they lived in and look at the central registries in those states. Every state is mandated to have a central registry for abuse and neglect. We would like to go back anywhere the applicants or the employees may have lived within that five-year period of time and do those central registry checks. We did ask for an amendment on line 19, so that the line would read that we would go back immediately to the preceding five years to ensure a satisfactory clearance. We felt that the clause needed a qualifier.

**Chairman Frierson:**

I am sorry to interrupt, Ms. Ruiz-Lee. I think a few members are getting confused about the pages you are referencing. The first regarding a firearm, are you referring to the amendment? If so, it will be page 4.

**Lisa Ruiz-Lee:**

I jumped to the child welfare sections because that language is repeated and I felt that the best presentation would be further back in the bill draft under the child welfare statute. Otherwise, it is choppy because of how it was cut into NRS Chapter 62G. When I was looking at it, I was looking under the child welfare section, which starts on the end of page 14, line 44. You will see from this point forward in this section the language is replicated throughout all of the earlier portions of the bill. It is just that they are amending it into various sections of NRS Chapter 62G. You will see that the first amendment appears on page 15, line 8 [section 12, subsection 1, paragraph (a), subparagraph (2)]. It originally read, "Any crime involving the use of a firearm or other deadly weapon." Our proposed amendment would be to take it to, "Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon."

**Chairman Frierson:**

I see. We are looking at page 15, section 12, subsection 1, paragraph (a), subparagraph (2).

**Lisa Ruiz-Lee:**

Yes. The next amendment that we would propose exists on page 16, line 19, section 12, subsection 2, paragraph (b). This one is specific to looking at the central registries in other states in which the applicants or employees have lived to ensure a satisfactory clearance. We used the language "satisfactory clearance" which is different from the language you see in section 12, subsection 2, paragraph (a). In Nevada, when we render a finding of abuse and neglect, we render that finding as unsubstantiated or substantiated. That is not necessarily the case in other states, so we cannot repeat that language. We figured that satisfactory clearance is the language used in the federal act, and it seems to be benign enough to apply here. It essentially means we are looking for the fact that there have been no confirmed cases of abuse and neglect through a child welfare system in another state.

There are other parts of the bill that I would like to highlight that we did not request an amendment on, but I do think are important and things the Committee would like to know. If you go to page 17 of the bill draft, line 1, section 12, subsection 6, this does require that we would rerun these same checks with employees every five years. We believe that is important because many things happen, and if we run it at the time of employment, things could happen subsequent to employment, and we would never be made aware of them. We feel an ongoing check is important. Actually one of the major changes that was made in the statute that I cited earlier in 2011 was that it did require that five-year review.

I think it is important that the bill provide either applicants or employees the opportunity to correct information. We know that there are occasions where we could run criminal history records or look at central registries and get information that does not belong to that particular individual, or it may not have been dispositioned out as indicated on the documentation that we are seeing, and so, like the other statutes that exist, we give these individuals the opportunity to seek corrections for the information. You will see in section 13, subsection 2, if it is fingerprints or FBI-based results, we give them not less than 30 days to correct the information. You can do that if there is something on your record that you question by working with the Department of Public Safety. In section 13, subsection 3, we give them not less than 60 days to correct that information through the central registry, or any central registry whereupon exists the information they believe may be incorrect.

We will now move to page 18, section 13, subsection 4. One of the things we do at this point is identify or articulate what we do with employees who have charges pending against them, or are the subject of certain convictions. The most important thing about this section is that it gives us options as agencies

with child safety being the ultimate objective. It allows us to prevent them from having contact with children in the course of their day while they are attempting to get information corrected. For some of us, or for some of our agencies, and for some of the employees within those agencies, that can be a bit challenging, particularly if 100 percent of your job function is child contact or helping to manage the lives of children and families. We are proposing an amendment that would give us the ability to place employees on administrative leave without pay. It also gives us the ability to continue to apply departmental disciplinary procedures if we feel it is warranted during that interim as well.

