

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

**Seventy-Ninth Session  
February 20, 2017**

The Committee on Health and Human Services was called to order by Chairman Michael C. Sprinkle at 1:33 p.m. on Monday, February 20, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/79th2017](http://www.leg.state.nv.us/App/NELIS/REL/79th2017).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Michael C. Sprinkle, Chairman  
Assemblywoman Amber Joiner, Vice Chair  
Assemblywoman Teresa Benitez-Thompson  
Assemblyman Richard Carrillo  
Assemblyman Chris Edwards  
Assemblyman John Hambrick  
Assemblyman William McCurdy II  
Assemblywoman Brittney Miller  
Assemblyman James Oscarson  
Assemblyman Tyrone Thompson  
Assemblywoman Robin L. Titus  
Assemblyman Steve Yeager

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblyman Nelson Araujo, Assembly District No. 3



**STAFF MEMBERS PRESENT:**

Marsheilah Lyons, Committee Policy Analyst  
Mike Morton, Committee Counsel  
Terry Horgan, Committee Secretary  
Trinity Thom, Committee Assistant  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

Brian Knudsen, Private Citizen, Las Vegas, Nevada  
Denise Tanata, Executive Director, Children's Advocacy Alliance, Las Vegas, Nevada  
Reesha Powell, Deputy Administrator, Division of Child and Family Services, Department of Health and Human Services  
Tristan Torres, Private Citizen, Las Vegas, Nevada  
Laura Deitsch, Licensed Clinical Professional Counselor, Las Vegas, Nevada  
André C. Wade, Director of Operations, The Gay and Lesbian Community Center of Southern Nevada  
Allen Johnson, Private Citizen, Reno, Nevada  
Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Office of the District Attorney, Clark County  
Stacey Shinn, Policy Director, Progressive Leadership Alliance of Nevada; Vice President, Human Services Network  
Joe Rajchel, Policy Coordinator, American Civil Liberties Union of Nevada  
Jane Heenan, Director, Gender Justice Nevada, Las Vegas, Nevada  
Ann P. McCarthy, representing Nevada Justice Association  
Brooke Maylath, President & Advocate, Transgender Allies Group, Reno, Nevada  
Jesse Fredzess, Private Citizen, Reno, Nevada  
Nick Vassiliadis, representing R & R Partners Foundation  
Jennifer Robertson, Private Citizen, Las Vegas, Nevada  
Amanda Haboush-Deloye, Ph.D., Private Citizen, Las Vegas, Nevada  
Rachel MacLean, Private Citizen, Las Vegas, Nevada  
Jon Sasser, representing Legal Aid Center of Southern Nevada and Washoe Legal Services  
Jared Busker, Policy Analyst, Children's Advocacy Alliance, Las Vegas, Nevada  
Steve H. Fisher, Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services  
Amber Howell, Director, Department of Social Services, Washoe County  
Paula Hammack, Acting Director, Department of Family Services, Clark County

**Chairman Sprinkle:**

[Roll was taken. Committee rules and protocol were explained.] Is there anything from the Committee before we get started? [There was no reply.] Because of time constraints, if you are testifying and someone has already made your point, please do not reiterate it. That way as many people as possible will be able to testify. Does anyone wish to make public comment?

**Brian Knudsen, Private Citizen, Las Vegas, Nevada:**

The Adoption Exchange is a regional nonprofit organization focused on ensuring foster youth are placed in loving family homes. The foster system of Nevada has a lot of support systems, and The Adoption Exchange is one of them. We have served over a hundred children in southern Nevada, many of whom will benefit from the language that is going to be adopted through this bill. I stand in support on behalf of The Adoption Exchange for this bill.

**Chairman Sprinkle:**

I will close public comment and open the hearing on Assembly Bill 99.

**Assembly Bill 99: Revises provisions relating to services for children. (BDR 38-144)**

**Assemblyman Nelson Araujo, Assembly District No. 3:**

According to the "National Coming Out Day Youth Report," 7 percent of lesbian, gay, bisexual, transgender, and questioning youth, also referred to as LGBTQ, who are out to their families indicated that their families are not at all accepting of their sexual identity. For some of these young people, the lack of acceptance they face results in abuse and/or neglect from their parents—resulting in LGBTQ young people being overrepresented in foster care. The lack of acceptance also places these youth at increased risk of homelessness.

Even though LGBTQ youth are overrepresented in foster care, only 14 states have foster care laws inclusive of sexual orientation and gender identity. While Nevada does have comprehensive antidiscrimination laws and policies, they do not specifically address child welfare. Without these types of laws, policies, and trainings in place, Nevada's LGBTQ youth face the prospect of neglect, discrimination, and abuse from the very institutions charged to protect them. Inappropriate placements and a lack of understanding of the needs of LGBTQ youth also endanger their health and safety, as they are at increased risk of physical violence, homelessness, and, unfortunately at times, suicide.

I am here to discuss Assembly Bill 99, which would require certain institutions and agencies to treat a child based on the gender they identify with; require personnel within those institutions who are in contact with LGBTQ youth to receive training intended to help them understand the needs of LGBTQ children; develop protocol for the placement of a child; and require the Division of Child and Family Services of the Department of Health and Human Services to establish a process for filing and resolving certain grievances.

Joining me is Denise Tanata from the Children's Advocacy Alliance. For more than a year, Ms. Tanata and a strong consortium of stakeholders and leaders, many of whom you will

hear from today, have been working on a set of policy recommendations that have been incorporated into this bill. You should have received a friendly amendment for your consideration that makes several modifications to the original bill draft ([Exhibit C](#)).

I would like to turn it over to Ms. Denise Tanata from the Children's Advocacy Alliance who will walk the Committee through the amended version of the bill.

**Denise Tanata, Executive Director, Children's Advocacy Alliance, Las Vegas, Nevada:**  
[Denise Tanata spoke from prepared text ([Exhibit D](#)).] The Children's Advocacy Alliance is a private nonprofit organization whose mission is to serve as an independent voice for children and families in Nevada in the areas of children's safety, health, and school readiness.

Every legislative session, our organization partners with the Nevada Institute for Children's Research and Policy, along with numerous others throughout Nevada, to host a Children's Week at the Legislature. In 2015, we were fortunate to have a number of current and former foster youth join us for Children's Week. In addition to exposing these youth to the legislative process, it also gave us the opportunity to hear their stories, concerns, and recommendations for making improvements to the system.

One of those youths, Tristan Torres, spoke up about his experiences as an LGBTQ youth in foster care. It was because of his story that we started looking into the standards, policies, and practices related to LGBTQ youth in out-of-home-care placements. In 2016, the Children's Advocacy Alliance partnered with the LGBTQ Center of Southern Nevada and Lambda Legal to establish the LGBTQ Youth and Out-of-Home-Care Workgroup. Other members of that workgroup include representatives from the American Civil Liberties Union of Nevada (ACLU), Clark County Juvenile Justice Services, Clark County Department of Family Services, the City of Las Vegas, multiple foster care agencies, Legal Aid of Southern Nevada, the University of Nevada, Las Vegas, and Washoe County Social Services, as well as affected LGBTQ youth. The workgroup convened throughout the year to discuss issues related to LGBTQ youth and formulate the recommendations that are included in this bill.

At this time, I will walk through the amended version of A.B. 99 ([Exhibit C](#)). This bill changes multiple sections of the *Nevada Revised Statutes* (NRS) including those related to foster homes, foster care agencies, child care institutions that are emergency shelters for foster youth—Child Haven in the south and Kids Kottage in the north—detention facilities, and other related out-of-home placements for youth. It does not affect all child care centers.

The primary components are reiterated based on the chapter for the group or agency they affect. The first is a definition of "gender identity or expression" as the gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth. This definition was taken from NRS 118.075, which addresses discrimination in housing. This also requires that youth in out-of-home placements be treated in all respects in accordance with the child's gender identity or expression. This includes the use of appropriate pronouns for that youth, purchasing clothing appropriate to that youth's gender

identity, and other matters. These items are included in sections 2.5, 3, 4, 23, 28, 29, 41, and 46.

