

**MINUTES OF THE
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-ninth Session
April 10, 2017**

The Senate Committee on Health and Human Services was called to order by Chair Pat Spearman at 3:45.m. on Monday, April 10, 2017, in Room 1214 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Julia Ratti, Vice Chair
Senator Joyce Woodhouse
Senator Joseph P. Hardy
Senator Scott Hammond

STAFF MEMBERS PRESENT:

Megan Comlossy, Policy Analyst
Eric Robbins, Counsel
Debbie Carmichael, Committee Secretary

OTHERS PRESENT:

Helen Foley, Nevada Assisted Living Association
Brian M. Patchett, CEO, President, Easter Seals Nevada
Gary W. Olsen
Libby Hathaway
Deborah Gonzalez, Deaf Affiliates LV
Pedro Gonzalez, Deaf Affiliates LV
Jeff Beardsley
Kacy Curry
Maureen Fradianni
Rique Robb, Chief of Disability Services, Aging and Disability Services Division,
Department of Health and Human Services
Egan Walker, District Judge, Family Division Department 2, Second Judicial
District Court of Nevada

Bill Hart, Deputy Alternate Public Defender, Alternate Public Defender, Washoe County

Jon Sasser, Washoe Legal Services; Legal Aid Services of Southern Nevada

Brigid Duffy, Chief Deputy District Attorney, Juvenile Division, Office of the District Attorney, Clark County

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

Kelly Wooldridge, Administrator, Division of Child and Family Services, Department of Health and Human Services

Nova Murray, Deputy Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services

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

CHAIR SPEARMAN:

I will open the hearing with the work session on Senate Bill (S.B.) 287.

SENATE BILL 287: Revises provisions relating to the protection of children.
(BDR 38-609)

MEGAN COMLOSSY (Policy Analyst):

I will read the summary of the bill and the conceptual amendment from the work session document ([Exhibit C](#)).

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 287 WITH THE PROPOSED AMENDMENT.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 318.

SENATE BILL 318: Revises provisions relating to the payment of wages to certain employees. (BDR 53-1088)

Ms. COMLOSSY:

I will read the summary of the bill from the work session document ([Exhibit D](#)).

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CHAIR SPEARMAN:

Senate Bill 318 is a lot like another bill that was heard this morning, and I want to make sure we do not have competing legislation. Ms. Foley, have you been able to speak to Senator Atkinson about this?

HELEN FOLEY (Nevada Assisted Living Association):

The bills are different in that the bill before the Senate Committee on Commerce, Labor and Energy heard this morning was from Senator Hardy's Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs. These bills do not conflict.

SENATOR HARDY MOVED TO DO PASS S.B. 318.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 326.

SENATE BILL 326: Requires a child care facility to grant priority in admission to children of a parent serving or who has served in the Armed Forces of the United States. (BDR 38-558)

Ms. COMLOSSY:

I will read the summary of the bill from the work session document ([Exhibit E](#)).

SENATOR WOODHOUSE MOVED TO DO PASS S.B. 326.

SENATOR RATTI SECONDED THE MOTION.

SENATOR HARDY:

How do we determine the priority? What does priority mean?

CHAIR SPEARMAN:

Priority means to give first preference.

SENATOR HARDY:

I researched what we tried to do last Session with a bill similar to this one and could not figure out what happened to it.

CHAIR SPEARMAN:

Last Session's bill passed out of Committee unanimously. It was placed on the desk and was never revived. Senate Bill 326 does the same thing as last Session's bill. When a person is on active duty, he or she will have an identification card that says such. If the family member is a Gold Star, there is some sort of government designation used, and the same for the family of someone missing in action. This legislation says that we want to do a little bit more for our veterans than just to say we support them. The reason I brought this legislation forward last Session was because in Nevada most of the military, with the exception of Nellis Air Force Base, is National Guard and reservists who have been deployed multiple times. This is an opportunity for us say to them they do not need to worry about who is going to take care of their children while deployed to a combat zone.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 355.

