

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

**Seventy-Ninth Session
March 8, 2017**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:04 a.m. on Wednesday, March 8, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblywoman Lesley E. Cohen
Assemblyman Ozzie Fumo
Assemblyman Ira Hansen
Assemblywoman Sandra Jauregui
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblyman Tyrone Thompson
Assemblywoman Jill Tolles
Assemblyman Justin Watkins
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Edgar Flores, Assembly District No. 28

STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel

Minutes ID: 370



Erin McHam, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Gail J. Anderson, Deputy for Southern Nevada, Office of the Secretary of State
Peter Guzman, President, Latin Chamber of Commerce, Nevada, Inc.
Sylvia Lazos, Vice Chair, Latino Leadership Council
Arlene Alvarez, representing Mi Familia Vota, Las Vegas, Nevada
Steve Jimenez, Extern, Nevada Hispanic Legislative Caucus
Tyre L. Gray, representing Las Vegas Metro Chamber of Commerce
Katherine Maher, Student Attorney, Immigration Clinic, William S. Boyd School of Law, University of Nevada, Las Vegas
Gabrielle D. Jones, Attorney, Family Justice Project, Legal Aid Center of Southern Nevada
Michael Kagen, Director, William S. Boyd School of Law, Immigration Clinic, University of Nevada, Las Vegas
Sylvia L. Esparza, Attorney, American Immigration Lawyers Association of Nevada
Estephani Cruz Rodriguez, Private Citizen, Las Vegas, Nevada
Karla Rodriguez, representing Progressive Leadership Alliance of Nevada
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada

Chairman Yeager:

[Meeting was called to order and Committee protocol was explained.] At this time, we will open the hearing on Assembly Bill 148.

Assembly Bill 148: Increases the penalty for notaries public and document preparation services that fraudulently provide legal services or advice. (BDR 19-756)

Assemblyman Edgar Flores, Assembly District No. 28:

To my constituents: This bill is for you. I would like to provide a roadmap to the Committee so I can give you an idea of how I would prefer the conversation move forward. First, I would like to present the issue at hand and what the problem is; followed by some history and context of what we have done in the past to try to address this issue; followed by my proposal, my language, why I believe this is necessary, and how this addresses the issue. Lastly, I would like to preemptively address some of the concerns the Committee might have and conclude with a few questions.

With that said, I would like to present the issue. The issue at hand is that we have some predatory businesses in the state of Nevada who misrepresent themselves as having the ability to give legal advice. They have caused irreparable harm. That is the issue I am trying to address. Let me give you some context. In 2013, Assemblywoman Lucy Flores came up with some great language on legal document preparation services specifically to address

some of the issues on how these predatory businesses operate. I will give further context on how they operate in a moment. Because they are giving legal advice; because they are representing themselves as attorneys; or because they are representing themselves as having some type of authority to give legal advice, we are trying to capture those predatory businesses in some way.

In 2013, Assemblywoman Lucy Flores proposed language on document preparation services. In essence, it said businesses of this nature have to have a bond. If a business violates any of the rules and misrepresents themselves as attorneys, there are penalties, and it could potentially be a gross misdemeanor. On the other side, we have notaries public. With notaries public we also implemented some rules saying if they misrepresent themselves as an attorney or do something they are not supposed to in the legal context by providing legal advice, there is a set of penalties and potentially a misdemeanor. The penalty we have now is not to exceed \$2,000. Let me explain why that is inadequate.

For those of you who are practitioners in the room, you may be able to relate to this if you work with everyday, common people who walk through your door asking for help. These individuals will come to you and present an issue in bankruptcy, probate, immigration, family, and, in rare instances, criminal activity. They present an issue to you and say, "I need help." You will see a monstrous, disastrous motion that was prepared. You will ask them, "What is this? Who did this for you?" You will find out that they went to someone who put himself out there as having legal authority to give legal advice.

In the immigration context, you have individuals who are deported "in absentia." In absentia is a term of art that means "in your absence." Specifically, there is a notorious case of a business named Centro de Inmigración Hispanos that operated out of California. There were hundreds of victims. They would file frivolous asylum petitions, which would trigger the individual being represented to get a work permit, but it would also trigger the Department of Homeland Security finding out that it was a frivolous asylum petition. These individuals unbeknownst to them would then be summoned to court, so they would never show up, and then be deported in their absence. A lot of people have been deported as a consequence of these operations. Another example is in the family context. An individual comes in and we ask them, "Why did you agree to give away legal or physical custody?" They will say, "Well, that is what the attorney or paralegal told me I should do." Again, their family is broken apart; it is disastrous. It is the same thing in the probate world, bankruptcy, et cetera.

Here is the proposed solution to that. Because of how our statutes are written, right now the entire burden falls on the Office of the Secretary of State. They are the ones giving out the penalties, sending out letters saying they are not in compliance and are violating the rules. They are overwhelmed. They do not have enough investigators out there aggressively going after these predatory businesses. More importantly, it is very time consuming.

Personally, out of my own volition, after I have identified some of these victims, I have called the police. I do not mean police who will respond very quickly to a request by an assemblyperson. I mean I call the police as a person who is concerned to see what would happen. What happens is that they say, "That is a civil issue. That is just a misdemeanor. It is hard for us to get involved; it is a lot of investigative work." It ends there. I have had similar conversations with the Office of the Attorney General. Again, they are interested in getting involved, but they are not sure how much teeth they have. At the gross misdemeanor level there is not a lot of appetite for that.

The proposed language says that when you violate one of the rules that is already in statute that would typically trigger a gross misdemeanor, if there is irreparable harm, then it is a category D felony. Let me explain why. When I say "irreparable harm", I mean the plain definition of irreparable harm. It is not necessarily a term of art that is defined in the *Nevada Revised Statutes* (NRS). I mean irreparable harm, as in there is no restitution. There is no civil penalty that could make that person whole again: for example, an individual whose family is broken apart and deported because they went to somebody who did not properly advise them. More importantly, we have to keep in mind that the individuals who go to these places are individuals who are trying to do the right thing. They tend to be some of the most desperate individuals in our society, who perhaps are intimidated by going through an attorney because they cannot afford one or think they cannot afford one; and they end up going to these businesses. These individuals who are trying to do the right thing are then taken advantage of.

If we turn this into a category D felony, it does multiple things. It would allow law enforcement to get a little more involved, and here is why: it is easier for them to implement a search warrant. When we are in the misdemeanor world, it is very difficult for them to do that. Because it is a stronger penalty and a stronger crime, the Attorney General's Office and law enforcement are more incentivized to actively pursue these individuals in an aggressive manner. Furthermore, the Secretary of State's Office is on their own fighting this fight. We need to add as many people to this fight as possible.