The bill requires training for all staff, foster parents, and others who work directly with LGBTQ youth in out-of-home placements within 90 days of employment, and annually thereafter. It was the intent of the workgroup to ensure that training is integrated into existing training components. For these staff members, there already are preservice training requirements before they start employment. We are not requiring that they have something completely separate on LGBTQ youth. The idea is that it be integrated into the training they already have. This requirement is included in sections 4, 6, 24, 29, 31, 38, 43, and 47. Section 7 of the bill exempts certain individuals from this training. They are already exempted from training because they are unlicensed relative providers. This bill would also add fictive kin providers to that exemption category.

Next, the bill will require the Division of Child and Family Services to establish grievance procedures for youth that include access to individuals and/or agencies not directly responsible for the care of the child who filed the complaint, and processes for investigating such complaints. The agency or organization responsible for the care of the child must provide that child with a written summary of the process for filing a grievance. This is included in sections 14 and 20 of the amended bill.

Last, it would require the Division of Child and Family Services to adopt regulations regarding the placement of LGBTQ youth in out-of-home care in consultation with representatives of the LGBTQ community, including youth who are currently or formerly in out-of-home care, all the child welfare agencies, detention facilities, appropriate attorneys, advocates, courts, and others deemed appropriate by the agency. This reference is included in sections 23, 28, 37, 41, and 46 of the amended bill.

**Assemblyman Araujo:**

This concludes our presentation of A.B. 99. In addition to our presentation, the following stakeholders who have been working diligently for over a year will be testifying in support: Tristan Torres, former foster youth from southern Nevada; Dr. Laura Deitsch, a licensed clinical professional counselor; André Wade, Director of Operations, Gay and Lesbian Community Center of Southern Nevada; Allen Johnson, a former foster youth from northern Nevada; Stacey Shinn, Progressive Leadership Alliance of Nevada; Joe Rajchel, Policy Coordinator, ACLU; Brigid J. Duffy, Clark County Department of Family Services; Jane Heenan, Gender Justice Nevada; Ann McCarthy, Nevada Justice Association; and Brooke Maylath, President and Advocate, Transgender Allies Group.

**Chairman Sprinkle:**

Does the Committee have questions for the presenters?

**Assemblywoman Benitez-Thompson:**

I see a definition of fictive kin. Is this the common definition of fictive kin we would see referenced in other chapters of the NRS?

**Denise Tanata:**

Yes. It was a request from the Clark County Department of Family Services, because fictive kin providers are unlicensed for the most part.

**Assemblyman Thompson:**

Does the required training in section 6 have to be face to face? Can it be online? You mentioned a licensing authority would approve the training, but do our licensing authorities know it is the right training? We do not want to have training just for training's sake. We want appropriate training.

**Assemblyman Araujo:**

The bill also intends for the training to be formed in partnership with experts in the LGBTQ field. That is an added protection and ensures that the experts who deal with these issues in-house can have a say in what the training should include. I agree that it is a very critical piece and essential for the foster parents, for their personnel, and for the youth.

**Denise Tanata:**

We do not want this to be something separate. We do not want there to be LGBTQ training. There is a lot of training already about how to work with kids in the foster care system and how to work with kids who are facing and/or dealing with trauma. The intent of this workgroup is to integrate issues related to LGBTQ youth into the current training. When talking about things such as purchasing clothing for kids, talk about that issue as it relates to LGBTQ youth. The same when talking about allowing kids to date or do other things.

**Assemblyman Thompson:**

Have you anticipated that this requirement may cause a decline in the number of foster families, or might you see an increase? We need to make sure it is seamless for our foster youth, but now that this is a requirement, some people may not like it.

**Denise Tanata:**

We talked about the impact it might have on current foster families or on recruitment of additional families. It has a potential impact both ways. We need to do a better job of recruiting for foster parents within our LGBTQ communities, so there would be more foster parents who have a background or the understanding to work with those youth. There is nothing in this legislation that would require a foster family to have to take these kids. A situation could arise in foster care where a child may come out or start questioning. No matter what your beliefs are as a foster family, you should know how to work with that youth so that you are not causing further trauma. That is the intent. We are not trying to change anyone's beliefs in their home. If that is not an appropriate placement, we would not want that youth there anyway. I do not think it will result in a drop in the number of foster homes, because we are not forcing that piece of it.

**Assemblyman Carrillo:**

Would the training include a requirement concerning using the youth's pronouns of choice?

**Assemblyman Araujo:**

Yes, that should be part of the conversation. That is a conversation I have on a daily basis. I recognize that there is a big learning gap we need to bridge for the sake of our community and to continue making progress in our state. In order to ensure that everyone is comfortable with those conversations, we need to incorporate those topics into the training process.

**Assemblywoman Titus:**

I am concerned about the unintended negative consequences of mandatory training, or of asking those in the rural areas to complete any more hours of training because we already have a huge void of foster parents. I am encouraged that you will be incorporating this training into the already mandatory training. What would that training be? There are a lot of personal opinions about what that training should be based on each person's experiences. What is the total amount of training required to become a foster parent now—covering all subjects?

**Assemblyman Araujo:**

I am being told 28 hours are currently required.

**Assemblywoman Titus:**

So, the total annual amount of training for an individual who works at a facility or owns a facility or for a small family must be 28 hours now?

**Reesha Powell, Deputy Administrator, Division of Child and Family Services,  
Department of Health and Human Services:**

Foster parents go through an initial training. Depending upon through which agency they are being licensed, it is between 24 and 30 hours. Each year, they are required to do four hours of training, and specialized foster care providers are required to do a little bit more.

**Assemblywoman Titus:**

I appreciate knowing that, because if the total annual training was 24 to 30 hours, it would almost be prohibitive.

**Assemblywoman Miller:**

As a teacher, I am in a building with 1,900 students. I see children in every different situation possible, and that includes many kids who identify as being LGBTQ and many who are in the foster care system. Do you know how many children this would impact statewide or for Clark County?

**Assemblyman Araujo:**

The consortium looked for hard numbers, but the data was difficult to find, possibly because of all the factors that play into youth status. I believe Brooke Maylath has some additional information.

**Assemblywoman Benitez-Thompson:**

In sections 14 and 22, we are establishing a grievance process. Section 22 outlines the ways a grievance can be heard now. How do you imagine this new process working with the existing process? For example, if you had Court Appointed Special Advocates (CASA) involved, and there was an issue the parent was raising that was being discussed in court, would that mean you would not use this new grievance process? If you started on the path of this new grievance process, would the other avenues not be used? Could you talk about the intent of this?

**Denise Tanata:**

A lot of this came from conversations with youth who had formerly been in the system and who had experienced issues. The Foster Youth Bill of Rights is in place for that grievance process. We recognized that sometimes youth may feel discrimination from individuals they have the most direct contact with, such as foster parents or case workers. If they are not getting the answers they want, or if they feel that is where the discrimination is coming from, the group wanted discussion about it. A grievance process is not prescribed here because we wanted to have more discussion with the key stakeholders. Do we need to have another process? In 2007-2008, a study was done on the health, safety, welfare, and civil as well as other rights of youth in out-of-home placements. A grievance process was set up as a part of that study. We set up an 800 number, and a drop box with an outside entity who received the complaints and had the authority to investigate them. There was a desire among the workgroup to have something like that in place. Things are different between the child welfare system and the juvenile justice system. Juvenile justice has requirements. We want the process to be integrated, but we are looking at a different way to do it that will allow the youth to feel comfortable. They do not always feel comfortable with the people they have direct contact with.

**Assemblywoman Benitez-Thompson:**

The language mentions parents and guardians. It will be interesting to see how a grievance finding through this new grievance process might have an impact on a case or on court proceedings. They need to all dovetail in the end.

In section 23, subsection 2, it says the "Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider," protocols before they place a child into custody. Are we talking about the front end here? The first time there is an appearance in court, before the court makes a decision to place a child into emergency shelter care, there would be an obligation by the Department to comply with regulations, or that child could not be placed. Am I reading that right?