SENATE BILL 355: Increases the fee for a certificate of death to fund grief support services. (BDR 40-114)

Ms. COMLOSSY:

I will read the summary of the bill from the work session document ([Exhibit F](#)).

SENATOR WOODHOUSE MOVED TO DO PASS S.B. 355.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 388.

SENATE BILL 388: Revises provisions relating to persons who provide personal care in the home. (BDR 40-613)

Ms. COMLOSSY:

I will read the summary of the bill from the work session document ([Exhibit G](#)).

SENATOR HARDY MOVED TO DO PASS S.B. 388.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 510.

SENATE BILL 510: Revises provision governing the eligibility of a child for assistance from the Kinship Guardianship Assistance Program. (BDR 38-901)

Ms. COMLOSSY:

I will read the summary of the bill from the work session document ([Exhibit H](#)).

SENATOR HARDY MOVED TO DO PASS S.B. 510.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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VICE CHAIR RATTI:

I will open the hearing on S.B. 481.

SENATE BILL 481: Creates the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired. (BDR 38-604)

SENATOR PAT SPEARMAN (Senatorial District No. 1):

Senate Bill 481 was an idea that emerged out of the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs. Existing law creates the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities under the Nevada Commission on Services for Persons with Disabilities. The Subcommittee consists of people who are knowledgeable about issues related to communication disabilities. Existing laws describe the various duties of the Subcommittee.

For the last two Interims, I have tried to move us away from the term "disability" because it is pejorative in many ways. People may be deaf, hard of hearing or have other physical impairments, but that does not make them disabled. It simply means they are differently abled. We need to focus on the abilities they do have and not the condescending term disability because that focuses on lack. I believe that persons who are differently abled have substantial contributions that they can make.

Senate Bill 481 transforms the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities into the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired. The bill revises the duties of the Commission to review the services and practices of all State and local governmental entities related to people who are deaf, hard of hearing, or speech impaired. Senate Bill 481 also revises the duties of the Commission to make recommendations to State and local governmental entities concerning compliance with laws and regulations; improvement of the health, safety and welfare of people who are deaf, hard of hearing, or speech impaired; integration of services and programs for such individuals; and provision for such individuals with information concerning services and resources that promote equality of opportunity for people who are deaf, hard of hearing, or speech impaired.

In addition, S.B. 481 places the Commission in the Office of the Governor and requires the Governor to appoint a director and members to the Commission. The bill, as written, provides for the director position to be in the unclassified service of the State. It requires the director to provide the personnel, facilities,

equipment and supplies required by the Commission to fulfill its duties and to perform other duties at the direction of the Commission.

However, these provisions have been the subject of some discussions, and there is a friendly amendment to revise these sections.

BRIAN M. PATCHETT (CEO, President, Easter Seals Nevada):

I am Chair of the Nevada Commission on Services for Persons with Disabilities. The Commission on Services for Persons with Disabilities supports S.B. 481, but has proposed an amendment to reduce or remove the fiscal note. I have provided the proposed conceptual amendment ([Exhibit I](#)) to the Committee. The proposed amendment suggests making the Director of the Commission a volunteer position. The other suggestion is to keep this under the Aging and Services Disability Division, Department of Health and Human Services where it is now. If we can accomplish this, it will remove most, if not all, of the fiscal note.

SENATOR SPEARMAN:

I support the proposed conceptual amendment, but I also support that during the Interim, we move toward funding the director position so the Commission can adequately support members of this community. We have a responsibility to make sure that people who are differently abled receive the same opportunities in all areas of our government with respect to the commissions that are funded and carry out specific duties and responsibilities. I have pledged to work during the Interim to find the funding for the director's position and do it in the spirit of excellence.