Our last amendment request pertains to section 14. If we terminate an employee for failure of the background check process, that termination would constitute dismissal for cause. The original bill draft had what we refer to as a grandfather clause in it that indicated that it would only be effective for employees hired after July 1, 2013. We would ask that grandfather clause be removed and applied to existing employees in the Department of Juvenile Justice Services, or any agency which provides child welfare services, and any person who applies for employment with the department. We are asking for the removal of that language.

We appreciate the opportunity to present the bill. We believe this bill is about quality of services and equity. It is about looking at the existing statutory requirements for employees who work with children, or for foster parents who care for children, and acknowledging that our employees serve at that same level and, therefore, should be held to those same standards. We would be happy to answer any questions you may have.

**Chairman Frierson:**

Thank you, Ms. Ruiz-Lee. I have one question about that last amendment and then I would like to go back and go through the bill. I am confused with the grandfather clause. If that last portion is not amended, and applies on or after July 1, 2013, does that mean that current employees who have an identified problem prior to that date would not be able to have that addressed? Is that the purpose of wanting to remove it?

**Lisa Ruiz-Lee:**

Yes, that was our interpretation of the original draft language when it was released. For example, if we were to run an employee and discover that they had criminal history, we would be able to do nothing about it. That was the impetus for the amendment request, as we believe our employees should be held to the exact same standards as our foster parents and licensed caregivers. We did not want that exclusion to be contained as part of the language because

we felt it would tie our hands for current employees and any incidents or actions they may have taken that need to be addressed.

**Chairman Frierson:**

I believe that you started on the bottom of page 14. Just so we are clear, the bottom of page 14 deals with NRS Chapter 432B. I think you were suggesting that the provisions from that page toward the end of the bill mirror the provisions for the first half of the bill. It is just adopting it in both sections. What does NRS Chapter 62G cover?

**John "Jack" Martin, Assistant Director, Clark County Department of Juvenile Justice Services:**

I believe NRS Chapter 62G deals with our hiring practices currently in terms of sworn peace officers. This requested amendment would create a level playing field for the Department of Juvenile Justice Services because currently sworn peace officers, which make up of about half of our current staff, are already subject to a check every five years to be able to work with our children and families. The other half of our staff, which has direct contact, does not have these requirements. Does this answer your question?

**Chairman Frierson:**

It did. Thank you, Mr. Martin. Staff clarified for me that NRS Chapter 62G is in Title 5 dealing with the administration of probation and juvenile justice. *Nevada Revised Statutes* Chapter 432B is in Title 38 dealing with public welfare, child abuse, and neglect. We want to make sure we are clear that we are talking about the exact same provisions in both. It applies the same concepts with administration of probation as it does for employees that handle child abuse and neglect, NRS Chapter 432B cases.

Let us start in NRS Chapter 432B, section 12. Ms. Ruiz-Lee, would you tell me from where these provisions or concepts came?

**Lisa Ruiz-Lee:**

If you look at pages 14 and 15, that is, section 12, subsection 1, under paragraph (a), you will see a list of crimes. For the most part, these already exist in two places of statute today, namely NRS 424.031, the licensing statute for foster homes, and in NRS Chapter 432A, which is services for children. It delineates the licensing requirements for licensed child care facilities or institutions. We looked at the language contained in those two areas of statute to leverage them and move them over into the statute that we have.

**Chairman Frierson:**

Is that the case for the entire bill? That is, was it lifted from existing law to apply to these two areas?

**Lisa Ruiz-Lee:**

Yes, it is a close mirror. If you look at those two chapters of statute, you will see like provisions included in those statutes as well. I think where we differ on this bill draft, as opposed to the other statutes, is that we do have the language relating to whether a person can be hired or continued to be employed. There are variations of that in the other statutes as well, but we had to make it more specific to us as agencies.

**Chairman Frierson:**

Thank you very much. Do I have any questions from the Committee? I think that it is helpful to the Committee that you took language from existing law.