**Denise Tanata:**

This is included in multiple sections, because we want the Division to create protocols for placement. Most placement options, whether in a group home or in a detention facility, usually segregate based on the sex of a child. When the youth is transgender, where do you place that child? Is it based on the sex assigned at birth? Is it based on their gender identity, and what are some of the issues related to that? Other states have been developing protocols



that take into consideration multiple factors, and not just the gender identity of the child. They also look at safety issues and the facility's capacity issues. It could be just as unsafe to put a transgender youth in an area with others who have the same sex assigned to them at birth as it would to do the opposite. We do not want these youth just placed in isolation. We want to develop protocols. This is one place where we need to do that, because the court is making decisions about where these youth are placed. This is one piece of the protocol around placement of these youth we want included.

**Assemblywoman Benitez-Thompson:**

I do not have all of my *Nevada Revised Statutes* (NRS) Chapter 432A versus Chapter 432B memorized; I was just looking for the intent. This would not preclude an agency from taking custody if it thought safety was a concern, or prohibit a court from taking that initial action. As you look toward where a child might be during the life of a case, that is when the court ought to make those considerations—at that point.

**Denise Tanata:**

Yes, nothing in here would prevent an agency or the court from taking custody of a child or placing a child. If this was an LGBTQ youth, it would require them to consider placement options for that youth based on gender identity.

**Chairman Sprinkle:**

That was my biggest concern. I assume the language that was amended out was too restrictive, which is why you made the change.

**Assemblyman Edwards:**

The training is not developed; the protocols are not developed. There are a lot of things that still need to be drafted. Are there any states that have these protocols and training that you are going to draw upon, or do we have to start from square one?

**Assemblyman Araujo:**

Yes. Fourteen other states currently have some pieces of this language in their statutes. It is also important for us to remember that we are building a framework. That framework requires stakeholders to come together and have conversations about what proper protocol looks like and what proper training tools need to be included into what is currently being provided. We need to ensure that our LGBTQ youth feel safe and protected, and that they have an active strategy and ability to share their grievances, should they face any. It will take time, but these are conversations we are having. We have the right partners at the table, including outside stakeholders, youth, department heads, and folks in the trenches. It is our responsibility to ensure that we are following these youth and ensuring that everything set forth is done so with the best interests of the child in mind.

**Assemblyman Edwards:**

Would the training and protocols have to come through the Legislature again, or would they be regulations?

**Assemblyman Araujo:**

I do not believe so.

**Chairman Sprinkle:**

In the amended version, a multitude of different representatives will be giving information and helping to formulate them. As long as these are rules and regulations, they will not need to come before the Legislature again. It is very comprehensive. Are there any other questions from the Committee? [There was no reply.]

**Assemblyman Araujo:**

I know there is a limit on time. Could we have the supporters in Las Vegas and northern Nevada stand up? Many will not be testifying, but I know they wanted to show their support for A.B. 99. [A number of people at both venues stood up.]

**Chairman Sprinkle:**

That gives us a good visual representation. I will open up the hearing to those in support.

**Tristan Torres, Private Citizen, Las Vegas, Nevada:**

[Tristan Torres spoke from prepared text ([Exhibit E](#)).] I am a transgender foster youth alumni. I was put in the foster care system after coming out as transgender to my mom, which resulted in Child Protective Services being called. When I was put into my first foster home, I thought I would be safe and welcomed despite my transgender status, but exactly the opposite happened. I discovered that no one related to my case was out for my best interests but myself. I was being bullied at school by the other foster youth placement because I was transgender. When I went to my foster parent, she told me it was bound to happen because I am not normal and that I should expect that kind of treatment. I felt like a zoo attraction that had a blaring sign across my forehead of transgender. My time in that home came to an end when this very same foster parent told me to stay away from her three biological children because I was "turning them transgender." It is a ridiculous sentiment, but it sent me into despair, and I blamed myself for doing harm to her children just by existing; which led me to think about not existing many times.

After reaching out for help from The Gay and Lesbian Community Center of Southern Nevada, my situation was forwarded to André Wade, who is now the Director of Operations for The Center. At the time, I felt like he was my savior, and the only thing he did was take me seriously when I reported the misconduct that was taking place in my foster home. He helped me leave the first home behind to a home where things could not possibly get worse; but they did.

My second home was a family of five headed by two devout Christians with a gay biological son. I was welcomed into the home at first until my correct name and pronouns became an issue for them. They told me I looked too much like a girl to be addressed as "Tristan" or by "he, him, his." When my time in their home came to an end, they did not hold their true feelings about me back. They called me a freak and explained that I would never be able to convince anyone to respect me as a man.

I am here today to convince you all that I deserve respect. My experience in foster care was a failure of the system itself. I believe that if this bill had been law when I was in foster care, I would never have had to endure the ignorance of my caregivers. They could have received LGBTQ cultural competency training and learned about my needs as a transgender foster youth.

In California, a bill similar to A.B. 99 was passed. Senate Bill 731 allowed transgender foster youth to be housed based on their gender identity, which is just a portion of what this bill is proposing. Our foster youth are not any different here in Nevada. They still deserve to be respected by their gender identity for placement opportunities, but what happens when they are not? Well, I want to end this by reminding you all that you are never too young to commit suicide, and that is the end that many transgender youth who are rejected by caregivers, family, and friends take. Let us be leaders in Nevada and make the right choice for our LGBTQ youth. We have to show, through this bill's passage, that we know they exist and we want to help them. If you did not know an LGBTQ foster youth, you know one today. Please make the right decision.

**Chairman Sprinkle:**

Thank you for your comments.

**Laura Deitsch, Licensed Clinical Professional Counselor, Las Vegas, Nevada:**

[Laura Deitsch spoke from prepared text ([Exhibit F](#)).] I am here to voice my support for A.B. 99. This piece of legislation can only help the foster parents and agencies to become more competent in their roles as caregivers and support providers.

I have worked with trans youth, I have worked with foster youth, and I have worked with foster trans youth in my practice as a therapist. I can attest firsthand to the improvements in youths' lives when their caregivers are educated about the importance of correctly gendering a person, as well as the harm that comes when they are unaware of its importance. I vividly remember the smile on the face of a young boy—he chooses male pronouns—I worked with when he was permitted and encouraged to go pick out a new outfit from the on-campus clothing store and he chose a white sundress with yellow daisies and a white sweater shrug to cover the delicate spaghetti straps. He was beaming. This boost to self-esteem and validation of his gender identity was integral in maintaining his mental health, anger management, and overall sense of belonging.

Anger, anxiety, and depression are all fairly common feelings, and sometimes mental health concerns, among foster youth. They are already at risk for bullying, exclusion, and resource scarcity. Providing training to ensure their safety and well-being is a small commitment which could yield a large investment in the long term for these kids.

Most of the adults I work with in the family services system do not have a working knowledge of trans-related issues. It is not their fault. They are not necessarily transphobic or malicious, but they have not had the opportunity to learn about the needs of these kids and how to best serve them. Requiring ongoing training to be educated about pronouns, gender

identity, the difference between that and orientation, and what their individual mental and physical health needs are, is a wonderful way to provide tools to promote inclusion, encouragement, and become role models for the other youth they serve.

Foster kids have already faced trauma. In one Medicaid assessment, being in foster care is an automatic score of 5 on a scale of 1 to 5 on a certain portion of a level-of-care indicator. These youth are in a precarious position just by being in foster care. If we add trans-identity, we are exponentially upping the vulnerability they experience for mental health concerns. Trans youth experience a roughly ten-times greater risk for suicide attempts than gender conforming heterosexual kids. That data is courtesy of an article by Ann P. Haas, Ph.D., and Phillip L. Rodgers, Ph.D., from the American Foundation for Suicide Prevention, and Jody L. Herman, Ph.D., from the Williams Institute at the University of California, Los Angeles, School of Law, dated January 2014. That article states, "Overall, the most striking finding of our analysis was the exceptionally high prevalence of lifetime suicide attempts reported by the National Transgender Discrimination Survey respondents across all demographics and experiences."

Providing foster care parents instruction about what trans means, how to serve them, and what to look for, is an investment in these kids, an investment in the system, and an investment in our state.