GARY W. OLSEN (through Ryan and Carla Johnston, American Sign Language Interpreters):

I am a volunteer advocate for deaf and hard of hearing Nevadans, and I support S.B. 481. I have been in this environment for many years and have seen good things come to Nevada. Today is a very good day for deaf people. President Abraham Lincoln, who mitigated the Civil War, signed the College Charter on April 10, 1864 to establish a university for the deaf. Today, the deaf and hard of hearing people want the world to know they can function in any community. That act was revolutionary for deaf people because it made deaf people equal all around the world, and it empowered us with life, liberty and the pursuit of happiness, which we had not had much of. Hard of hearing people have greater hopes about what is possible working with and bringing forth a possibility of a

commission for deaf and the hard of hearing in Nevada through S.B. 481. We know that deaf people can make the world different when it comes to giving and helping to make other successes happen in Nevada. We need a commission by and for deaf Nevadans working in the systematic approach, not an approach where we provide an assistance to individuals, but in the concept where different agencies and organizations will help deaf people become better service providers to our communities. There are 27 commissions in different states where they do this to help people become more involved and become part of the community. How much longer do we need to wait for this to happen in Nevada? The time is now. We need full support for this concept of what we have been talking about here. We need to give up the fiscal note. Many of you know how to find another way.

For example, we have a deaf population that went through the public school system, leaving that system barely understanding English, and not being able to get work. They missed out, and it is a shameful thing. They are left out. The Commission, with a systematic approach, would be able to collaborate and work with the State, communities and businesses to elevate and learn about the problem.

Currently, there are many ads on television, but most of those have no captioning. Can you understand why many deaf people do not know what is going on? Imagine not knowing about a medicine or how to get information about it. They go to the doctor but have no opinion of their own. Captioning is critical for news and to get information. In person, I can see your faces and your expressions, but I get nothing out of it without captioning, there is no benefit. Captioning is not available everywhere. Why? If we focus on getting the Commission to move forward, we can get the funding.

SENATOR SPEARMAN:

We are Nevadans and we are better than this. We have members of our community who cannot participate fully. We have a duty and obligation to make sure that we find financial resources that are necessary. I do not know if any of us can imagine what it would be like to be sick and see an ad on the television that might help us get better but are not able to hear or understand what the ad is about. In so many ways, we take for granted a number of things that some of our fellow Nevadans can only hope and wish they had.

LIBBY HATHAWAY (through Ryan and Carla Johnston, American Sign Language Interpreters):

I am part of the deaf community, and I support S.B. 481. I am begging you to have this deaf Commission in Nevada. Other states have these commissions, and there is nothing here. You have to be deaf to understand our needs. I am very tired of unequal access, and it has happened for many years. There is no tolerance, and we have been swept under the rug for so long. It is time for that to stop. Time is running out. I am begging for your support and understanding.

DEBORAH GONZALEZ (Deaf Affiliates LV):

I support S.B. 481 as I have a speech disability. I have strong ties to the deaf community as a professional sign language interpreter for over 25 years. I also work as a translator for written information for the Deaf Grassroots Movement in Nevada. I have two voicemail messages that I received, and I will play them for you. I made a request to the Deaf Center of Nevada for sign language interpreters. We did not know if they were or were not going to provide interpreters. This is the first message:

Hi, this is Stephanie at the Deaf Center of Nevada. I am returning your call regarding setting up a voice interpreter for a presentation given by Betty Hammond. Please call me back when you get this message. My number is....

This is the second message:

Hi Debra, this is ... from Deaf Centers of Nevada. I have a message here that you had called about interpreting services for a Sunday meeting. I really wanted to let you know personally, and please feel free to give me a call, I want you to know, and I will send you an email to recap this, but based on your behavior with our staff and based on it does not seem like we are able to meet your level of expectations that you are looking for. We are going ahead and not have you attend any of our meetings with the Deaf Centers of Nevada. As a nonprofit we have rights to do that. We are not a State agency; we are nonprofit. So we do have the ability to disclude people from our meetings if the behavior justifies that. Based on your past behavior, based on your behavior recently with the number of phone calls and different things, we have made the decision you are not going....