You may ask why a category D as opposed to a category E. The only difference there is that a category E is mandatory probation. Category D gives discretion to the judge to say, "I am going to detain you and/or give you probation." I want that discretion to be there. I will go back to the scenario I painted earlier of the predatory business that took advantage of hundreds of people. That person was at one point detained. She paid bail, fled the country, and we have not seen her since. Had we been talking in the context of the category D, she might have been deemed a flight risk and not been allowed to run away or hide. That is why we are talking about a category D.

Chairman Yeager:

I want to get some clarification of legislative intent on the record. I want to make it clear that this bill is not seeking to criminalize practicing, licensed Nevada attorneys who perhaps give inaccurate or incorrect legal advice to clients.

Assemblyman Flores:

That is correct. This strictly focuses on those who are covered under the notary statute and legal document preparation statute; any attorney would fall outside of that purview and would fall under the State Bar of Nevada.

Assemblywoman Cohen:

I recall, in 2013, there was some concern that Assemblywoman Flores's bill might be too specific to the Hispanic community. I was very concerned about that because having practiced in family law, I knew that I had clients who were native English speakers who would come into my office and sit down after having problems with their cases. I would ask, "Who was your attorney?" They would hand me their business card, and it would be a document preparation service. They did not know the difference. I just want to put that on the record to make this clear that this is not specific to the issue with notarios and confusion from people who are immigrants from a different country who do not understand that notarios are different from notaries. This is a problem in all communities in the state of Nevada. As for my question, I want to go back to the term "irreparable harm." Is that the trier of fact that is going to be making that decision about what irreparable harm is? Is there any standard in case law about what that is? I am not used to the usage of that term.

Assemblyman Flores:

I appreciate your statement, and if I may, I will provide some context. Right now, in the state of Nevada, we have individuals and businesses that advertise themselves as paralegals, legal services, immigration services, notary services, et cetera. That is where the confusion lies. To the regular, everyday, hardworking mother and father who are struggling to pay bills, they see that and think it means, "Maybe that is somewhere I can get legal services and advice lawfully at a reduced price." This is the perception that those types of businesses give off to the communities. It is not a specific community issue; it is an at-large issue. I specifically focused on those immigration cases because I personally worked on them and actively went against these individuals. That is why I highlighted them, but by no means are they the emphasis.

Regarding "irreparable harm," we see that term used mostly when we talk about injunctive relief. Sometimes the court wants to know that it is a realistic probable cause; that something will be likely to occur. They focus on the likelihood of something happening if they do not come in to stop something. That is typically how injunctive relief works and where we see the term most often. In this context, I would agree that it is similar, but the idea behind it is, "Is there any amount of money that could make you whole? Is there any amount of money that could make a family who has been forced to be separated whole again, because somebody said that they were an attorney, and they could represent them in the immigration world, but they never showed up to court, and this person was deported. Can that ever be fixed with money?" The argument there would be no. It would be up to the trier of fact to issue that instruction. How that instruction is given to the jury is up to the trier of fact.

If we go to the plain context and meaning of "irreparable harm," that is typically what it means. In the family world, if you have somebody come before you and you realize that this person agreed to have their child move out of state for X amount of months, and they have been going through that nightmare without having any access to the child, I think you would say, The fact that I have lost so many months or years of my child's life is irreparable harm. It would be up to the trier of fact to make that call, but those are the contexts where this happens.

Let me give you an example where this would not apply. An individual going to one of these predatory businesses was charged \$3,000 to commence a bankruptcy, but the business never commenced the Chapter 13, and they just kept the money. They represented themselves as attorneys or offered legal advice. In that scenario, we can make that person whole. What we do is ask, How much did that person charge you? Let us give you back that money. In that situation, we are still talking about a gross misdemeanor per existing law. Another simple example would be when I request a service, the business fills out the form and creates a motion not based on legal standards, and they give that to me. For whatever reason, I have an attorney review it before filing and realize that somebody just took advantage of me. In that scenario, I can get my money back; no irreparable harm has been done.

Chairman Yeager:

In the criminal context, the way this would work is there is an initial determination about whether there was probable cause to bring a charge based on irreparable harm. That would likely be made by the district attorney's office and then acted upon by the initial judge in the case. If a case like this were to go to trial, we would expect the jury to get an instruction indicating what is irreparable harm. The district attorney would have to prove irreparable harm beyond a reasonable doubt. If they failed to prove that, the person would be convicted of the lesser crime, which would be the gross misdemeanor. If the jury did find that irreparable harm was proved beyond a reasonable doubt, the business would be adjudicated or found guilty by the jury of the category D felony. It is not rare to have a scenario where it is put in front of a jury and they decide between competing options based on what is the standard of the law.

Assemblyman Pickard:

This is something I encounter on a regular basis in my family law practice. I want to clarify though. You suggested that the penalty attaches only when there is a direct misrepresentation of one's status as being able to give legal advice. In my experience, I have had many clients (on average one client a month) who come to me and have to make a modification to a joint petition that was filed on their behalf by a paralegal service, and at no time did they ever purport to be an attorney or have the authority to do that. Under the law, document preparation service is legal if they simply help someone fill out forms. The State Bar of Nevada, in their discussion of the unauthorized practice of law, says, "Only a licensed attorney should give you advice regarding how to handle your case, what remedies you can and should seek, and many times, even what forms to use to seek those remedies."

In my practice, if they are coming to me, it is usually because they used the wrong form or checked the wrong box. I wonder if the penalty would also attach to situations where they did not actually represent themselves to be attorneys, but they chose to use the wrong form or otherwise gave bad advice.

Assemblyman Flores:

I want to respond to that in two different ways. First, I want to say that the statutes are triggered when legal advice is given. Without the misrepresentation that you are an attorney, the act of giving legal advice on its own is already something we can go after. Furthermore, I will say that NRS 7.285 talks about someone acting as an attorney. I specifically mention that statute because even in that statute it is talking about the unlawful practice of law, and it is a misdemeanor. It takes three or four times before we get to any severe punishment. What are we saying with regard to the unauthorized practice of law? In statute we are saying it takes four or five times of this type of thing occurring before there is actually a severe punishment. I personally think that the document preparation services and notary statutes capture a lot of these bad actors, and we should be more aggressive in how we go after them and not allow NRS 7.285 to be what leads these conversations, because it is inadequate when we have irreparable harm.

Assemblyman Elliot T. Anderson:

I think this is a good bill, and I support it. I did want to go more into irreparable harm. It is interesting to take a concept that is grounded in equity and usually decided by a judge in the context of a preliminary injunction or a permanent injunction, and then apply it to the jury context, particularly a criminal jury. I am wondering if we have any examples of juries deciding what irreparable harm is in the civil context. That would be good to dive into here. Furthermore, I want to see that your understanding of the term is in line with mine; maybe we will take that first.