**André C. Wade, Director of Operations, The Gay and Lesbian Community Center of Southern Nevada, Las Vegas, Nevada:**

[André Wade spoke from prepared text ([Exhibit G](#)).] Our Center is a community-based organization that supports and promotes activities directed at furthering the well-being, positive image, and human rights of the lesbian, gay, bisexual, transgender, and queer community, its allies, and low- to moderate-income residents in southern Nevada. One of our signature programs is QVolution which provides support and affirming space and enrichment activities for LGBTQ youth and their allies, ages 13 to 24. Research shows that LGBTQ youth are overrepresented across systems such as child welfare and juvenile justice, which means there is a larger percentage of LGBTQ youth who are systems-involved than in the general public. Numbers are not known because data is not collected to know exactly how many children identify as LGBTQ in the systems.

The reasons why LGBTQ youth are heavily systems-involved are due in part to abuse and neglect in the home, running away from home or being kicked out, engaging in street crimes to survive while experiencing homelessness, and substance abuse to cope with family and community rejection. Many times these youth find their way to The Center for safety and resources. Also, caseworkers in need of support and guidance call us because they do not have the knowledge and tools to help these youth.

When LGBTQ youth are systems-involved and live in what is called out-of-home placements such as foster care, juvenile detention, and group homes, et cetera, often they are cared for by staff that have little to no cultural competency training on LGBTQ topics. As a result, staff face challenges in knowing how to respond to issues such as finding appropriate placement,

knowing how to assist a young person who comes out, or how to navigate family issues that may be centered around the youth's sexual orientation and/or gender identity. Typically, this translates into a youth having multiple placements, a youth experiencing various forms of discrimination and harassment without having anyone to talk to, and a youth unable to either be reunified with family or unable to be adopted. That is why A.B. 99 is critical. Staff need to be trained on LGBTQ competencies to better ensure these youth have an opportunity to thrive while in care.

The prevalence and awareness of those who identify as transgender have increased over time as more people come out and are more visible. The National Center for Transgender Equality defines "transgender" as a term for people whose gender identity, expression, or behavior is different from those typically associated with their assigned sex at birth. Gender identity, in short, is an individual's self-perception or inner sense of who they are in the context of gender. Although exact numbers are unknown, transgender youth are a part of our child welfare and juvenile justice systems. While in care, transgender youth face added trauma when they are placed in housing situations that are not congruent with their gender identity. If they are not treated as the gender for which they identify, it is extremely traumatic for them. By defining gender and sex as the gender identity of a youth, systems can make better placement decisions when finding foster homes, appropriate housing and detention centers, group homes, and other placement types such as adoptive homes. This change in definition at the practice level would be enforced through the LGBTQ training that the staff would receive. All youth in foster care, including LGBTQ youth, have rights as stated in the Foster Youth Bill of Rights. It is important for their rights to be upheld and, if not, for their grievances to be heard. If youth are not trusting of adults and processes, they may not feel comfortable speaking out and having their voices and concerns heard. As a best practice, we support the establishment of a grievance and/or complaint process by the Nevada Division of Child and Family Services. Grievances and complaints should flow to an individual or entity not directly responsible for the care of the youth, but one that has the authority to investigate and seek remedies as appropriate. As a state, we will improve LGBTQ youth experiences in out-of-home placements. It will enhance the likelihood that they find permanency and reentry into the community if we support them in the ways outlined previously and beyond. For these reasons, The Center supports A.B. 99.

**Allen Johnson, Private Citizen, Reno, Nevada:**

[Allen Johnson spoke from prepared text ([Exhibit H](#)).] I am a social work student from the University of Nevada, Reno. I am here today to give testimony in support of A.B. 99. Before I begin, I would like to thank my fellow social work students who are here in support of the bill.

From the age of 12 until 16, I was in the foster care system in Las Vegas, Nevada. This time period was one of the most difficult experiences in my entire life. During this time, I struggled with a range of different challenges. I experienced flashbacks from the years of abuse I experienced growing up. I constantly relived the moment that led up to my younger sister and I being dragged away by police and taken into Child Haven. I constantly thought about what would happen to us, and if we would ever see our family again.

Amidst all the other things going on in my life, I also began to really question my sexual orientation. This caused me to have so much turmoil within myself. As I went through this journey trying to figure out who I was, instead of receiving help, I received judgment and disconnection. I remember having my foster mother isolate me from the younger children in the family because she believed that my exploration of sexual orientation was a sign of perversion. I also remember my social worker telling me that my experiences were just a phase and that I would get over it before I knew it. In the end, I completely shut down and held back my true identity. I would constantly think about whether I would ever be considered normal enough for a family to love me for me. Even after I was adopted, I struggled with my identity until I arrived at college.

I feel this bill would have made such a difference in my life and in the lives of so many others I knew who were going through similar experiences. This bill would have helped the child welfare system work with me instead of against me. It would have avoided retraumatizing me at such a vulnerable period in my life. This bill would have provided my caseworkers and foster parents with sufficient tools to work with kids like me who need to figure out who they are, and who just need assurance that they are normal like every other kid. Being in the foster care system can already be extremely difficult. Adding in the journey of discovering your sexual orientation but being met with disparagement and ignorance can make this time period damaging for any child. I know A.B. 99 would have made a significant difference in my life, and it can make a difference in the lives of so many children who just want to feel accepted and be comfortable in their own skin. I hope you will support me and the thousands of children who count on you.

**Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Office of the District Attorney, Clark County:**

I am here because the attorneys who work with me represent the Clark County Department of Family Services. I want to put the Clark County Department of Family Services support of A.B. 99 on the record. We know that the youth we serve in Clark County and across the state have already endured enough trauma. We believe this bill will be a positive step in ensuring that these children are supported and safe in their living environments. We look forward to working with the community to bring that training and help our children flourish in the foster care system.

**Stacey Shinn, Policy Director, Progressive Leadership Alliance of Nevada; Vice President, Human Services Network:**

I want to speak to you from a social work perspective. I have my master's degree from the University of Nevada, and have stayed involved with that department ever since I graduated. I have taught and supervised countless interns. I have also helped organize the last two social work legislative days. I am sure all of you on this Committee met with social work students last Friday. We had 215 social work students and practitioners in this building last week. They all voted on what they thought our top three legislative priorities should be for this session, one of which was A.B. 99.

Beyond being the folks who work with the children in foster care, we social workers push for inclusive policies. Even the National Association of Social Work (NASW) code of ethics mandates that we do so. Furthermore, we are quite specific and extensive as far as education for our professionals. The NASW provides training for understanding, supporting, and affirming LGBTQ children, youth, and families that is geared toward professionals. The national code of ethics also includes obtaining education and seeking to understand the nature of social diversity and oppression with respect to LGBTQ individuals. The Council on Social Work Education requires that all students demonstrate competence in understanding and working with diverse groups, including those based on gender expression and identity and gender and sexual orientation. We are obviously doing a good job here in Nevada, because I would like the folks in this room who are future social workers to all wave. [A number of people in the room waved.] The University of Nevada, Reno, School of Social Work offers an elective course on LGBTQ issues as well as a continuing education course for social workers who work in child welfare. As you can see, the social work profession values LGBTQ-inclusive education.

I want to end with a quotation from *Social Work Speaks*, the 400-page policy platform to which we, as a profession, prescribe: "The social work profession's core values of service, social justice, dignity and worth of a person, importance of human relationships, integrity, and competence guide effective and culturally and ethically responsible child welfare service delivery."

**Joe Rajchel, Policy Coordinator, American Civil Liberties Union of Nevada:**

We are in support of A.B. 99 in order to assure and affirm Nevada's commitment to the health, safety, and equality of its youth. This bill is an important step in protecting the rights of our youth and helping them grow up in a healthy and encouraging environment. A child should not experience state-allowed discrimination because of sexual orientation, gender identity, or gender expression.

While society and our communities have become friendlier places for members of the LGBTQ community, there are still an alarming number of youth who experience negative outcomes when coming out. This can lead to abuse, neglect, and homelessness, all of which increase the odds of them becoming part of the out-of-home system. It is crucial, if these children are forced to interact with agencies, that they are supported by dealing with providers, staff, and foster parents who are equipped and trained to handle the unique challenges these children face. For the safety and well-being of our youth, systems designed to care for them must be held accountable and be trained to address needs relating to sexual orientation, gender identity, and gender expression. This is an opportunity to strengthen equality in the law and prevent further discrimination from happening against LGBTQ youth. We urge you to consider passing this bill.