I will stop it there. This voicemail is based on phone calls I made. I have a speech disability and many times it is hard for me to enunciate because of distress. On the days these phone calls were made, I was medically compromised. My blood sugar level was 586, my heart beat reached tachycardia, and I ended up within a month, with a stroke and angina, and was hospitalized for days. When I was in the hospital this agency was the only one I could turn to as a speech-disabled person, and with a family member who is deaf and unable to use conventional sign language interpreters. As you can see, they banned me because they did not like the tone of my voice. Distress aggravated the situation. I could not speak clearly because of the disorder and complicating medical problems. Pain caused me to raise my voice. I was told by the Deaf Center employees and supervisor that the Americans with Disabilities Act does not allow a patient who can hear to have an interpreter when they go to a medical facility. I do not think they understood that I have a speech disability. I had no way to get assistance or help. I am dying and my family is watching me. They have no interpreter to understand what is going on.

I received another phone call from the supervisor saying the hearing person is the only person the medical staff is required to talk to, and if they can finger spell, they will volunteer to help your family finger spell something. Finger spelling is not an adequate interpretation for a medical setting. Finger spelling is spelling out an English-said word. It would be far better to write it down, but that is not going to meet the need either. Beyond that, there are many laws around that. It is outrageous that a supervisor at the Deaf Center would call a medical center and tell them not to provide an interpreter. It is critical to have a Commission for Persons Who Are Deaf, Hard of Hearing, or Speech Impaired.

PEDRO GONZALEZ (through Kim Holloway, American Sign Language Interpreter):
I support S.B. 481. I am an individual deaf person who is advocating for the Commission for Persons Who Are Deaf, Hard of Hearing, or Speech Impaired.

JEFF BEARDSLEY (through Kim Holloway, American Sign Language Interpreter):
I am in full support of S.B. 481. We really need the deaf commission set up in this community, just like others states have.

KACY CURRY:
I am in support of S.B. 481.

MAUREEN FRADIANNI (through Kim Holloway, American Sign Language Interpreter):

I support S.B. 481. For nine years, I worked for the deaf and hard of hearing advocacy resource center before the name changed to Deaf Centers of Nevada. When I came from Berkeley, California to Nevada, it was a huge deaf culture shift. We need more services, improvements and equal access for the deaf and hard of hearing in Nevada.

SENATOR SPEARMAN:

What strategy can we use going forward to accomplish this?

RIQUE ROBB (Chief of Disability Services, Aging and Disability Services Division, Department of Health and Human Service):

We have been working collaboratively with the Commission on Services for Persons with Disabilities and the Subcommittee on Communication Services for the Deaf and Hard of Hearing and Speech Impaired. Funding is the challenge. The Aging and Disability Services Division is taking a neutral stand regarding the Commission, but support what the needs are for the entire deaf community statewide. We work closely with the Deaf Centers of Nevada and with any agency that provides service. The unfortunate part, when it comes to the Commission, is there is no money set aside. The mechanism that funds all services for the deaf and hard of hearing is through the Public Utilities Commission, Telecommunication Device for the Deaf surcharge. That funding is capped at 8 cents, and that is mandated by the *Nevada Revised Statutes* (NRS). If there was wiggle room in that, there may be a potential funding source, but right now, the funding that is available is budgeted. That is what is in the Governor's recommended budget. The funding piece is stuck at that amount.

VICE CHAIR RATTI:

I close the hearing on S.B. 481.

CHAIR SPEARMAN:

I open the hearing on S.B. 483.

SENATE BILL 483: Creates a procedure for the establishment of paternity in proceedings concerning a child in need of protection. (BDR 38-344)

SENATOR SCOTT HAMMOND (Senatorial District No. 18):