You mentioned the inadequacy of monetary damages because certainly, monetary damage alone is not enough to be irreparable harm, because it is a legal damage that can be provided. The court is able to award monetary damages as restitution in the criminal context. There are no legal conditions or damages that could be awarded to make them whole in a civil context. It is weird. The case law of this term of art is all in the civil context. It will make for some fun jury instruction. Putting that together, it is going to have to explain that there is nothing that could be done. It is just that one shot in time that is no longer there because the court cannot turn the clock back. Is that your understanding, that there are no legal conditions or anything a court could do to fix it?

Assemblyman Flores:

That is correct. There are typical scenarios where we always know how we make a person whole. They are customary, and we are accustomed to seeing that, both in a courtroom and maybe outside in a negotiation. When we do not have that remedy available or we do not know what is the remedy typically, we jump into this language. I would like to defer to your legal counsel, as I had my staff reach out and help explain, so we could put this in context of how that jury instruction would work and what that looks like.

Brad Wilkinson, Committee Counsel:

I thought your explanation from your earlier testimony was perfect, along with Chairman Yeager's explanation of how the jury instruction would work. That pretty much covered it. As both you and Chairman Yeager stated, irreparable harm is something that cannot be put right through money. The example that came to mind for me in this context was deportation. You cannot undo that. Another example is criminal liability; if somebody goes to prison, you cannot take that back.

Assemblyman Elliot T. Anderson:

My understanding is that it is more than money; it is any type of legal condition or legal damages. I would hate to make this too exclusive of a definition on the record because it is not just money; it is any legal damages, which can be money but can also be other things.

Brad Wilkinson:

Yes, that is accurate.

Assemblyman Elliot T. Anderson:

I just want to make sure the record is clear here. We are not trying to reinvent the wheel in terms of what irreparable harm means.

Brad Wilkinson:

You are correct. I was just checking a legal definition online, which says exactly what you just said; it could be money or a condition that cannot be put back.

Assemblyman Flores:

That is why I touched upon injunctive relief in my initial conversation, because we see it there. I did want to make it clear that it is expansive; it is not just a narrowly tailored question of whether or not we can make them whole with money. That is why I brought that up, to make it clear that the net is a little wider than just money.

Chairman Yeager:

In the context of irreparable harm, if we had a case that was charged initially as irreparable harm as a category D felony, the justice of the peace at that level would be a gatekeeper in terms of whether there is probable cause to take the case to a jury. For instance, if there were circumstances where the judge could make somebody whole through a judicial order or some other way, that would be something that would also be addressed at the initial preliminary hearing level on the criminal side. That is an added protection to make sure the jury is only considering cases where irreparable harm is likely.

Assemblyman Wheeler:

I seem to remember in the 2013 Session when Assemblywoman Lucy Flores originally brought the predecessor to this bill forward, that there was also a cultural and language issue here. Apparently, in Mexico, a notario, or someone who advertises as a paralegal actually, has legal authority there. When people come up here, it is natural for them to think that these

people can actually help their problems. I am wondering if that is the case. I do not have a problem with this bill; to me extra penalties are always a good deterrent. I am wondering if an education process in these neighborhoods would be helpful as well and how we can go about that.

Assemblyman Flores:

I will say that in the context of our notary statutes, a notario in South America, Central America, and Mexico does carry the connotation that they are an attorney; not only are they an attorney, but it is even more difficult for them to be a notario than it is to be an attorney. You must have been a practicing attorney for X number of years and no convictions. Really, that is what everybody wants to be—they want to reach that status. If you think of the paradigm of a law firm, that is the senior partner and everybody underneath them would just be an attorney. That is the way other countries see notarios.

Regarding the education component, I absolutely agree that education is necessary, constantly, always, and in all communities. People are so busy feeding their families and worried about their kids that we often do a lot of work at the Legislature that does not translate to their knowing what is happening or what protections they have. We see that in every world. I will be in here next week with another bill addressing how the community simply does not know what protections are out there. I agree with you that the education component is necessary. We have good actors out there trying to educate the community, like Catholic Charities USA, the Legal Aid Center of Southern Nevada, the University of Nevada, Las Vegas (UNLV) William S. Boyd School of Law, Thomas & Mack Legal Clinic, and many more. They are trying. It is not a lack of effort, it is a lack of resources for getting that information out there. I agree that it is a constant campaign. I know the media has been helpful with us in the past by constantly flooding out media streams, in print, radio, and electronically, trying to get that information out there. It is difficult. Absent us saying we will set money aside for this, it is difficult for us to do.

Assemblyman Watkins:

I want to walk through a scenario that this bill might not capture, and we might want to look at. In certain areas of law where you will still see people practicing without a license, it will never result in irreparable harm; it will always be monetary damages. It could be a significant amount of monetary damages, maybe beyond a \$10,000 fine. I do not see any provision in here for restitution. And I am wondering, in that context, if we fall out of irreparable harm in the criminal context, if we are providing these people with an avenue through the civil court system to go after these people. That is likely already captured in a breach of contract, or some other civil remedy. I want to get your thoughts on whether you think that is the right piece to fit into this bill, or should we just leave it up to the remedies that are already being provided in the civil context?

Assemblyman Flores:

Please turn to page 4, line 34. It says, "In addition to the penalties prescribed by subsection 1, the court may order a person described in that subsection to pay restitution" I want to highlight that because the \$10,000 penalty that you indicated is in addition to the restitution. If we had a scenario where somebody was scammed for \$20,000, the court may order restitution and, in addition, a gross misdemeanor and a \$10,000 fine.

Assemblyman Watkins:

In my practice, I have found that relying on restitution in order to get people their money back, rather than the civil cause of action, is usually not the best avenue for the aggrieved party. This may be covered in other civil remedies, but if we had the opportunity to capture them in this bill and we have jurisdiction over them, that might be the best time to assess a true civil remedy for the aggrieved party.

Assemblyman Flores:

I agree. A lot of these bad actors will hide their money—they have no assets. Their homes are under their kids' names, and they have A, B, C, and D strategies to hide what they own. I agree that there is an order saying that they must pay, but it is uncapturable money. Should anyone have an idea, I invite the Committee to offer amendments. The bill is open to whatever you want it to be. I am very committed to the idea of going after these bad actors, and I am very committed to the idea of going after some of these attorneys practicing. I say attorneys, but maybe they lost their licenses or were disbarred for whatever reason. There is a tremendous amount of garbage out there, and it is our responsibility to clean it up. I see it with a lot of these predatory businesses that say they have an attorney. It may be someone who was licensed years ago and lost their license because they are garbage and affecting our community. In that scenario, we should go after them aggressively. If you have any ideas on how to get rid of them, I am an open book to it.

Chairman Yeager:

To the extent the person is put on probation, the Department of Parole and Probation would monitor compliance with the restitution order, be able to look at assets, and create a minimum payment amount. In addition, it is not atypical, at the end of probation or when someone expires a prison sentence, for a civil confession of judgment to be entered for the unpaid restitution, and that can be acted upon in a civil context.