**Jane Heenan, Director, Gender Justice Nevada, Las Vegas, Nevada:**

[Jane Heenan read from prepared text ([Exhibit I](#)).] My pronouns are "they," "them," "their," and I am testifying in support of A.B. 99. I am a licensed marriage and family therapist in Nevada. I am founder and director of Gender Justice Nevada, a nonprofit. I self-identify as



transgender. Gender Justice Nevada is an agency offering advocacy and direct services to sex/gender diverse persons and communities in Nevada since 2011. In 2016, we had the privilege of helping over 100 young persons and their families through groups, counseling, social gatherings, legal and medical support, and school advocacy. As part of my professional and community advocacy efforts, beginning in the 1990s in Nevada, I have had meaningful and ongoing contact with many hundreds of intersex, transgender, nonbinary and other sex/gender diverse young persons.

Assembly Bill 99 asks us to listen to and respect what a young person tells us about who they are. As of June 2016, according to The Adoption Exchange Association, there were 4,200 children in foster care in Nevada. It is estimated that 1 to 2 percent of persons are transgender, and 1 percent of persons are intersex. This means approximately 130 children in foster care in Nevada are intersex or transgender. There is no reliable data on the number of nonbinary persons, although our experience at Gender Justice Nevada leads us to believe that increasing numbers are identifying outside the binary labels of "girl" or "boy."

Human beings deserve to be seen and understood. When persons are not offered that kind of human respect, there are many negative outcomes such as depression, anxiety, substance abuse, self-mutilation, suicidality, and dropping out of school. We see this all the time in our groups and in our sessions sitting with young sex/gender diverse persons. Assembly Bill 99 would require training. It has been our experience that two hours of training only skims the surface, but we certainly support mandated training.

As someone who has engaged with Nevada's legislators in many ways since 2009, I know you all to be fair and honest persons who want good things for all Nevadans. Your support of our sex/gender diverse communities these last years has been meaningful and essential in helping our Silver State to become a welcoming place for all Nevadans. Assembly Bill 99 represents another important step in this direction, and I urge you to support this bill.

**Ann P. McCarthy, representing Nevada Justice Association:**

Everything you heard today is 100 percent true. It is very important that you pay attention, but there is a part that is more important. You already provide services to all the other kids in the foster care system according to what their individual needs are. You take care of their teeth, you take care of their depression, you take care of absolutely everything, and that is in the statutes. You have to do this, or you will be sued. The state will be sued. You will have wrongful death suits and other lawsuits. There is no way you can ignore this. This is what you have to do.

**Chairman Sprinkle:**

Is there further testimony in support?

**Brooke Maylath, President & Advocate, Transgender Allies Group, Reno, Nevada:**

There were 4,275 children reported to be in the Nevada foster care system in June 2016. Looking at national statistics, approximately 13 to 14 percent of the children in any foster care program are going to identify as lesbian, gay, bisexual, or questioning. That means, out



of those 4,275 children, we can expect 556 to 559 kids will be on that spectrum. An additional 5 to 6 percent identify as transgender. That means we will be looking at between 214 and 257 children who are gender nonconforming or transgender. That is a total of 770 to 855 kids out of the 4,275 in the foster care system, so we are not talking about tiny numbers.

There are between 1.5 and 2 times as many LGBTQ youth estimated to be living in foster care as there are LGBTQ youth not in foster care. It is either unsafe for them to be at home, or they have been kicked out by their parents because of their gender identity or their sexual orientation. When looking at the systems dealing with that higher average number of foster care placements, we also see that the individuals are being treated less well than others within the child welfare system. This increases the risk of mental health concerns and homelessness. When we have those issues, we have increased costs for the system as well, because more placements and the stigma induce additional behavioral health implications. That leads to more group-care stays and hospital stays as well as higher administrative costs. Youth who are accepted and affirmed by parents and guardians are less likely to experience depression, attempt suicide, use drugs and alcohol, or become infected with sexually transmitted diseases.

Ultimately, each youth has a right to live in an environment free of harassment and discrimination. Nevada's foster care system must take all reasonable steps to meet the diverse needs of all of those in its care while recognizing that attempting to change a person's sexual orientation or gender identity is harmful. Please vote in favor of A.B. 99.

**Jesse Fredzess, Private Citizen, Reno, Nevada:**

I am a lifelong Nevada resident. I am a social work student and former foster youth. I was one of the first to receive independent living support in the federal program. I know friends who left the program for a variety of reasons—respect for their dignity and worth being one of those reasons. The world is difficult enough for foster youth. Youth and their identity should be respected among professional workers, regardless of what those workers hold as their personal beliefs.

Coming from the foster care system, I can tell you firsthand that this bill is incredibly important. Realistically, children enter the foster care system for a handful of reasons such as physical and sexual abuse, emotional abuse, and neglect. The training we have in place is not adequate for workers. There is no training for workers that intentionally deals with LGBTQ identity, and this must change.

Negative stigma surrounds elements of the foster care system. Youth seem to be set up for failure, which can be caused by workers and their attitude toward youth. Two conditions reinforce negative stigma: the lack of knowledge about LGBTQ populations, and a lack of respect for how youth identify by gender. If workers are not well informed, their attitude and lack of knowledge can isolate the youth. Youth do not have support systems as it is. If workers are trained, they are more likely to support a youth and become trusted support systems for that youth. Mandating training for workers who serve this population will not only reduce the stigma but also support improved mental health among youth in the program.

**Nick Vassiliadis, representing R & R Partners Foundation:**

The Foundation is very supportive of measures like this. As someone who did not have to experience anything like this, it is heartbreaking to hear testimony on this subject from the many youths in this hearing, and to hear that a child has to confront and deal with these things. What is more heartbreaking is that we have not done anything about it yet. Assembly Bill 99 seems to represent a step in the right direction toward helping our most vulnerable youth.

**Jennifer L. Robertson, Private Citizen, Las Vegas, Nevada:**

[Jennifer Robertson read from prepared text ([Exhibit J](#)).] I am a former foster parent and proud adoptive parent testifying in support of A.B. 99. My husband and I were foster parents in the Las Vegas and Henderson area for about ten years. During that time, we had some foster kids in our home for only a weekend and others who stayed for two years before moving on to permanency. Every kid who was in our home became a member of our family. We treated them as though we had given birth to them and they had been with us since those first moments. We were lucky enough to adopt four of those children, and they are part of our permanent family today.

One of those children came to us as a newborn—a baby boy whom we adopted at two years of age. He was beautiful; he tested verbally advanced in preschool, and he was, and remains, the most self-aware child we have ever had. At eight years of age, our son sat us down to tell us that he felt he was actually a girl. He wanted to be called Bella, and he wanted to start his new life immediately. The next day our son, suddenly our daughter, became the bravest person I have met. We had no idea where to turn for information at the time, but quickly found services and support through Gender Justice Nevada and various online groups. One recurring theme among all the parent support groups we found was adoption. Since foster care is a popular avenue for adoption, it seems that a mere few hours of education on the unique needs of transgender kids would be a valuable tool for any caregiver to have. While it would likely just touch the surface of the unique needs of trans youth, it would provide foster parents with basic knowledge of where to seek information and support when that need arises.

Assembly Bill 99 would require training for foster parents and the Division of Child and Family Services, but there is language in this bill that reminds us that many foster children find themselves in the care of mental health facilities as well. My Bella has been diagnosed as bipolar—a mood disorder that has found her hospitalized twice as an inpatient and three times as an outpatient—all before her tenth birthday. Each time we successfully found a hospital that would treat her, though we were advised of the complications of providing treatment for a transgender child. During her stays, my daughter was often distraught at her treatment by the other patients, the other children. These were situations that might have been better handled by the staff with the few hours of training that A.B. 99 would afford. Bella has had services that touch on her experience as a foster youth, as an adopted child, and as a transgender child. My family knows the importance of informed, educated professionals, and my daughter's well-being depends on them.

While Bella is, of course, my child, she is not the only trans child who has been in foster care in need of a loving and understanding home. She is not the only trans child diagnosed with mental health issues in need of knowledgeable and caring hospital staff. Assembly Bill 99 is a step forward in the progress Nevada is already making in the lives of our LGBTQ youth. The care of foster children is everyone's responsibility. Please vote in support of A.B. 99.