This is a bill I bring forward at the request of the Legislative Committee on Child Welfare and Juvenile Justice. Senate Bill 483 addresses a need that the court identified to have the statutory authority to establish paternity under NRS 432B, in matters involving child abuse and neglect. In order to accomplish this, section 2 of S.B. 483 provides a means by which a motion to establish paternity may be filed in relation to a petition alleging that a child is in need of protection, and sets forth what information the motion must contain. It also requires that the motion be served on the alleged father. Section 3 provides that if the alleged father is personally served with a motion, and either does not appear at the subsequent hearing or does not file a response denying paternity, the court may, without further notice, declare the alleged father the child's natural father. Section 4 allows a court to enter a recommendation or order concerning paternity even if paternity has not been legally established if both parents sign an affidavit to that effect. Section 5 sets forth the steps that a court must take if a motion to establish paternity is filed, and the alleged father, or others, deny paternity or other conditions exist which put paternity in doubt. Section 6 establishes the court's paternity finding under the bill's provisions, provides for the issuance of a new birth certificate including the fathers name, requires the court to provide the parents' social security numbers to the Department of Health and Human Services and to include them in any records relating to the matter. It provides that these records are kept confidential. The remaining sections of S.B. 483 make conforming changes elsewhere in statute. The bill is effective on July 1, 2017.

EGAN WALKER (District Judge, Family Division, Department 2, Second Judicial District Court of Nevada):

About two and one half years ago, when I stepped into this position and started hearing cases, the following scenario would repeat itself with some frequency before me. I would have parents of a child in court whose child had been taken into the foster care system, and I would have three men sitting at the parents' counsel table on one side of the courtroom. I thought it strange, because I needed to know who the father was. Then I would discover the following circumstances: Mom would be married to a gentleman at the time of the birth of the child, but that gentleman would not be the father—but the presumption is, he is the father. The second man has raised the child for a period of time, and the child knows this man as father but he is not the father. Then there would be an alleged father for whom there has been no genetic connection yet established. I would think to myself how strange it is that I have three potential

fathers in this case. In the foster care system, one of the ultimate outcomes of permanency for children is termination of parental rights. One might think that the court could establish paternity over a child when NRS 432B says the court necessarily must terminate parental rights. In Clark County, it is done in regular course, and in Washoe County it had been done in regular course, but there is not statutory authority in NRS 432B for the establishment of paternity. What S.B. 483 does is give the judge a jurisdictional hook. Judges should not act without subject matter jurisdiction in NRS 432B. This proposed legislation gives the judge subject matter jurisdiction over the issue of paternity in a child welfare case. It establishes a process to follow to establish paternity, to amend a child's birth certificate and to align the facts of the case to reflect the reality of children's lives.

Senate Bill 483 was crafted by a couple members of the Second Judicial District Court model court stakeholders group. It is rare to see legislation that was crafted together by both sides of the issue. Senate Bill 483 lets the judge litigate and decide the issue of who the father is in a case like I described. Is it mom's husband, is it the person who has raised the child for a period of time and identifies himself as the father to the child or is it the man who may or may not have a genetic connection to the child? As a side note, I cannot tell you how many times I have signed termination of parental rights orders—for example, on mom's husband when I knew there had been a genetic test that had established another person as the father for paternity purposes. It results in a deprivation of civil rights to that father which can have a very negative consequence against him.

CHAIR SPEARMAN:

Can you explain the deprivation of civil rights to that father a little more?

DISTRICT JUDGE WALKER:

Imagine the child's alleged father sitting in a case and nobody knows the genetics of the case at the onset. The husband is considered the presumptive father because the laws presume that if a child is born during the marriage of two parents, the husband is father to the child. Imagine the situation if the husband, although married, had never been with the mom during the period of conception of the child. Ultimately, if a genetic link cannot be established to some other human being, and if the husband takes a genetic test and it shows he is not the father—as a matter of good practice, the court will seek to terminate his parental rights. Again, there is a presumption under the law that

since the husband was married to the mom when the child was born, the husband is the father of the child. The result of that is a finding of parental fault against the husband in the case where he is not the child's father.

SENATOR RATTI:

What are we doing here that advances the best interest of the child?