Brad Wilkinson:

I just want to point out that NRS 240A.300 already provides for a private cause of action from a person who is injured. It says that the person "may recover the sum of \$500 or twice the amount of pecuniary loss sustained, whichever is greater." They can also get attorney's fees and costs.

Assemblyman Pickard:

This is a follow-up to Assemblyman Wheeler's question. If notario means something different, would it be appropriate or feasible to prohibit the use of that term by anyone outside of those who hold a license to practice law?

Assemblyman Flores:

If I may draw your attention to page 2, lines 16-18, which reads, "A notary public who is not an attorney licensed to practice law in this State shall not use the term 'notario,' 'notario publico,' 'licenciado' or any other equivalent non-English term in any form" That captures specifically the issue you have brought up.

Assemblyman Pickard:

I appreciate that. It was not in blue, so I did not see it.

Assemblyman Flores:

I appreciate that being clear on the record.

Chairman Yeager:

Seeing no other questions, let us open up testimony to anyone who would like to testify in support of A.B. 148.

Gail J. Anderson, Deputy for Southern Nevada, Office of the Secretary of State:

Our office, as has been mentioned, does have the regulation compliance with this chapter of law regarding document preparation services. We support this bill. In addition, I wanted to mention that our office does as much education and outreach as we can. At all of the events we attend that are public business events, some of our chambers, as well as other public outreach, we do have materials and talk to people about document preparation service. We are attempting, to the extent that we can in our outreach, to address education on this program.

Peter Guzman, President, Latin Chamber of Commerce, Nevada, Inc.:

I first want to commend Assemblyman Flores for researching and doing a great job on this bill. I can tell you that you cannot fine a family back together. You cannot fine a man enough to give him his dignity back. To me, this is as bad or worse as breaking and entering, stealing, and robbing, because you are stealing families; you are stealing people's dignity. At the Latin Chamber of Commerce, we see people first-hand who have been devastated, and no amount of fine can return what they have lost back to them. It is a personal issue. I commend and support this bill wholeheartedly. At the Latin Chamber, we are doing education seminars and trying to help people understand this clearly. A bill with teeth to it like this can go a long way in helping all families.

Sylvia Lazos, Vice Chair, Latino Leadership Council:

[Letter in support of A.B. 148 submitted ([Exhibit C](#))]. Soy una notaria publica, licenciada en Puerto Rico ["I am a notary public, licensed in Puerto Rico."] That does not mean I should be practicing law in Nevada, and I do not practice law. I teach law to great students like Assemblymen Keith Pickard, Elliot T. Anderson, and Edgar Flores. I am now representing the Latino Leadership Council. I want to relate to you that as recently as two weeks ago I encountered a woman who had a very complicated immigration issue. She said, "We went to an attorney the first time around, but we were unable to pay the fee, so we found a notario publico," and she showed me the notario's card. It was an extremely complicated case and

there is no way that a notary or someone who was not qualified to practice law could have helped this individual. When you see cases like that, all you can do is say to yourself, "I hope God helps this particular family, because they are in a bad way." My point here is that we still have this predatory practice going on and there are still lives being wrecked. I hope that the Secretary of State's Office increases their monitoring of what is happening out there. This law is very much needed because we are seeing every day, especially under the current situations, lives being wrecked. This is a law that is appropriate and timely.

Arlene Alvarez, representing Mi Familia Vota, Las Vegas, Nevada:

On behalf of Mi Familia Vota, I strongly support A.B. 148. I work in the immigrant community every day, and I am regularly reminded of how vulnerable many of its members are to fraud by notarios and others who portray themselves as offering legal services. One specific case is that of one family residing in North Las Vegas who visited a notario in 1995. Twenty years and hundreds of dollars later, they are still dealing with the immigration repercussions that resulted from an erroneously-filed immigration petition. This case is just one of the hundreds that occur in Nevada and across the country. The problem is so widespread that the American Bar Association has a section specifically dedicated to notario fraud on their website. I support increasing the penalty for those individuals who violate the provisions established in A.B. 148. I believe that this measure will contribute to holding these individuals accountable and to increasing transparency of the services they provide in Nevada.

Steve Jimenez, Extern, Nevada Hispanic Legislative Caucus:

As many Committee members pointed out, this issue is something that affects all Nevadans, not just people caught in the immigration process. I thank Assemblyman Flores for bringing this forward for the immigrant community as well. It is important that individuals who specifically want to be a part of the process and do things by the book are not taken advantage of. The Nevada Hispanic Legislative Caucus supports A.B. 148.

Tyre L. Gray, representing Las Vegas Metro Chamber of Commerce:

We want to thank Assemblyman Flores for bringing this bill forward. We support the intent and believe in clarifying what services businesses should be able to legally offer. We want to echo many of the comments already placed on the record and show our support.

Chairman Yeager:

Is there anyone else who would like to testify in support? [There was no one.] Is there anyone who would like to testify in opposition? [There was no one.] Is there anyone who would like to testify in the neutral position? [There was no one.] Assemblyman Flores, I would invite you back to the table for any concluding remarks.

Assemblyman Flores:

Thank you, Chairman Yeager and the Committee, for the insightful dialogue we entertained this morning. I would like to remind you that the individuals we are trying to protect are individuals who are trying to do this by the book. They are individuals who are actively trying to fix their situation, whatever that may be. They are trying to do it right. These individuals are becoming the victims.

Chairman Yeager:

Thank you for your presentation. We will now close the hearing on A.B. 148. At this time, we will open the hearing on Assembly Bill 142. Welcome back Assemblyman Flores, please proceed when you are ready.

Assembly Bill 142: Establishes provisions concerning children seeking federal status as special immigrant juveniles. (BDR 38-739)

Assemblyman Edgar Flores, Assembly District No. 28:

I appreciate the indulgence of presenting two bills in one day. To my constituents: This is for you. I have to start by saying there have been a lot of stakeholders who have come to the table and helped me with this endeavor. I must acknowledge them because they have been incredibly helpful during this process—specifically the University of Nevada, Las Vegas (UNLV) William S. Boyd School of Law, Professor Kagan, the law students who have been amazing in offering so much time and willingness to help me with this bill. The Legal Aid Center of Southern Nevada has been instrumental in providing countless hours of resources and research; and the local chapter of the American Immigration Lawyers Association (AILA) has been amazing, providing a lot of insight and help, and I wanted to recognize them as they deserve that. I would like to provide a roadmap as to how the conversation will move forward just to give you some guidance on how we are moving, and at the end, I will be open for questions. I would like to identify the issue, then give you context, followed by the proposed solution, and finally preemptively address some of the questions you may have.