**Amanda Haboush-Deloye, Ph.D., Private Citizen, Las Vegas, Nevada:**

I am in support of A.B. 99. When kids are removed from their homes, the purpose of child welfare is to bring them into a safe environment. Many times we think of "safe" only as physical safety—that they are being protected from physical harm. We need to remember that mental, emotional, or verbal abuse is just as bad as being physically abused; and sometimes it is even worse as it is usually on a day-to-day basis. That mental abuse and emotional unsafety can actually cause physical changes in the brain. As they become mature and turn into adults, they may partake of more unhealthful behaviors and unhealthful relationships because of their experiences as young children. We need to remember that and protect their mental safety as well as their physical safety. If this training will deter people from becoming foster parents, maybe they should not be foster parents. We need to make sure these youth are in safe environments. If we are just taking them out of one unsafe environment and putting them in another unsafe environment, we are not doing them justice.

I regularly provide cultural competency training in the community, as my background is in psychology. Part of that cultural competency training is making sure we are aware of our own biases, that way we can make sure those biases or prejudices are not coming across unconsciously to the youth we serve. It is very important to incorporate that training and make sure we are thinking about that perspective when dealing with LGBTQ youth. We need to provide them with the best and safest care possible, with loving and supportive relationships in an environment they deserve.

**Chairman Sprinkle:**

As we have another bill to hear today, I want to be fair to those who may be here in opposition or neutral. Are there any last comments in support of this bill?

**Rachel MacLean, Private Citizen, Las Vegas, Nevada:**

I am a former foster youth. I was in foster care from the age of 11 until age 19. I first came out when I was around 17. That ended up in my getting three juvenile sex-offender charges brought against me because the two former foster youths who were in that home lied. I was taken to court and charged, which made me go through a lot of stress. I have post-traumatic stress disorder and am bipolar because of that. I am now in an independent living arrangement that supports me with my supportive mother. My grandparents support me, but my dad does not want me to be a part of his life because I am a lesbian.

**Chairman Sprinkle:**

Any last comments in support? I do not see anyone coming forward in southern Nevada or here in the north, so I will take any comments in opposition to this bill. [There were none.] Is anyone here neutral who wishes to speak? [There was no response.]

**Assemblyman Araujo:**

I want to wrap this up by thanking you for allowing us to present A.B. 99 to your Committee. This is a very emotional bill; but it is a very important bill. If we allow ourselves to pass this bill and get it signed, we will be making great advances towards ensuring all our youth have the proper protections in order to thrive in our great state.

**Chairman Sprinkle:**

I will close the hearing on A.B. 99 and open up the hearing on Assembly Bill 95.

**Assembly Bill 95: Revises provisions governing child support. (BDR 38-197)**

**Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27:**

I am here to discuss the policy actions being considered and brought forth under A.B. 95. There are going to be two conceptual amendments coming to this bill that are very important for language clarification so we get the intent of this bill right. We are working now with stakeholders to make sure that we wordsmith to the point of absolute perfection. I want to share what those conceptual amendments will be, because they may change questions the Committee might have and better clarify what this bill does.

In section 1, line 6, you see the reference to public assistance. That is going to be more narrowly defined to "Temporary Assistance for Needy Families." Temporary Assistance for Needy Families (TANF) was created by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. It replaced the old program, Aid to Families With Dependent Children. This was at the same time the federal government took action and created block grants for TANF. You might hear this referred to as "welfare," but the technical name is Temporary Assistance for Needy Families, and we are specifically talking about the cash assistance program. The maximum benefit for TANF is 60 months. The way the State of Nevada chose to approach this is, if you are eligible, you can be on the cash assistance program for one year. Then you are off for a year. Then you can reapply and become eligible for a second year. Then you are off a year; then you can apply again and be eligible for two years of consistent support. There is a lifetime limit. Once you have used up your 60 months, you are no longer eligible for this cash assistance program. That is what the TANF program is, and it is the public assistance program we will specifically be talking about.

This bill is coming in response to a Supreme Court of Nevada action that changed the way child support calculations are made when a person is receiving public assistance—specifically TANF. We want to be able to suspend the mandatory payment for child support while a person is eligible and receiving TANF. We want to be clear for the record, and this is the second part of the amendment, that child support arrearages prior to a parent becoming

a recipient, will be held in abeyance for the period when the parent or other persons are recipients. It should put us in a better public policy spot for the calculation in the formula that happens when a person is receiving TANF.

**Chairman Sprinkle:**

Are there questions?

**Assemblywoman Titus:**

Does existing law already allow a judge to suspend the obligation, if appropriate, and the person cannot pay?

**Assemblywoman Benitez-Thompson:**

It does, but as it currently reads, the statute talks about obligations that are owed to the Division of Welfare and Supportive Services and not obligations owed to another individual. The question before the Supreme Court was if the other parent could be subject to the provision and to the statute. The Supreme Court wanted more clarity in the *Nevada Revised Statutes* (NRS). As it stands right now, there is only a reference to the Division and not another reference to the parent.

**Assemblywoman Titus:**

I was of the understanding that a judge can suspend the obligation if it was determined that the obligator cannot financially meet that obligation—even as low as \$100 a month.

**Jon Sasser, representing Legal Aid Center of Southern Nevada and Washoe Legal Services:**

A court can be moved to modify a child support order based on a change in circumstances. This Supreme Court decision interpreted a statute that had been on the books for many years as saying that child support is suspended while someone was on public assistance. The Court interpreted that very narrowly to say what was suspended was money owed to the Welfare Division. You have to repay child support if they are paying for benefits. It does not suspend as to another parent. There was a mom who had a child support order of about \$550 a month. She went on TANF for a period of time, then came off. The Court looked back at whether she owed \$550 a month for the time she was receiving \$383 a month from TANF—which was obviously impossible for her to pay. That is the issue. We have the maximum benefit for a mom and two kids of \$383 a month. Can that individual afford to support those two children for whom they are receiving payment and also pay for another child?

**Assemblywoman Titus:**

I appreciate that on line 6 you have a definition of public assistance. There are a lot of levels of public assistance. Without a narrowing of that definition, someone could sign up for public assistance in a very minimal way, and then say he or she would be unable to pay child support.

**Assemblywoman Benitez-Thompson:**

That is exactly the point—to narrowly construe it. This is the only cash assistance program in the state. Other programs like Medicaid or food stamps are benefits programs that have no equivalent cash value, so there is no way to redeem cash. We want to be as specific as possible.

**Chairman Sprinkle:**

Are there other questions from the Committee? [There was no response.] With the amendment—the changes that specifically relate to TANF—were you just trying to get those because of your answer to the previous question about cash allowances? Why would you not want to leave it a little more general or broad with the public assistance?

**Assemblywoman Benitez-Thompson:**

The point is to be narrowly construed. We do not want any exploitation of this very specific measure. The point is not to open a door by which people who have child support obligations are able to argue that they cannot pay them, or to give cover in any way. This is really specific to a person during the time they are on the TANF cash assistance program for those specific periods when they are eligible and receiving the program. We do not want the door to be opened any wider than being specific to TANF's cash assistance program.

**Chairman Sprinkle:**

Is there public testimony in support of this bill?

**Jon Sasser:**

It is interesting how this bill came to be. I was called by the deputy attorney general representing the Welfare Division, who was shocked by the Supreme Court opinion. He wanted to correct it, but they were out of agency bill draft requests. They asked if I could match them up with someone, and Assemblywoman Benitez-Thompson said she would be willing to carry the bill.

Since 1996, TANF in Nevada has not been increased but possibly once. We pay \$383 a month for a mother and two children under a definition adopted many years ago about how much this family actually needs to be able to purchase its basic necessities. For that same family, the actual need is \$1,260 a month, so we are paying a quarter of what that family needs for basic necessities. I read the briefs to the Supreme Court and the Supreme Court opinion. No one ever mentioned to the Supreme Court just how much or how little money is involved here. I am glad to support the bill.

**Jared Busker, Policy Analyst, Children's Advocacy Alliance, Las Vegas, Nevada:**

I would like to support this bill for the reasons stated during this hearing.

**Chairman Sprinkle:**

Is there anyone else in support of this bill? Seeing no one, is there anyone wishing to come up in opposition? All right, there is no opposition; is there anyone who is neutral?