I invite those who are in support of A.B. 217 in Carson City to come forward. I also invite anyone down in Las Vegas, as well, who is here to testify in support to please to come forward and offer his or her testimony. I see no one in Carson City.

**Denise Tanata Ashby, Executive Director, Children's Advocacy Alliance:**

The Children's Advocacy Alliance is in full support of Assembly Bill 217, which will assist in ensuring that those individuals who work with, or on behalf of, our most vulnerable children and families are fully suitable to provide those services, and they will not themselves provide a threat to those children and families which they serve to protect. We were surprised that these provisions did not already exist and we applaud the agency's proactive efforts to resolve this issue through this process prior to any public controversy or potentially harmful events. Given the sensitivity and vulnerability of these populations, it is critical to hold these employees to a higher standard and provide equity to all individuals who serve them. Thank you.

**Chairman Frierson:**

Are there any questions for Ms. Tanata Ashby? I see none. Thank you very much.

I invite those who wish to testify in opposition to A.B. 217 to come forward in both Carson City and Las Vegas.



**Rachael Richardson, representing A Nu Beginning, Las Vegas:**

I know that this bill concerns those that are employees, or wish to be employees, of juvenile justice services. My understanding is that it also indicates agencies that help juvenile justice victims as well. Is that correct?

**Chairman Frierson:**

I suggest you offer your concerns, and if it is your concern that this bill affects those agencies as well, I will have the sponsor come back and address that.

**Rachael Richardson:**

In 1998, I was a convicted murderer. I did plead guilty to manslaughter because I was involved with gangs at one time. However, my life's passion now is to make sure that I reach that next young gang member so that he truly understands what my grandmother always said: "Bullets do not have names." Even though I was convicted of a felony and I served time, I am on a mission to make sure what happened in my life does not happen to another young person. I take it very personally. I would hate for something to go into effect that would prevent me from doing this because of something that happened back then, and has set the course of my life's purpose. I want to clarify if it was any agency that would provide services to these youth, because I have a new beginning. I have an organization in Las Vegas called A Nu Beginning and that is exactly what it is for many young people who have been involved in crimes, prostitution, drug addiction, selling drugs, or whatever the situation may be. At the moment, we provide them with jobs because that is what they need and want. I just want to clarify on record that if this is something that prevents agencies, or presidents, or founders of agencies, from having things on their records such as gun charges, yes, I do oppose this bill.

**Chairman Frierson:**

Thank you, Ms. Richardson. We have talked before about your involvement. I certainly appreciate your passion. I do not know if that is covered. I will go through any other opposition and invite the sponsor back up and have that addressed.

**Ken Lange, representing Nevada Youth Care Providers:**

I represent the Nevada Youth Care Providers. We do represent the majority and bulk of those providing specialized foster care to the departments in all parts of the state. I appreciate the clarification on when to rise in opposition and support, although it still feels strange to support the bulk of a bill with amendments. Obviously, safety of our children is our primary objective and should be understood. Nonetheless, we think there are some issues here to both statute code and implementation of that as it relates to foster care agencies, as differentiated from agencies providing child welfare, which are

defined in statute as the county agencies. We would like to work toward some amendments that would address that ambiguity. Our members have begun to experience some drift in terms of application of the core offenses into offenses that were committed as a minor and may have been sealed, or disapprovals for less egregious offenses. This becomes a problem for our agencies as these people are our employees, not employees of the county or respective counties. We are seeing a gap that we would like to close so we are very clear about the literal laundry list here as being the list. That proscribes other types of offenses, whether they are traffic offenses or misdemeanors, which might ultimately be tempting to include.

We would also like to look at defining the difference between employees who have contact with children and those who do not. If we have an employee in an IT department who is sitting in a room without contact with kids, there is a different standard for that employee. Being directed to fire an employee at some point puts us in a tenuous position at best. We think we can manage that, but want some clarity and direction.