The issue we are trying to address is to create uniformity between federal law and state law. There is already federal law on the books that talks about something called "special immigrant juveniles" (SIJ). The *Nevada Revised Statutes* (NRS) are silent on this. We have provided no guidance to our family courts as to how to proceed on those types of cases. We are grabbing some of that federal law, putting it into the NRS, and giving guidance to family courts on how to move forward on that. Let me explain what the federal law is and why it is important.

Special immigrant juvenile status is reserved for those under the age of 21 who find themselves in the United States, and who very commonly have an American family here who is willing and able to take custody or guardianship over that minor. What happens is that federal law, by congressional intent, specifically has language saying that if you have been abandoned, neglected, abused, or something similar by one or both of your parents, then you

are eligible to apply for a special immigrant status or visa. If you fill out and submit the paperwork to the Department of Homeland Security and it is approved, it puts you on the pathway to becoming a legal permanent resident, and eventually, you can become a citizen.

That is current federal law. They understand that nationwide, all courts operate differently. Our family and juvenile court operates differently in the state of Nevada when compared to New York, California, or any other state. Because they understood that, they left it open to allow the state to implement whatever requirements or mechanisms are best for that state. Federal law is our floor, not our ceiling, so the intent is always for federal law to lay the foundation, and we can build on top of that. It is never meant for us to be underneath that floor. As the law is right now, with nothing in the NRS, we are underneath that floor.

Hypothetically, let us say there is a minor child in my house. Maybe the biological father was my brother. When that minor was born, my brother, the father, passed away. The only person who was taking care of the child was the mother. For years, the mother abused and hit the child, and at some point abandoned the child. Being the brother of the deceased, I say that I need to take care of this child; he is my nephew. That child finds his way into the United States, and he is in my household now. I would go to family court and either request custody or guardianship and go through those proceedings.

Here is where the dilemma arises. I would also have been making a special request of findings. Those special findings are necessary in order for SIJ to be granted through the federal context. Nevertheless, when I go to a state court in Nevada and ask for those special findings to be made, they may tell me they do not know what that is. They may also say the NRS does not talk about that, and there is no guidance as to how to go about that. Lastly, they may say they will not because they do not have to. They do not have to go above the findings they need to make for guardianship or custody purposes and are not going to go beyond that.

There has been no uniformity in the state of Nevada as to how to address this issue. If we go back two years, everyone who had these types of cases would present them, the process was not as complicated, and judges were willing to cooperate. Then the administration changed with new leadership, and they are suddenly refusing to do it. Now the standards have changed again, and we are doing it through juvenile court. I mention this because it is difficult for us to act on what the federal intent is when we do not give any guidance. Although it is happening right now at the juvenile courts, that can change, as it changed several months ago. They go back to the answer of saying, "I do not have to do that." The solution is to grab language from the federal statute and put it directly into the NRS. Then we provide guidance. I would like to walk the Committee through the bill and explain that guidance.

In section 1, subsection 1, we are just letting the court know that they have jurisdiction to make "determinations regarding the custody and care of juveniles" We then cite the *United States Code* (USC), Title 8, Section 1101, making it clear that is what we are referring to. They may make the factual finding as they are detailed in USC, or in the Immigration and

Nationality Act, as they are detailed there, so that we can move forward with this proceeding. The factual findings that need to be made by the trier of fact are laid out and put into the NRS so that the judge knows exactly what those are. A practitioner and/or a person who is acting pro se would be able to go to the court, submit the paperwork for either custody or guardianship, and include a request for special findings.

The special findings [outlined in section 1, subsection 3, paragraphs (a) through (c)] are as follows: "The child has been declared dependent on the court or has been legally committed to, or placed under the custody of [the state]; The reunification of the child with one or both of his or her parents was determined not to be viable because of abuse, neglect, abandonment or a similar basis; and It is not in the best interests of the child to be returned to the previous country"

That is what the request is. Then the trier of fact gets that request and looks at the evidence to see if they can make the determination that those factual findings are there. Typically, a lot of this is just taking testimony from the child. "Tell me, in a very detailed manner, what happened." Some of these stories are horrible; they are terrifying; and they are things that you do not want to talk about because they are taboo or because it reminds the child of a very traumatic moment in their life. I highlight that because if we look at subsection 6, it talks about a lot of this remaining confidential and the records being sealed. The reason for that is because the stories and testimony provided by the child are so painful that we do not want that to be public record. It is detrimental to the child, and it deters the child from wanting to tell their story if they know it is out there for everybody to see. That is the intent in ensuring the records are sealed and confidential.

A valid question is, "How many people are impacted by this?" We pulled the data, with credit due to our Nevada Hispanic Legislative Caucus extern, Steve Jimenez. In 2016, about 19,000 youth applied. Not all of them were granted; only about 15,000 were approved in 2016. I mention that because it is statistically less than 1,000 youth per state. I know we are not casting a huge net and capturing a huge group of individuals, but 19,000 is still a significant number.

I want to explain what happens if we do not do this. A lot of states already have parity with the federal level. We are out of compliance and not doing what we are meant to do. More importantly, in order for you to have custody or guardianship over a child, there must be jurisdiction. One of the arguments may be, "Well, if California is so open to it, why do you not go and do it there?" If a resident of Nevada were willing to take a child into their home, they would first have to go to California and establish jurisdiction. It is absurd that we would make any resident leave to do something that we are supposed to be doing anyway. It is crazy for us to think that it is reasonable for someone to be out of our state for that many months so that they could establish jurisdiction and do what the federal law and congressional intent has said. The other reason this is important is because these kids have a mechanism to be fully incorporated and integrated into our society as residents of Nevada.

We put the burden on them to work hard in school and to be productive members of society. We put those requirements on them, and yet, if we do not do this, we continue to have the scenario where the kids are in limbo. We force them to either consider moving states or leave them in a situation that is unnecessary, as there is a remedy for them.

It is necessary for us to understand what is a special immigrant juvenile and why we have that classification. It predates 1997; however, Congress in 1997 added the terms of "abandonment, neglect, or abuse." It was Congress's intent and understanding, through their subcommittee on immigration, that we have a lot of youths who have families here that are willing to take them in, that they were stateless, and there was no mechanism in place to protect them. We are talking about some of the most vulnerable individuals you can think of. We often hear talk about Deferred Action for Childhood Arrivals (DACA) recipients, Development, Relief, and Education for Alien Minors Act (DREAM) recipients, and people who were brought here by their parents. These youth do not have parents. Their parents are nowhere to be found. When you apply for special immigrant juvenile status, you are no longer eligible to petition for your parents at a later date. These are some of the most vulnerable individuals who are desperately asking for help. Congress said, "Here is the mechanism to do that."