**Steve H. Fisher, Administrator, Division of Welfare and Supportive Services,  
Department of Health and Human Services:**

I want to thank Assemblywoman Benitez-Thompson for bringing this legislation forward, and I also want to thank her for working with the Division of Welfare and Supportive Services. We had the same concerns that Assemblywoman Titus already commented on. The amendment that will come before you is based on our concerns and those mentioned by Assemblywoman Titus. This bill does constitute good public policy.

**Chairman Sprinkle:**

Is anyone else neutral to this bill? [There was no response.]

**Assemblywoman Benitez-Thompson:**

We look forward to getting language to you as soon as we work with the stakeholders to make sure we get it just right. As a legislator, when you realize how many lives, both adults and children, can be affected by your legislation, it is important to get the policy piece right. We will make sure to get this just as close to perfection as we can to ensure good public policy in this area.

**Chairman Sprinkle:**

With that, I will close the hearing on A.B. 95. Now, I will invite up those who will be presenting today.

**Reesha Powell, Deputy Administrator, Division of Child and Family Services,  
Department of Health and Human Services:**

I have the honor of serving as the Child Welfare Deputy for the Division of Child and Family Services. Page 2 ([Exhibit K](#)) is the mission statement for child welfare agencies within the state of Nevada. It is a constant reminder for our staff about how important it is to engage with children and families while they do their daily activities.

The structure of child welfare in Nevada is unique. The counties of Clark and Washoe, the urban counties whose populations are 100,000 or more, actually provide child welfare services for their own communities. In the remaining 15 rural counties, the Division of Child and Family Services (DCFS) is responsible for providing those direct services. The DCFS is also responsible for federal funding oversight and service delivery oversight as well as quality improvement activities throughout the state.

Pages 3 and 4 ([Exhibit K](#)) cover the funding of child welfare. Page 4 provides the overall funding allocations. Page 5 ([Exhibit K](#)) provides information about the block grants that are awarded to Clark and Washoe Counties. In 2011, the Legislature decided to award block grants rather than use the prior funding source. Outside of those block grants is funding for the Adoption Assistance Program. Also, both counties are able to receive funds through an incentive application process.

Moving to the actual services we provide, pages 7 and 8 ([Exhibit K](#)) provide flowcharts showing what a family's life through the child welfare system could look like. Child welfare

work is done in accordance with *Nevada Revised Statutes* Chapters 432 and 432B [page 9, ([Exhibit K](#))], as well as with all the associated regulations. While the flowcharts look simplistic, they really can be quite fluid. We are dealing with children and families, so at any given point, the arrows on the flowcharts can go in different directions.

It all starts with a phone call. Someone within the community picks up the phone and makes a call to the agency. A report is created and, based on that information, it is either screened in or screened out. If a decision is made that the information is screened in, a priority response (PR) is set. In Nevada, we have different priority responses. We have a PR 1 which is within 3 hours; a PR 2 which is within 24 hours, and a PR 3 that is within 72 hours. A PR 1 within the rural areas gives us a 6-hour response time for those communities that are a little farther from the local office. Agencies also have the ability to do an immediate response in cases where law enforcement is on-scene and they need us to respond right away.

Once the Child Protective Services worker responds, they assess for present danger and whether the child can safely remain in the home. The primary focus for that first response is always the child's safety.

Page 10 ([Exhibit K](#)) provides information about the number of investigations that have occurred during this fiscal year. It is typical for numbers to increase around August and September as school gets into session because schools are one of our highest mandated reporters. Additional information regarding the number of calls and what their dispositions were is located on page 26 ([Exhibit K](#)).

Workers continue to go through the assessment process. We use an evidence-based system. Workers look at the daily functioning of families, parenting and discipline practices, all the time assessing the safety threats and the caregiver protective capacities. If safety threats or diminished caregiver protective capacities exist, a worker will try to come up with a plan for that family to mitigate those safety concerns and to increase the caregiver's protective capacities. When that is not possible, sometimes we have to make the difficult decision of removing a child. Removing a child is not a decision that is made easily or lightly by any of our child welfare workers. They recognize that removing a child is extremely traumatic for them, and it is also very traumatic for the family because it creates an everlasting change in the dynamics of that family unit. When the decision that it is not safe is made, page 11 ([Exhibit K](#)) provides removal numbers for our current federal and fiscal years.

Page 12 ([Exhibit K](#)) concerns foster care. Once a decision is made to remove a child, placement options are considered and workers look first at placement with relatives. Fictive kin are our next option. If neither of those are available or appropriate, we look toward a regular family foster home. Our last option is shelter care. For placement purposes, the goal is always to try to maintain the child within their own community and within their own school district—and, of course, we always try to keep siblings together.

While in foster care, the agency develops a permanency plan for the youth. The school is part of an overall case plan that is developed in alignment with the family. The goal is to



reduce the safety threats that brought the child into care and to increase the parents' protective capacities so that the child can be reunified and returned home.

Page 13 ([Exhibit K](#)) is a graph showing out-of-home placements when they have to be made. It shows the status of the different types of foster homes that are utilized and also the frequency.

Page 14 ([Exhibit K](#)) talks about our specialized foster care initiative. During the 2015 Legislative Session, a new model of specialized foster care was approved. The purpose of changing this model was to improve the outcomes for youth who have been diagnosed with severe emotional disturbance, and also to decrease the amount being billed to Medicaid for basic skills training. Because of the needs of these children, foster families often need additional supports to help maintain the placements. Care providers receive advanced foster care training as well as an in-home weekly coaching component to learn how to manage, address, and improve the behavior of the youth in their homes. Washoe and Clark Counties were funded during fiscal year 2016 for partial implementation, and fully funded for fiscal year 2017 for full implementation. The data collection requirements are being completed by all three jurisdictions. While Clark County and the rural areas have been slower to up-start their programs, Washoe County fully implemented their program in July 2016.

The Division is required to provide an annual report regarding the progress of the program. This report was submitted in December 2016. Initial results show that placement stability for this population increased. There was a notable improvement in the number of hospitalizations, and there was a notable improvement in the runaway incidents. While psychotropic medications increased, it is the belief that it is because this population now has more access to psychiatric services than they may have had previously. Several youth also achieved permanence, either through reunification or through adoption, at the time they discharged from the program. We also provided satisfaction surveys to both youth and caregivers. The feedback we received from those surveys was very positive.

Page 15 ([Exhibit K](#)) shows the decrease in basic skills training costs. The Division of Child and Family Services did a fiscal analysis of the 387 youth who were in the specialized foster care program, comparing fiscal year 2015 with fiscal year 2016. The analysis broke it down by each of the areas. The table indicates that, overall, there was a decrease in spending of 77.76 percent for basic skills training.

None of the work we do would be possible without our foster parents. Foster parents go through an extensive training program and a home study process. Page 16 ([Exhibit K](#)) outlines this process our foster parents must go through to become licensed. Statewide we have continued with our quality parenting initiative. We continue to try to better partner with our foster parents. Page 17 ([Exhibit K](#)) shows the trends in the number of family foster homes. We are continually recruiting and trying to retain our foster parents, as there is always an additional need for foster families.

As discussed earlier, when a youth is not able to be reunified, we look toward other permanency options, and adoption is one of those. We first look toward family or relatives options. If they are not available, then we look to individuals who may know the child, such as their foster parent or even fictive kin. Sometimes we have to go outside that realm and recruit locally or nationally for these youth. Adoptive families may be eligible for an adoption assistance program, which could be a financial subsidy or medical insurance for the child.

Page 19 ([Exhibit K](#)) shows the number of finalized adoptions for the last few fiscal years. Another permanency option is guardianship. Page 20 ([Exhibit K](#)) outlines the Kinship Guardianship Assistance Program (KinGAP). It came about in 2008 through the Fostering Connections to Success and Increasing Adoptions Act. It gave states the option to enter into assistance agreements and provide payments to relatives on behalf of children. The relatives assumed legal guardianship and committed to care for them long-term after the children had been fostered for a period of six months. KinGAP was enacted in the NRS in 2011; however, it was not until May 2016 that we chose to implement it. Eligibility for this program is that all other permanency options have been exhausted, the child has resided within that licensed-relative home for at least six months, the relative has demonstrated a strong commitment to the youth, and the child is eligible for federal Title IV-E. If the child is over 14 years of age, that child must have been consulted and be in agreement with the guardianship. The Division has submitted a bill draft request (BDR) to open up the eligibility not just to those who are Title IV-E eligible, but to all families who would meet the eligibility requirements.