We are asking consideration for the following amendments: 1) To expressly include foster care agencies and their employees in this statute. We believe that is a gap in the current language. 2) To charge the foster care agencies with responsibility for compliance with the statute. 3) To expressly prohibit the child welfare agency from expanding the list, or, in the alternative, to establish reasonable and well stated contingencies to exclude sealed juvenile records. There is a caveat here. We may have a 16- or 17-year-old who committed one of these offenses for whom employment may not be appropriate. We are not sure how to deal with that, and think by putting our heads together we may be able to reach some kind of satisfactory resolution around juvenile records. 4) To establish a definition and/or exception for employees who do not have direct contact with children. I welcome any questions.

**Chairman Frierson:**

Thank you, Mr. Lange. Have you spoken with anyone today about any concerns, suggestions, or amendments?

**Ken Lange:**

No, we have not. Some of the situations that have prompted our interest in this bill and our placement within have just emerged in the last 48 to 72 hours as this legislation started to percolate some interest.

**Chairman Frierson:**

I certainly understand that, but we only have 120 days and sometimes even sponsors of bills only have two or three days to get ready to present a bill.

The ordinary protocol would be to contact either the Committee staff or the sponsor if you know him, so some of this can be dealt with before presentation. I think we have a healthier discussion when we are able to do it before first appearing at the actual hearing.

It sounded to me that what you are saying is that it is your understanding that the foster care agencies would not be covered under this bill, and you want them to be covered, but then you want to remove some of the provisions. If they were not covered, is it your understanding that it would not apply to your agency?

**Ken Lange:**

At this point, yes, we understand the way it would be covered would be to bootstrap it through the contract between DFS and foster care agencies. We are saying that we would like to be included in the statute, and we think that is a gap. We want the same application for those people who work directly with kids. We think there are instances, however, when people do not have direct contact with kids that they do not necessarily need to be covered in the same way.

**Chairman Frierson:**

My question is, if you are not covered under this provision, could you, as a private agency, impose any restrictions that you wish, to filter who is employed and who has direct contact with the children?

**Ken Lange:**

Absolutely. We operate as an extension of the system. We are part of the system, and, in some respects, we would like to be recognized as having the same level of commitment and responsibility to the state in providing services, and in the form of people we hire.

**Chairman Frierson:**

In a quick review of NRS 432B.030, I show that an agency which provides child welfare services as is defined in NRS Chapter 432B includes, in counties less than 100,000, the local office of the Division of Child and Family Services or, in a county with a population of over 100,000, the agency of the county which provides or arranges for necessary child welfare services. For Ms. Richardson's purposes, it sounds to me like NRS Chapter 432B addresses DCFS or the agency of the county which provides or arranges for necessary child welfare services. At the end I will invite the sponsor to come back up and at least capture the intent, but a quick review sounds as though it would not cover, by statute, those agencies.

Mr. Lange, we also request any amendments or anything that a witness asks the Committee to consider to be submitted in writing the day before, recognizing that the amendment might not be available. If you could provide anything in writing to the Committee, and certainly to the sponsor, I think that would help us in our deliberations.

**Ken Lange:**

Thank you, Mr. Chairman. I extend my apologies for not following the rules. I will do better next time.

**Chairman Frierson:**

Thank you, Mr. Lange. Do we have any other questions for Mr. Lange? I see none. Is there anyone else wishing to offer testimony either in Carson City or in Las Vegas in opposition? [There was no one.] We will move to neutral and invite Ms. Butler to offer testimony.

**Julie Butler, Records Bureau Chief, Records and Technology Division, Department of Public Safety:**

I just want to point out sections 2, 4, and 12 call for required criminal history background checks through the repository to the FBI. The FBI will have to approve the language in those sections to make sure that it comports with Public Law 92-544. I will submit the bill on the Committee's behalf.

**Chairman Frierson:**

Thank you, Ms. Butler. We certainly have been through that before with background checks.

Is there anyone else in Carson City or Las Vegas wishing to testify in a neutral position? I see no one.

I invite Ms. Ruiz-Lee, Mr. Ortiz, and Mr. Martin back briefly. I ask for any clarification of your understanding of what this would cover based on some of the concerns and the intent of the bill. Of course, you may include any closing remarks you want to offer.