Chairman Yeager:

Correct me if I am wrong, but it looks like what we have here is essentially a two-step process. First our local family courts would have to make special findings under the terms of this bill, and after those findings are made, the child or guardian would then have to go to the federal government to get special immigrant juvenile status. Is that the way the process works?

Assemblyman Flores:

That is correct. For example, you would make a guardianship request for special findings. Once that order comes out and you have that document, you would then submit a form called an I-360, which costs \$435. In addition, you will probably file another form called an I-485, for which filing fees can be up to \$1,225. This whole process can take nine months or more. I mention that because you must remember there will be a two-pronged vetting process in these types of cases. The first vetting process occurs at that family court. The judge has to find the testimony to be credible, see evidence, et cetera. That is still not sufficient. Applicants then take those forms and fees and submit them to the federal government and the Department of Homeland Security goes through their vetting process. They go through a vetting process twice. Right now, it takes about nine months.

I also wanted to preempt questions on whether this is an unfunded mandate or if it will be overly expensive to our courts. That is important to talk about because the answer is no. The reason for that is because the adult can already request guardianship or custody, and they are already paying the courts for that. There is a fee for filing all these different forms.

You are not putting this undue burden on the courts because you are paying for it, and you would make a request for those special findings during a regular guardianship or custody hearing. We are not going to hire a host of new judges or bring in new administrative staff to do this. The same staff who already do guardianship and custody will handle that.

Assemblyman Elliot T. Anderson:

I want to get my head around this process a bit more. This is far from the first time we have had to have a bill at the Legislature because the family court cannot look at federal law. Why is Congress, and pursuant to the regulatory authority, why can federal courts not make these determinations locally? It does not make any sense to me. Why are we relying on state courts to make immigration findings?

Assemblyman Flores:

It is my understanding that the reason is because there is no federal standard for custody and guardianship. That is left to each jurisdiction of the state to establish whether guardianship or custody mechanisms of the state have been properly adhered to. We must first have either custody or guardianship in order to make this request along with those special findings.

Brad Wilkinson:

That is correct.

Assemblyman Elliot T. Anderson:

I guess I was not thinking about it deeply enough because it seems as though it is a simple issue of subject matter jurisdiction, and federal courts are nervous about touching it. That makes more sense when you consider it is a two-step process. Obviously, the federal court cannot exercise subject matter jurisdiction over family law, and the state cannot issue visas.

Assemblyman Ohrenschall:

This is an issue I heard a lot about during the interim. While I do not practice in immigration or family law, I do practice in juvenile delinquency court and have run into immigrant children who have been the victims of abuse and neglect. They often come to my representation while they have been couch-surfing in southern Nevada because their parents abandoned them. The only life these kids have known is life here in the United States. They speak English better than I do, and they do not know much about the country that their mom and dad came from. Unfortunately, they have been the victims of abuse, neglect, and abandonment. I think this bill is great because we have federal protections for these children, but due to this lack of uniformity, our state courts are putting up an impediment for these children to receive these federal protections. You mentioned that a couple of years ago, these findings were routinely made, and these children would get the benefit of those protections under federal law. I appreciate the bill.

Assemblywoman Krasner:

On page 3, subsection 8, paragraph (a), why is child defined as under 21 and not under 18?

Assemblyman Flores:

The reason for that is we are creating uniformity with immigration law. Currently, under the Immigration and Nationality Act and *United States Code*, for immigration purposes, a child is someone under the age of 21. In order to create uniformity under both federal and state law, for the purposes of SIJ, we put in 21. I make it a routine to have an opportunity to sit down and speak with every member of the committee. To those members such as Assemblymen Wheeler and Krasner, I know we did not have an opportunity to speak and I apologize.

Chairman Yeager:

Seeing no other questions from the Committee, I will open this up to supporting testimony on Assembly Bill 142.

Katherine Maher, Student Attorney, Immigration Clinic, William S. Boyd School of Law, University of Nevada, Las Vegas

[Supplemented with written testimony provided in ([Exhibit D](#)).] Through the University of Nevada, Las Vegas Immigration Clinic, I had the honor of representing one of these children seeking relief under the special immigrant juvenile program. To add to some of the history, the SIJ program was expanded in 2008 as part of the Trafficking Victims Protection Reauthorization Act of 2008. That brings to light even more how Congress recognized the vulnerability of these children and how, without any support system, they are more likely to fall prey to various forms of human trafficking. The SIJ program created an avenue through which the state courts could address the dangers facing these children, even though they came through an unlawful entry. As Assemblyman Flores mentioned, the family court has been instructed to use the state law to their expertise to address custody and guardianship issues, but also the best interest of the child. Without the family court's role, the best interest of the child never gets factored into these immigration decisions. That is why it is important for family courts to understand what is their role. In my and some of the other students' representation, we ran up against hearing masters turning these children away; not because they thought it was in their best interest to return to their home countries, but merely because they did not understand the state court's role in this federal immigration law. It cannot be emphasized enough that the federal immigration decision is not what Congress is asking these state courts to make. They are asked to make these findings based upon the specific family court laws. Assembly Bill 142 will clarify that, and I am completely in support.

Steve Jimenez, Extern, Nevada Hispanic Legislative Caucus:

I want to thank Assemblyman Flores for being proactive in his response to the issue of your constituents. I would like to echo the comments of the presentation and testimony we have heard. It is important that the state courts are the ones making these determinations as they have the expertise. The Nevada Hispanic Legislative Caucus supports A.B. 142.

Gabrielle D. Jones, Family Justice Project, Legal Aid Center of Southern Nevada:

Our office has represented approximately 70 children in these special immigrant juvenile cases. I am very happy to testify in support of this bill today. We support this bill for three main reasons. First, it expressly gives jurisdiction to judges in district court to make the

requisite findings for the special immigrant juvenile visas. There was some confusion with the federal law using the term juvenile court. Some state courts felt that this meant dependency court, when in actuality, it meant a court that could handle family law matters. If we use the construction of dependency court, this would leave a lot of children without a vehicle to get these findings because most of them were abused, neglected, or abandoned in their home countries.

Similarly, there was also some confusion about this applying to children in foster care. There was an amendment to allow for one-parent SIJ cases, and that is why it makes perfect sense with the amendment to have this taking place in family court. The proposed law makes clear that a court cannot use bias or motivation to deny a case. There are two distinct roles. State courts are making findings as to whether guardianship or custody is appropriate, and whether the facts and evidence support the necessary SIJ findings.

The federal government is the entity that is going to determine whether the immigration status should be issued. It is not an automatic process. Applications have to be submitted, there is an interview, and this is only going to apply to the child; it is not going to help the entire family. The child is permanently barred from petitioning for his or her parents. I support this legislation because it assists adults who qualify for federal relief available under the law. You can apply for SIJ as long as you are under 21 and unmarried. However, we do not have any current guardianship law that allows someone in that category to continue the guardianship. Thanks to this legislation, there is now a provision that would allow for that. For these reasons, I support this legislation.