Page 21 ([Exhibit K](#)) shows our independent living service—a service array for children who are 14 or older regardless of what their permanency option is. An independent living plan is developed with the youth to help develop goals and to reach those goals so that they can successfully transition into adulthood.

Pages 22 and 23 ([Exhibit K](#)) discuss court jurisdiction. For youth who have a permanency plan or other planned living arrangement, court jurisdiction is an option as they age out of the foster care system. During the 2011 Legislative Session, the court jurisdiction plan was established. Youth opt into this program, and a transitional plan is developed with them. While the youth's case is actually closed with the child welfare agency, the youth continues to receive support from a community provider, as well as some financial assistance, until reaching the age of 21. Page 23 ([Exhibit K](#)) shows the number of youth who have been in court jurisdiction.

**Chairman Sprinkle:**

Are there any questions from the Committee?

**Assemblywoman Titus:**

On page 16, you listed the training curriculum to be a foster parent. Is that the training that comprises approximately 28 hours?

**Amber Howell, Director, Department of Social Services, Washoe County:**

Yes.

**Assemblywoman Titus:**

Is that a statewide curriculum you offer?

**Amber Howell:**

Each of the agencies has their own type of foster parent training, and the requirement for the number of hours is a little different. There are a minimum number of hours of training codified in statute, which is around 25 to 30 hours per agency.

**Assemblywoman Titus:**

I am curious about the allowance you have for rural foster parents, because I hear all the time about the lack of rural foster parents. Do they have to come to a town for their training? Is there a program that goes to the different rural counties?

**Reesha Powell:**

We have four licensing workers throughout the state. We will go wherever we can to get our foster parents. We also have contract staff who work with us and provide training. Recently we conducted training for some foster families in Tonopah. If there are foster families, we will take our show on the road for them.

**Assemblywoman Titus:**

How are you trying to recruit these folks? What is your advertising?

**Reesha Powell:**

We try to hit any local events that people will be attending. We hand out flyers. A few years ago we had a big media campaign that was pretty successful. Word of mouth is an area of our quality parenting initiative. Our foster parents are our best advocates to encourage other people to become foster parents. If we can continue to retain foster families, as well as build relationships with them, they often will recruit families for us.

**Assemblywoman Benitez-Thompson:**

I see you have a proposed BDR to make your KinGAP program for both Title IV-E and non-Title IV-E children. What have you seen in terms of using that kind of placement for adoption placement? Has that increased by, say, 20 adoptions a year under that category? What does that trend look like?

**Amber Howell:**

The KinGAP was designed to assist children achieve permanency who would otherwise languish in foster care. These are circumstances where you have a child who is living with a grandparent or aunt or uncle. They do not want to go through the termination of parental rights (TPR) process; they do not want to terminate parental rights on their children. This is an option for them to achieve permanency, but continue to receive a foster care payment.

Because KinGAP is so new, Washoe County has only had one. We want to be very delicate about who we choose for this program. We do not want to tell a three- or four-year-old that he or she is not adoptable. We have approximately 30 children in Washoe County who are in safe, probably permanent homes; but because the parental rights have not been terminated, they are languishing in care.

Some states have seen a decrease in adoptions because of KinGAP, so we want to be careful. Although the federal government recognizes KinGAP as a permanency goal, it is less permanent than adoption because parental rights have not been terminated. I do not think we have had a long enough time period to see how it is going, but we vet those very carefully.

**Assemblywoman Benitez-Thompson:**

It will be interesting to see how this plays out over time. It is a really good tool to get to permanency for these kids, because ultimately that is what you want. All those different dynamics can make it hard. It will be interesting to see what the data looks like on this a couple of years down the road.

**Chairman Sprinkle:**

A guardianship has to be awarded by a judge. Does that relieve the agencies of their responsibility to that child once a guardian is appointed?

**Amber Howell:**

I can answer for Washoe County: A judge has to order the KinGAP. Once a KinGAP is completed in Washoe County, the agency does close the case out because permanency has been achieved. We have to do an annual renewal, just as you would an adoption subsidy, but we do close the case.

**Paula Hammack, Acting Director, Department of Family Services, Clark County:**

In Clark County it is similar. There is a very rigorous process in place to ensure that before the Department of Family Services says it wants the permanency plan to be a guardianship, an internal review team makes sure we have exhausted reunification and adoption efforts. We would then ask, and a judge could move forward in that process and change the permanency goal to guardianship.

**Chairman Sprinkle:**

Guardianships can fall apart. If you have closed your responsibility, other than financial, and the guardianship falls apart, is that child going to go back to the person he or she was originally removed from because TPR did not occur?

**Amber Howell:**

This process is fairly new, and those are concerns and fears we have, just like adoptions. That is why the annual renewal period is so important—so you do have contact with that family. You are going through the checklists, you are doing a check-in to make sure they are still living in the home, and those sorts of things. That is one of the risks. If you do not file a

TPR or it is not complete, their parental rights are still intact, but they do not have custody. There is some paperwork that talks about where the guardianship is.

**Assemblyman Oscarson:**

From a state perspective that would encompass all the different entities, do you have a number on how many LGBTQ persons are currently in the system?

**Amber Howell:**

Currently, we do not collect that data. We wondered where the information we heard earlier in this hearing came from. In Washoe County we have 953 kids in foster care. Earlier today it was stated that around 13 to 14 percent of foster care kids in any one state would fall into that category, but we do not currently track that information. It is something we need to start considering.

**Chairman Sprinkle:**

I am hesitant to reopen public comment on that specific issue, since many of the people have already left. If you want to discuss it offline, that would be fine.

**Assemblyman Oscarson:**

I look forward to that conversation.

**Chairman Sprinkle:**

Are there any other questions for our presenters today? [There was no response.] Is there anyone left in southern Nevada or in the north for public comment? [There was no response.] This meeting is adjourned [at 3:36 p.m.].

RESPECTFULLY SUBMITTED:

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Terry Horgan  
Committee Secretary

APPROVED BY:

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Assemblyman Michael C. Sprinkle, Chairman

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of Proposed Amendment 3029 to [Assembly Bill 99](#) presented by Assemblyman Nelson Araujo, Assembly District No. 3.

[Exhibit D](#) is a copy of written testimony and an explanation of the proposed changes to [A.B. 99](#), dated February 20, 2017, presented by Denise Tanata, Executive Director, Children's Advocacy Alliance, Las Vegas, Nevada,.

[Exhibit E](#) is a copy of written testimony in support of [A.B. 99](#) prepared and presented by Tristan Torres, Private Citizen, Las Vegas, Nevada.

[Exhibit F](#) is a copy of written testimony in support of [A.B. 99](#) prepared and presented by Laura Deitsch, Licensed Clinical Professional Counselor, Las Vegas, Nevada.

[Exhibit G](#) is a letter to the Committee dated February 16, 2017, in support of [A.B. 99](#), presented by André C. Wade, Director of Operations, The Gay and Lesbian Community Center of Southern Nevada, Las Vegas, Nevada.

[Exhibit H](#) is a copy of written testimony in support of [A.B. 99](#), prepared and presented by Allen Johnson, Private Citizen, Reno, Nevada.

[Exhibit I](#) is a copy of written testimony in support of [A.B. 99](#), prepared and presented by Jane Heenan, Director, Gender Justice Nevada, Las Vegas, Nevada.

[Exhibit J](#) is a copy of written testimony in support of [A.B. 99](#), dated February 20, 2017, prepared and presented by Jennifer L. Robertson, Private Citizen, Las Vegas, Nevada.

[Exhibit K](#) is a copy of a PowerPoint presentation titled "Child Welfare Presentation," dated February 2017, provided by Reesha Powell, Deputy Administrator, Division of Child and Family Services, Department of Health and Human Services; on behalf of the Department of Health and Human Services, the Clark County Department of Family Services, and the Washoe County Department of Social Services.