**Lisa Ruiz-Lee:**

For clarification, the intent behind this bill is to provide the regulations for employees who are staff of the Child Welfare Agency or of Clark County Juvenile Justice. Our intent behind this bill draft was not to expand that scope to include any of the various community providers with whom we may or may not have contractual or other sorts of relationships. As I indicated during earlier testimony, many of those requirements are already covered under other statutes. Mr. Lange from Nevada Youth Care Providers testifies on behalf of

many of our foster care providers who would already be covered under the NRS Chapter 424 language. After listening to his testimony, I am pretty sure I know exactly what he is referring to in terms of some of the conflicts that some of the agencies have to date. It has nothing to do with lack of clarity around the statute that exists in NRS Chapter 424. It has to do with the fact that, while the statute was updated in the 2011 Session, the regulation has not been updated yet to match that. We have statute that says one thing and regulation that says another, and we have to comply with both in order to meet federal funding requirements. I think that has become a challenge for the agencies. We are working through that through other channels. Our intent behind this bill draft was to make it specific to our employees, and not to branch out to those with whom we may have other types of community service relationships.

**Chairman Frierson:**

Thank you, Ms. Ruiz-Lee. I think you also articulated some of the problems with cross-referencing other agencies with existing law. I certainly, and I am sure you, too, appreciate those agencies wanting to be covered and wanting to comply with some of the same regulations, but we may need to look at it if it is already covered separate and apart from NRS Chapter 432B. Did you have any other closing remarks?

**Lisa Ruiz-Lee:**

I want to say how much we appreciate the opportunity to be heard and to submit this language. We believe very firmly that it will make a significant difference for our agencies and set a higher bar and a higher standard for our employees who do truly deal with the most vulnerable population of children and youth that we have in our communities. Safety is paramount for us, so we believe this gives us additional leverage as employers in order to ensure that. We thank you.

**Chairman Frierson:**

I will take a point of personal privilege. I got to know both of you in your interim positions and I think you have both done a tremendous job in advocating for your respective departments and for kids. It is refreshing, and I know there have been many recent policy changes that you have had to adapt and embrace being in an interim position. We certainly appreciate the work you have done. It has been beneficial during the first seven weeks of the session. Thank you very much, and thank you for bringing this bill.

I will now close the hearing on Assembly Bill 217.

We do have a work session document on the Nevada Electronic Legislative Information System. We are not going to work Assembly Bill 74 today given the fact that there are discussions that need to take place and there are three members absent today. With that, I will refer to Mr. Ziegler for the work session document for Assembly Bill 7 ([Exhibit E](#)).

**Assembly Bill 7: Revises provisions relating to the Gaming Policy Committee.  
(BDR 41-333)**

**Dave Ziegler, Committee Policy Analyst:**

Thank you, Mr. Chairman. Members and audience, the work session document is on Nevada Electronic Legislative Information System (NELIS) and there are paper copies available ([Exhibit E](#)). The first bill is Assembly Bill 7 sponsored by this Committee on behalf of the State Gaming Control Board. It was heard in this Committee on March 15, 2013.

Assembly Bill 7 expands the membership of the Gaming Policy Committee to 11 members by adding a knowledgeable representative of academia. The bill also authorizes the Governor to appoint a subcommittee on gaming education, consisting of not more than five members, to evaluate public gaming related entities in Nevada and how they align with the workforce and technology needs of the gaming industry, to study the potential for leveraging competencies and technologies developed by the educational entities, and to report its findings and recommendations to the Gaming Policy Committee.

Mr. Chairman, on the day of the hearing, March 15, the Culinary Worker's Union No. 226 submitted an amendment which was accepted by the sponsor and is attached.

The Office of the Governor has also proposed an amendment which would replace the words "subcommittee" as it appears in lines 31 through 38 of the bill with the words "advisory committee." Members, this arose from the fact that there was some discussion during the hearing as to who the members of the subcommittee were, and in discussions with the Governor's Office, they believe that the better description of this body would be advisory committee. Thank you, Mr. Chairman.