Sylvia Lazos, Vice Chair, Latino Leadership Council:

[Letter in support provided in ([Exhibit E](#)).] The Latino Leadership Council is part of an immigration coalition that includes Mi Familia Vota, the Progressive Leadership Alliance of Nevada (PLAN), and other community organizations. We strongly support this bill for the reasons that Assemblyman Flores has just put before you. We need to make sure that children who are deserving of federal immigration relief have a chance to get that relief, and we believe this bill will allow state courts to be more active and identify these situations, which are really human rights violation situations.

Michael Kagen, Director, William S. Boyd School of Law, Immigration Clinic, University of Nevada, Las Vegas

I think I can shed some additional light on the question Assemblyman Anderson asked earlier about why Congress assigned this particular role to state courts, rather than keeping it in the federal domain, given that immigration is normally a federal issue. Congress certainly could have done that, but there are some good reasons why they arranged this SIJ system through this two-step process. To clarify, state courts are not authorized and do not have authority to make the immigration decision. Even if the findings are issued, that is then sent to the United States Citizenship and Immigration Services, and they make the decision about whether the child will be allowed to stay in the United States. They rely on the findings of fact by the state family court to make those assessments. Congress could have asked for

immigration judges or U.S. Citizenship and Immigration Services to make these assessments. Those bodies do not usually have expertise on family matters, and there is an issue of federalism here in that family law (particularly child abuse, neglect, and general protection) is the responsibility of the states.

The state of Nevada and the Nevada courts are responsible for the children in Nevada. Congress has asked state courts to make findings with the understanding that state courts are normally dealing with issues of abandonment, abuse, and neglect. Regardless of whether this was the best way for Congress to arrange this system, it is the law we have. What is important to understand is that if state family courts decline to make these assessments, no one else will. Immigration judges do not have the jurisdiction to decide for a child that deportation is not in their best interest because of a break up of their family. In the case of abuse or neglect, if the Nevada court does not make the assessments that are required under the SIJ program, no one else will assess the best interests of the child. That is why this bill will be an important correction to difficulty we have had in many of these cases.

Sylvia L. Esparza, Attorney, Nevada American Immigration Lawyers Association:

I would like to read a letter from a client that highlights what Assemblyman Flores has indicated about the children who are affected by these types of cases. Being one of the most vulnerable, she was unable to be here. She wrote this letter in Spanish and we translated it, but it really highlights one of those children who suffered a lot and who have benefitted from the special immigrant juvenile petition process.

Dear Nevada Legislature,

Thank you for listening to my journey to the United States. My name is Maria Escobar Mejia, and I was born in El Salvador. I am currently 19 years old. Life in El Salvador was never easy for me. As long as I can remember, my life was always a constant [struggle to] find a reason to live. I fled my home country and made it to the United States sometime in October 2013. My biological father was a chronic alcoholic. As a small child, I recall my father coming home late drunk, only to fight with my mother. My father was a physically and verbally abusive man. My younger sisters and I were absolutely terrified of him. We feared that he would hurt us. Whenever he was home, we would all hide within our house. One night my father became extremely irrational and violent. He forced my mother, my sisters, and I to leave the house. My father showed no remorse or compassion for us. He did not care that his family was exposed to potential dangers of the night. That frigid night, my mother led us to the mountains, so we could sleep on the ground. Tears still stream from my eyes as I recall my mother's despair and anguish that night, yet I am reminded of my mother's consoling words and her determination to remain strong for my sisters and me. My father never acknowledged us as biological daughters. He would diminish our mother by insinuating that she was promiscuous and that she only used my father for financial resources. However, my mother was a dignified woman who looked after us and made sure we were clothed and fed.

When I look in the mirror, my reflection resembles my father's face, and it saddens me. My father would batter my mother, and I witnessed as he punched, slapped, and kicked her. My mother was defenseless and knew that if she tried to defend herself, it would only infuriate him and make matters worse. As my sisters and I grew older, my father became physically and verbally abusive with us as well. My father would repeatedly threaten to murder and dismember us. One day, my father came home inebriated and argued with my mother as well. He proceeded to unleash his anger onto one of my sisters and me. My father grabbed us by the hair and dragged us violently across the floor. My father yelled that this was the day that he would end our lives. I remember looking at my father as he dragged our bodies from our hair and witnessing nothing but evil in his eyes. I honestly believe that my father would go through with this plan and kill us. It was thanks to my mother's courage I was able to escape my father's brutality. My mother mustered the courage to call the police and report my father's violence. My mother knew that there was a chance that my father would evade justice and come after us, but my mother was determined to take the chance in order to save us from our father's wrath. That night, my father was arrested and charged for domestic violence and for making threats; however, it was not long before my father was released. My father later returned to our house. He was filled with rage and sought to get revenge on my mother for reporting him to the police. For that reason, my father lit the house on fire in retaliation. Our home was made of wood, thus the flames from the fire began to spread quickly. Thankfully, we were able to escape. My mother knew that my father would only keep trying to take our lives if we did not seek refuge in the United States. This is the reason I came to the United States. My sister has welcomed me in her home, and I am now safe from my father's vengeance in the United States. I am currently employed and pay taxes. I would like to thank you for letting me share my story.

This is one of those vulnerable children that Assemblyman Flores had highlighted and said that these children need protection. I would also like to highlight some of the other children that also need protection, that we have been having problems with the family court recently. One of the issues has been the one-parent issue. I brought a client from my office, and she is going to testify about her story. When we went to the court initially, the hearing masters were very against giving guardianship to a parent because they did not believe that this was appropriate; they did not understand why one parent could have guardianship, and why she should be entitled to obtain these benefits.

Estephani Cruz Rodriguez, Private Citizen, Las Vegas, Nevada:

I want to thank you for giving me this opportunity to give my story. I was born on January 25, 2000, in El Salvador. I am currently 17 years old. I came to the United States sometime in December 2012. Previously, I had been living with my aunt since 2004 when my mother left me. My father had left to the United States in 2003. I lived with my aunt for the next eight years, ever since I was seven or eight years old. I remember my aunt always

mistreating me. In the beginning, it was mostly verbal abuse. She used to say many horrible things to make me feel unwanted and unloved. I always felt like a boarder to her. Then, when I turned 10 years old, she began hitting me. At first I thought it was just punishment for being bad, but then I realized she just hit me for any reason or no reason at all. She would mostly slap me on the face and she would leave red marks. I used to cry and run to my room. This happened once a week. One time she was very angry with me, she threw a rock at my face, and I began to bleed. She did not take me to the doctor or anything. I just went to the bathroom and cleaned myself up and ran to my room. She acted like nothing happened. I have small scars on my face from the incident. Even though I talked to my mom once a week, I never told my mom what was happening to me because I was afraid that I would get beaten even more. I did not tell my mom what was happening until I arrived to the United States.