DISTRICT JUDGE WALKER:

It gives the judge the ability, jurisdictionally, to adjudicate and ultimately establish the paternity of the child and have the ability to quickly and efficaciously determine if it is in the best interest of the child. There have been cases where we have discovered that a person that everyone identified to be the father is not actually the father. When the biological father of the child is identified, he becomes a placement option for the child. The married couple in my scenario might not be a safe placement option for the child. It is always best to find the truth and resolve the issue of paternity. Right now there is no subject matter jurisdiction and no mention of paternity in NRS 432B. I have regularly ordered that genetic testing occur, but testing is only part of the issue. In my scenario, it could be that a gentleman's name—he may be mom's paramour—is actually listed on the birth certificate of the child when, in fact, he is not father to the child. Currently, there is no way for a judge to untangle that mess easily. Senate Bill 483 would help align the facts of the case and the truth of the case in terms of parentage of the child.

BILL HART (Deputy Alternate Public Defender, Alternate Public Defender, Washoe County):

I was part of the model court group that came up with the wording of the information given just now. I spoke to Sean Sullivan of the Washoe County Public Defender's Office and he asked me to tell you they are in support of S.B. 483.

In NRS 432B cases, there is a population that has limited resources to legal representation. When a situation arises like what Judge Walker explained, they are forced to file their own petitions in different corresponding cases. If you look at any of the self-help forms or places that are available, paternity forms are not easy to fill out and file. There is a requirement to hire a paralegal or an attorney to help them through this process. Senate Bill 483 gives the judge the ability to make the determination. We are not making it any easier or harder to establish paternity; we are just offering them another avenue to enable the establishment

of paternity. I have been in court several times representing someone who has had his rights terminated on a child that was not his, and everyone in the courtroom knew the child was not his. The amount of unfairness in that person's life is insurmountable. There is a termination of parental rights on his record, and if there is any involvement with child protective services later, the parental rights issues will affect him negatively. The Washoe County Alternate Public Defender's Office, the Washoe County Public Defender's Office and the Washoe County District Attorney's Office came together with the bill's language, and they are in full support of S.B. 483.

CHAIR SPEARMAN:

We heard S.B. 305 last week that dealt with guardians ad litem. How does S.B. 483 add to protection or opportunities for children who find themselves in this situation?

SENATE BILL 305: Revises provisions regarding certain proceedings concerning children. (BDR 38-926)

MR. HART:

I do not know how S.B. 483 would protect or help children except to provide the truth of who their father is, and the actual father would be held responsible for the NRS 432B action and subsequent paternity actions or termination of parental rights. As far as legal resources, when someone is the alleged father but not the biological father, the instruction we have to give to the person is to go file his own paternity case. Right now that is foreign language to people. There are no self-help forms or easy pro bono workshop places for them to go for help. They can ask the lawyer in the library, but that is hit and miss as far as timing and answers needed. Senate Bill 483 establishes a way through a court proceeding where they are appointed an attorney to wrap it up and make sure paternity is correct.

JON SASSER (Washoe Legal Services; Legal Aid Services of Southern Nevada): Washoe Legal Services and the Legal Aid Services of Southern Nevada support S.B. 483. Senate Bill 305 gives the right to a child to have an attorney to represent him or her in all NRS 432B cases. The issue of paternity addressed in S.B. 483 would take place in a court with attorney representation.

BRIGID DUFFY (Chief Deputy District Attorney, Juvenile Division, Office of the District Attorney, Clark County):

The Clark County Office of the District Attorney that represents the Department of Family Services supports S.B. 483. Section 2 of S.B. 483 does not clarify who can file the petition to establish paternity, so if the child has an attorney pursuant to S.B. 305, the child can file a petition to establish paternity if that is what the child wants. Children are getting the ability to file legal documents within a case. It does not say the petition has to be filed by the State, by the parent or by the child; it can be filed by any party in the action.

AMBER HOWELL (Director, Department of Social Services, Washoe County):
The Washoe County Department of Social Services supports S.B. 483.

KELLY WOOLDRIDGE (Administrator, Division of Child and Family Services, Department of Health and Human Services):

The Division of Child and Family Services is neutral on S.B. 483. The Division of Child and Family Services is asking for a technical amendment on section 5. Anywhere it says the Division of Welfare and Supportive Services, it should say the child welfare agencies.