**Chairman Frierson:**

Thank you, Mr. Ziegler, and thank you for reviewing some of those proposed changes. It sounds as if the first is one that has been embraced by the sponsor and the other is one of clarification. Is there any discussion, or any questions on A.B. 7? I seek a motion to amend and do pass A.B. 7 with both proposed amendments.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 7.

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN OHRENSCHALL,  
CARRILLO, AND FIORE WERE ABSENT FOR THE VOTE.)

**Chairman Frierson:**

I will assign the floor statement on this matter to Mr. Ohrenschall.

We will move on to our next bill in work session, Assembly Bill 30 ([Exhibit F](#)).

**Assembly Bill 30:** Revises provisions governing the statewide sex offender registry notification website. (BDR 14-344)

**Dave Ziegler, Committee Policy Analyst:**

Thank you, Mr. Chairman. The next bill is Assembly Bill 30. It has to do with the statewide sex offender registry. It was sponsored by this Committee on behalf of the Records and Technology Division, Department of Public Safety, and was heard in this Committee on February 13, 2013.

Assembly Bill 30 specifies that the community notification website is the source of information available to the public concerning offenders listed in the statewide registry of sex offenders. The bill also deletes the requirement that the central repository must maintain a log of requests for information and provides that the contents of a record of registration are confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

Mr. Chairman, an amendment has been proposed by the Records and Technology Division and the amendment is attached. It removes the provision that the contents of a record of registration are not subject to subpoena or discovery. Thank you, Mr. Chairman.

**Chairman Frierson:**

Thank you again, Mr. Ziegler. Are there any questions regarding Assembly Bill 30? [There were none.]

I seek a motion to amend and do pass with the amendment offered.

ASSEMBLYWOMAN SPIEGEL MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 30.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN OHRENSCHALL,  
CARRILLO, AND FIORE WERE ABSENT FOR THE VOTE.)

I will assign Assembly Bill 30 to Mr. Duncan. We will now move on to  
Assembly Bill 43 ([Exhibit G](#)).

**Assembly Bill 43: Clarifies provisions governing credits earned by an offender  
which reduce the offender's term of imprisonment. (BDR 16-318)**

**Dave Ziegler, Committee Policy Analyst:**

Assembly Bill 43 has to do with credits earned by an offender. It is sponsored  
by this Committee on behalf of the Department of Corrections, and heard in this  
Committee on February 7, 2013.

Assembly Bill 43 provides that an offender may not earn more credits for good  
behavior, labor, or study than the amount required to expire his or her sentence.  
It also states that this limitation must not be construed as retroactively reducing  
earned credits if doing so would be unconstitutional under either the  
*Nevada Constitution* or the *Constitution of the United States*. There were no  
amendments.

Members, this was one of the first bills that the Committee heard during this  
session and you may recall that the intent of the bill was to try to make life a  
little easier for the Department of Corrections in the arena of litigation.  
Thank you.

**Chairman Frierson:**

Thank you, Mr. Ziegler. Are there any questions on A.B. 43? [There were  
none.]

I seek a motion to do pass.



ASSEMBLYMAN WHEELER MOVED TO DO PASS  
ASSEMBLY BILL 43.

ASSEMBLYMAN MARTIN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN OHRENSCHALL,  
CARRILLO, AND FIORE WERE ABSENT FOR THE VOTE.)

This floor statement will go to Mr. Wheeler.

Again, we are not going to work on Assembly Bill 74 today, so I will now move on to Assembly Bill 84 ([Exhibit H](#)).

**Assembly Bill 84: Requires certain district courts to establish an appropriate program for the treatment of certain offenders who are veterans or members of the military. (BDR 14-124)**

**Dave Ziegler, Committee Policy Analyst:**

Thank you, Mr. Chairman. The next bill is Assembly Bill 84. This has to do with treatment of offenders who are veterans or members of the military. It is sponsored by this Committee on behalf of the Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs. It was heard in this Committee on March 1, 2013.