Another reason I had to come to the United States was because I was also being harassed by gang members. They followed me from school two or three times a week, and I was always afraid they were going to rape or hurt me, because that is what happens to a lot of girls in El Salvador and nobody does anything. They also asked me for money and told me if I did not give them money, they would kill me or do something bad to me. I do not remember what I feared most, getting hit by my aunt or having the gang members. Either way, I was miserable and felt unsafe. I could never count on my father to help me get out of this horrible situation because he abandoned my mother and me when I was two years old. I do not really know him. He left my mother and came to the United States. Once in the United States, he never really called me or sent me letters or money. I did see my father one time (I was six or seven years old) because he had come back to El Salvador. However, I only saw him for two weeks and then he disappeared again, and I have not seen him since then. When I arrived to the United States, my mother told me that my father was in jail. His family also lives in Las Vegas, Nevada, so I know he knows I am here; however, he has never made attempts to contact me, not even to send me a letter.

I am currently enrolled in Chaparral High School in the eleventh grade. I am getting good grades and on track to graduate. I would like to go to college and study sports medicine. I play varsity soccer, and this year we placed second overall. I am also on the cross-country team and play soccer in another league outside of school. I play forward, and I am pretty good at it. I score lots of goals and my team is very proud of me. I am so happy living in the United States with my mother and my other siblings. My life here in the United States is completely different than it was in El Salvador. I feel safe for the first time, and I am no longer afraid that I will be beaten by my aunt or the gang members. I am grateful to the American immigration system for allowing me to live in peace with my mother and giving me the opportunity. Thank you.

Sylvia Esparza:

Estephani is a typical case that we were encountering with the family court where the judges did not understand that the federal legislation allows this person to obtain a benefit even though she has one parent involved in her life. They could not wrap their heads around the fact that the law says one or both of the parents have participated in any type of abuse,

neglect, or abandonment. Here she had been abandoned by her father even though her mother had taken her in. The fact that she had one parent, the hearing masters did not want to hear that; they did not agree that she met those requirements and therefore they kept denying her, and we had to continue to force the issue with other family court judges until we were able to finally get some movement. Assemblyman Flores was very keen on zoning in on the issue, and even though we are able to remedy this right now, the problem is that there can be some problems in the future, so we want to have this uniformity where there is a law in place where this cannot happen in the future. The law and the judges are very clear on what is required from them to mirror what the federal law is saying. That is why the Nevada Chapter of the American Immigration Lawyers Association absolutely supports this legislation.

Arlene Alvarez, representing Mi Familia Vota, Las Vegas, Nevada:

I strongly support Assembly Bill 142. United States Citizenship and Immigration Services' (USCIS) special immigrant juvenile status program specifically exists to protect vulnerable juveniles that face the threat of neglect, abuse, or other violations to their livelihood. While many minors in the state of Nevada meet the eligibility requirements established by USCIS to apply to the program, it is not possible for them to do so until our state court enters an order allowing minors to seek this avenue of relief. Given the precarious situation of these minors, I believe that the provisions established in A.B. 142 are necessary and merit the support of our state legislators and my support as well.

Karla Rodriguez, representing Progressive Leadership Alliance of Nevada:

On behalf of the Progressive Leadership Alliance of Nevada (PLAN), we are in full support of A.B. 142. We believe that we must protect all children, especially those who are most vulnerable, as we have seen here today. By passing A.B. 142, we are making sure the health and well-being of children are taken into account. This would help our immigrant children to have a better future and secure life. This bill would make sure that the application process is less intense and secured at the state level. The Progressive Leadership Alliance of Nevada has supported the immigrant community for years, and we will continue to do so. We believe this bill will support our new American immigrants here in Nevada, and that is why we are in full support of A.B. 142.

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:

Assembly Bill 142 resolves discrepancies between state and federal law, offering much needed clarity and guidance to district courts on how to provide resources to neglected and abused immigrant children. Children, and those working with children, often simply do not know about the SIJ option. Assembly Bill 142 eases the process of connecting highly vulnerable children with the resources they need to remain safe. This issue is also quite personal to me. I have a young man that I worked with during my internship in law school who is actually watching this hearing right now. I helped process his SIJ application and, right before this legislative session, I wrote a letter for him for the University of California, Berkeley's literature program. He is a fantastic young man with a story very similar to the stories we have heard today. Not only is this procedurally sound, but it also changes lives. I encourage your support.

Chairman Yeager:

Is there anyone else who would like to testify in support? [There was no one.] Is there anyone who would like to testify in opposition? [There was no one.] Is there anyone who would like to testify in the neutral position? [There was no one.] Assemblyman Flores, I would invite you back to the table for any concluding comments.

Assemblyman Flores:

I want to reiterate that all we are doing here is creating parity between federal law and state law. We are helping very vulnerable members of our communities. I am appreciative of your time, and I appreciate the thoughtful questions. Should you have any additional questions, please reach out at any time.

Chairman Yeager:

If A.B. 142 is ultimately enacted, we have our own National Judicial College here in Reno, as well as the National Council of Juvenile and Family Court Judges based here in Reno. Those might be good resources in terms of integrating any new training that would be required under A.B. 142. I do not know if you have reached out to them, but they are a great resource, and they are just up the road in Reno.

Assemblyman Flores:

Thank you Mr. Chairman, I will reach out to them.

Chairman Yeager:

[A letter from Roxana Lanuza-Alfaro ([Exhibit F](#)) on behalf of the Progressive Leadership Alliance of Nevada was submitted but not presented.]

At this time, we will close the hearing on Assembly Bill 142. If anyone would like to give public comment on any issue, please approach the table. Seeing no one, we will close public comment.

The meeting is adjourned [at 9:39 a.m.].

RESPECTFULLY SUBMITTED:

Erin McHam
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter dated March 8, 2017, in support of Assembly Bill 148 to Chairman Yeager and members of the Assembly Committee on Judiciary, authored by Al Martinez, Chair, Latino Leadership Council, and Sylvia Lazos, Vice Chair, Latino Leadership Council.

[Exhibit D](#) is written testimony submitted by Katherine Maher, Student Attorney, Immigration Clinic, William S. Boyd School of Law, University of Nevada, Las Vegas, dated March 8, 2017, regarding Assembly Bill 142.

[Exhibit E](#) is a letter dated March 8, 2017, in support of Assembly Bill 142 to Chairman Yeager and members of the Assembly Committee on Judiciary, authored by Al Martinez, Chair, Latino Leadership Council, and Sylvia Lazos, Vice Chair, Latino Leadership Council.

[Exhibit F](#) is written testimony submitted by Roxana Lanuza-Alfaro, Intern, Progressive Leadership Alliance of Nevada, in support of Assembly Bill 142.