CHAIR SPEARMAN:

Have you talked to the sponsor of S.B. 483 about this?

MS. WOOLDRIDGE:

Yes, I just did. This error was in a bill we testified on last week, and we just realized it is on this bill as well.

NOVA MURRAY (Deputy Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services):

The technical amendment will make the fiscal note obsolete that the Division of Welfare and Supportive Services placed on S.B. 483.

SENATOR HAMMOND:

We are in support of the technical amendment, especially if it gets rid of a fiscal note.

CHAIR SPEARMAN:

I will close the hearing on S.B. 483 and open the hearing on S.B. 484.

SENATE BILL 484: Revises provisions relating to the licensing of foster homes.
(BDR 38-348)

SENATOR SCOTT HAMMOND, (Senatorial District No. 18):

Senate Bill 484 was requested by the Legislative Committee on Child Welfare and Juvenile Justice. Our Committee requested S.B. 484 on behalf of our State foster care licensing entities. At our work session last summer, Ms. Duffy explained that Nevada laws currently are more permissive and discretionary in certain instances than in federal law regarding foster care licensing. This is a discrepancy that has the potential to cause problems for our State agencies. With that in mind, S.B. 484 prohibits the licensure of a foster home applicant who has been the subject of a substantiated allegation of sexual exploitation, child abuse, or child abuse resulting in death, which is consistent with federal law. Additionally, S.B. 484 removes redundant language from NRS 424 regarding contributing to the delinquency of a child that is contained elsewhere in statute. Section 1 removes the requirement that a licensing authority must determine whether an applicant has been arrested for, has charges pending for, or has been convicted of contributing to the delinquency of a child, and it removes the ability for a licensing authority to deny, suspend or revoke a license to run a foster home if certain persons have been convicted of contributing to the delinquency of a child. Section 2, in turn, requires the licensing authority to deny, suspend or revoke a license in accordance with the provisions of the bill. Section 3 requires a licensing authority to terminate an employee, remove certain residents or prevent certain other persons from being present in a foster home if the employee, resident or other persons has had a report of child abuse or neglect substantiated against him or her. It also requires the licensing authority to deny, suspend or revoke a license if the substantiated report of child abuse involves sexual exploitation, sexual abuse or death of a child. Section 4 removes the requirement that the licensing authority obtain information to determine whether a person investigated has been arrested for, has charges pending for or has been convicted of contributing to the delinquency of a child.

Senate Bill 484 will be effective on July 1, 2017.

Ms. DUFFY:

Clark County has provided copies of the proposed amendment ([Exhibit J](#)) to the Committee. In section 2, subsection 9, language will be added saying, "Except as otherwise provided in subsection 10." In subsection 10, language will be added to say, "If a relative of a child does not pass a background check pursuant to subsections (8) and (9), the licensing authority may issue a special license pursuant to NRS 424.030 (4)." Sometimes relatives have particular values and advantages, and whether they have a conviction of a felony or domestic violence from potentially 20 to 30 years ago, we still could consider them for a waiver in order to place the children there because of the list of special values they have. This is specific to relatives only. In section 2, subsection 9, paragraph b, subparagraph 1, we are removing, "if the victim of the offense was 18 years of age or older when the offense was committed." We are removing section 2, subsection 9, paragraph b, subparagraph 3. This is language around driving a vehicle under the influence of alcohol which is not an Adoption and Safe Families Act (ASFA) violation.

Ms. HOWELL:

Currently, NRS 424.031 is permissive in relation to ASFA violations. The federal government has told child welfare agencies, these are the convictions that if they are in someone's background, the government will not help the family with Title IV-E reimbursement. The federal government does not indicate that the child welfare agencies cannot consider them, they just will not assist with reimbursement. The statute does not provide adequate safeguards and does not have any controls under which a child welfare agency may deny reimbursement. The statute needs to be tightened up so when the child welfare agencies deny under the ASFA violation rules, they will be clean. There may be times when the child welfare agency wants to waive an ASFA violation if the family has relatives with a significant bond. Child welfare agencies are plagued with this every day in Washoe County. Out of the 953 children in care, 23 percent of them are in paid relative placements, and 40 percent are in unpaid relative placements. Relatives are a significant safe care provider for our children, and child welfare agencies want the ability to waive crimes, under certain circumstances, to continue the familial bond. If a child welfare agency chooses to waive an ASFA violation, there will be a specific place in the NRS that addresses a special license, and the agency will be able to issue the relative a special license for the specific child.