Assembly Bill 84 requires the district court in a county whose population is 700,000 or more to establish a program for the treatment of veterans and members of the military to which it may assign a defendant who suffers from alcohol or drug abuse, mental illness, or post-traumatic stress disorder. Such programs commonly known as veterans' courts are authorized in all judicial districts under the existing provisions of the NRS. It requires a district court in a county over 700,000 people to establish such a program.

On March 1, the day of the hearing, Assemblyman Elliot Anderson and the Office of the Clark County District Attorney submitted an amendment; a copy is attached. The Chairman has also suggested an amendment which is also attached. I think the amendment submitted on the day of the hearing is self-explanatory. It has to do with what constitutes an act of violence. The second amendment submitted by the Chairman, as I understand the intent, is to try to mitigate or reduce any possible fiscal effect. Thank you, Mr. Chairman.

**Chairman Frierson:**

Thank you, Mr. Ziegler. In regards to the amendment referenced by Mr. Ziegler from the Chairman, this amendment has been discussed with Mr. Anderson and agreed upon by him in an effort to move this bill forward to remove the fiscal note in all counties, and those counties that have the means, to do it to the extent that the funds are available.

I seek a motion to amend and do pass.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 84.

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN OHRENSCHALL,  
CARRILLO, AND FIORE WERE ABSENT FOR THE VOTE.)

I will assign this to Mrs. Diaz as a backup, although Mr. Anderson will probably like to handle it.

Our last bill is Assembly Bill 192 ([Exhibit I](#)).

**Assembly Bill 192:** Repeals the prospective expiration of the authority of county clerks to charge and collect an additional fee for filing and recording a bond of a notary public. (BDR S-1037)

**Dave Ziegler, Committee Policy Analyst:**

Thank you, Mr. Chairman. Assembly Bill 192 has to do with the authority of county clerks to charge and collect a fee, known as a technology fee. It is sponsored by Assemblywoman Cohen, and was heard in this Committee on March 11, 2013.

Assembly Bill 192 removes the sunset date on the existing provisions of the *Nevada Revised Statutes* that authorize a county clerk to charge a \$5 technology fee for filing and recording a bond of a notary public. The money may only be used to acquire or improve technology in the county clerk's office. There were no amendments.

For background, the Legislature authorized the technology fee in 2007 and included a sunset provision to allow the Legislature to review the law now. Thank you, Mr. Chairman.

**Chairman Frierson:**

Thank you, Mr. Ziegler. Since we are not having a hearing, I will say this is a very straightforward bill.

ASSEMBLYWOMAN SPIEGEL MOVED TO DO PASS  
ASSEMBLY BILL 192.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN OHRENSCHALL,  
CARRILLO, AND FIORE WERE ABSENT FOR THE VOTE.)

I will assign this one to Ms. Cohen.

If there is anyone here or in Las Vegas wishing to offer public comment, please come forward. I see no one.

I do not believe we have any other matters. I thank you all for your patience and attention. Today's meeting of the Assembly Committee on Judiciary is now adjourned [at 9:56 a.m.]

RESPECTFULLY SUBMITTED:

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Dianne Harvey  
Committee Secretary

APPROVED BY:

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Assemblyman Jason Frierson, Chairman

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Judiciary

**Date:** March 22, 2013

**Time of Meeting:** 8:05 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 100	C	T. Arthur Ritchie, Jr., Judge, Eighth Judicial District	Eighth Judicial Court Procedural Changes
A.B. 217	D	Alex Ortiz, Department of Finance, Clark County	Proposed Amendment from Clark County
A.B. 7	E	Dave Ziegler	Work Session Document
A.B. 30	F	Dave Ziegler	Work Session Document
A.B. 43	G	Dave Ziegler	Work Session Document
A.B. 84	H	Dave Ziegler	Work Session Document
A.B. 192	I	Dave Ziegler	Work Session Document