CHAIR SPEARMAN:

Everything you are talking about is for foster care. A couple of weeks ago we talked about training for foster care parents who may be moving to adoptive parents. Is what you just spoke about going to be a part of the training requirements?

Ms. HOWELL:

Yes, this is part of the screening process up front, when the agency is determining whether a child should be placed in the home. The foster parents have to pass the screening before the training occurs. The foster parents will be well aware of what is required of them at the beginning of the orientation or meeting to discuss placement.

CHAIR SPEARMAN:

You spoke about some relatives being paid and some being unpaid. Could you elaborate on that?

Ms. HOWELL:

Most of the relatives are paid, similar to payments made to a regular foster care licensee or a foster home. Relatives also have the option to be licensed and then receive payment to assist with the financial support of caring for the child. It is very rare, or at least less often, that relatives do not choose payment. In Washoe County there are 40 relatives that do not choose payment. The payment is a foster care maintenance payment. It can be up to \$717 per child, per month, and helps with clothing, transportation, food and other things. Relatives have the same options as foster parents if they want to become licensed and receive the financial support.

CHAIR SPEARMAN:

We just recommended passage of S.B. 510. Is there any interaction between S.B. 484 and S.B. 510?

Ms. HOWELL:

Yes, there could be. There may be times when a child has been lingering in foster care for a number of years and is later placed with a relative. The option of a kinship guardianship is something that could be established. It would allow the child to achieve permanency, but also stay with a relative. The relative would continue with the financial stipend; it does not de-incentivize keeping children in foster care for longer periods of time than needed.

SENATOR HARDY:

If the child goes through the adoption process is there the ability to continue Medicaid coverage as an insurance program?

MS. HOWELL:

Yes.

PAULA HAMMACK (Acting Director, Department of Family Services, Clark County):
The Department of Family Services supports S.B. 484.

MR. SASSER:

The Legal Aid Services of Southern Nevada does not have any problems with S.B. 484 or the proposed amendment. However, there was a miscommunication between the Legal Aid Services of Southern Nevada and other persons about whether another piece would be in the amendment. Section 2, subsection 10 of the proposed amendment adds: If a relative of a child does not pass a background check pursuant to subsections 8 and 9, the licensing authority may issue a special license pursuant to NRS 424.030, subsection 4. It is the Legal Aid Services of Southern Nevada's desire to have fictive kin get the special licensing. Fictive kin is someone who is not a blood relative of the child, but may be longtime family friend the child has known for years and is comfortable with. In the opinion of the Legal Aid Services of Southern Nevada, fictive kin is a preferable placement over persons who are complete strangers in a foster home. It appears the agencies are not in favor of adding fictive kin.

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CHAIR SPEARMAN:

Please contact the sponsor of S.B. 484 to discuss your desires. I adjourn the meeting at 5:17 p.m.

RESPECTFULLY SUBMITTED:

Debbie Carmichael,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	10		Attendance Roster
S.B. 287	C	4	Megan Comlossy	Work Session Document
S.B. 318	D	1	Megan Comlossy	Work Session Document
S.B. 326	E	1	Megan Comlossy	Work Session Document
S.B. 355	F	1	Megan Comlossy	Work Session Document
S.B. 388	G	1	Megan Comlossy	Work Session Document
S.B. 510	H	1	Megan Comlossy	Work Session Document
S.B. 481	I	1	Brian M. Patchett / Easter Seals	Proposed Conceptual Amendment
S.B. 484	J	11	Brigid Duffy / Office of the District Attorney, Clark County	Proposed Amendment