

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

**Eightieth Session
April 26, 2019**

The Committee on Health and Human Services was called to order by Chairwoman Lesley E. Cohen at 12:38 p.m. on Friday, April 26, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Lesley E. Cohen, Chairwoman
Assemblyman Richard Carrillo, Vice Chairman
Assemblyman Alex Assefa
Assemblywoman Bea Duran
Assemblywoman Michelle Gorelow
Assemblyman Gregory T. Hafen II
Assemblywoman Lisa Krasner
Assemblywoman Connie Munk
Assemblywoman Rochelle T. Nguyen
Assemblyman Tyrone Thompson
Assemblywoman Robin L. Titus

COMMITTEE MEMBERS ABSENT:

Assemblyman John Hambrick (excused)

GUEST LEGISLATORS PRESENT:

Senator James A. Settelmeyer, Senate District No. 17
Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1
Senator Heidi Seevers Gansert, Senate District No. 15

STAFF MEMBERS PRESENT:

Marsheilah Lyons, Committee Policy Analyst
Eric Robbins, Committee Counsel
Christian Thauer, Committee Manager

Minutes ID: 1036



Terry Horgan, Committee Secretary
Alejandra Medina, Committee Assistant
Sandro Figueroa, Data Information Technician

OTHERS PRESENT:

Frank P. Sullivan, Judge, Department O, Family Division, Eighth Judicial District Court
Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office
Denise Tanata, Executive Director, Children's Advocacy Alliance
Kelly Venci Gonzalez, Children's Attorneys Project, Legal Aid Center of Southern Nevada
Lisa Swearingen, Chief, Eligibility and Payments Unit, Division of Welfare and Supportive Services, Department of Health and Human Services
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada

Chairwoman Cohen:

[Roll was taken. Committee rules and protocol were explained.] We are going to take the bills out of order today and start with Senate Bill 477.

Senate Bill 477: Prohibits the release of a child to a parent or guardian in certain circumstances. (BDR 38-1005)

Senator James A. Settelmeyer, Senate District No. 17:

I represent all of Douglas, Lyon, Storey, and Churchill Counties. One of the counties, Douglas, is a border county because it is right next to the California state line. On occasion, individuals have contacted me about custody disputes. Under Nevada law, if someone is from another county and the other parent harmed a child, the court is pretty clear—you are not supposed to turn the child over to that person. However, there seems to be a loophole if that person committed the offence in another state. Nevada's laws are clear—if the offence occurred in Nevada, do not turn the child over to someone who perpetrated such an offence. But if the individual offended in California, or if it concerns another child, the other court will allow that to be overlooked rather than assuming if you harmed one child, you may harm another child.

That loophole is what the bill is trying to close in section 1 which would include *Nevada Revised Statutes* (NRS) 432B.410 to 432B.590, inclusive. We want to add in the concept "the law" of another jurisdiction that prohibits the same or similar conduct . . . or any other child." Existing law does allow that "unless the court finds by clear and convincing evidence presented at the proceeding that no physical or psychological harm to the child will result from the release of the child to that parent or guardian," they cannot release that child to the parent or guardian. So there is still that opportunity just as there is in existing Nevada law. We just want to add the other conditions into law. In my communities, the judges would like

this to be more clearly spelled out. Judge Sullivan in Las Vegas is available to add his testimony.

Chairwoman Cohen:

Judge, do you have any testimony you would like to add before we take questions?

Frank P. Sullivan, Judge, Department O, Family Division, Eighth Judicial District Court:

I am here to testify in support of Senate Bill 477. As was indicated, if a parent or custodian is convicted of child abuse or neglect under Nevada law, then NRS 432B.555 provides that you cannot release that child to that parent or guardian unless you make clear and convincing evidence that no harm would come to that child. This revision makes it clear that it would apply for any conviction of child abuse and neglect no matter what jurisdiction that conviction comes from. Since it was originally limited to Nevada statutes, this bill would make it for any conviction of child abuse or neglect in any jurisdiction.

The other part that says, "or any other child," was added to be consistent with NRS 432B.330 which says that if a child has been abused or neglected that child is in need of protection. It also says if another child has been abused or neglected by the custodial parent, that child may be in need of protection—or any other child. It adds that provision to it so you would look at all the children who that parent may have abused or neglected and make sure it is safe for those children to return.

Chairwoman Cohen:

We have situations in which Nevada law is different from law in other states—for instance, the use of marijuana or parents who might be working in fields that in other states might not be considered to be very savory. Senator Settlemeyer mentioned that the judge still has authority, so the judge can consider the best interests of the child. Is this bill taking that into consideration—that there might be something in another state that is not acceptable there but is acceptable in our state?

Judge Sullivan:

Yes, I think it does. The court would look to see if that law in another jurisdiction is the same or similar. We would take that into consideration when determining child abuse or neglect or endangerment. If the endangerment was based on use of legalized marijuana, or whatever, and that jurisdiction felt that was sufficient, we would look at that from our court in deciding whether it would constitute child abuse or neglect in our statutes and then make that a similar statute with this. I would look at it in comparison with the Nevada law to see if that is similar or the same conduct as NRS 200.508 prohibits. That is what I would do—look at it for that match and make sure that it is the same issue that would constitute abuse or neglect in Nevada.

Chairwoman Cohen:

Thank you very much. Are there any other questions?

Assemblyman Carrillo:

My question involves reciprocity among states. Do California, Arizona, Idaho, and Utah do the same thing this bill is expected to achieve?

Senator Settelmeyer:

I did not look into that aspect, but Judge Sullivan may have a better idea if other states have reciprocity or laws that are similar to this. It seems commonsense to me that you would want to make sure the children are protected. I will gladly look into it and get back to you with an answer.

Assemblyman Carrillo:

Are we inventing the wheel on this? Are other states going to take hold of this and say this is a great idea? I just wonder if other states are already doing this.

Senator Settelmeyer:

I will look into that. Judge Sullivan, do you know?

Judge Sullivan:

I have not researched that issue of reciprocity. I would imagine that in general child welfare practices, we do look to abuse and neglect—and abuse and neglect of other children in making a best-interest determination for the safety and welfare of the children.

Assemblywoman Titus:

Thank you, Senator Settelmeyer and Judge Sullivan, for being here today. I think it is important we recognize that some of these issues of neglect and other problems do not know state lines. My question regards the addition of "or any other child." Is that standard terminology? Do other states also use that? If someone was convicted of abusing a child decades ago, how long would that last? What if that person had another child or acquired a stepchild? I am just trying to clarify whether if you lose one child, would you then lose them all?

Judge Sullivan:

No, we have many cases—for instance drug-exposed infants—where the parents may have lost one or two children to termination of parental rights. If they have another child, that would not automatically mean they are not going to be able to keep that child. For the courts, if there has been a conviction for child abuse or neglect of a child who had resided with that parent, we would look at that to see how remote it was. Was it 20 years ago? How old was the child when it happened? First, they would have to prove that this newborn child is in need of protection. They would have to prove the statute before we got to NRS 432B.555, which applies when you are releasing after you have had adjudication where a child has been found to be abused or neglected. *Nevada Revised Statutes* 432B.555 applies when we get into those issues, so first they would have to prove that the child was subjected to new abuse or neglect, then when we get to 432B.555, you are talking about returning that child home. If they had a prior conviction, we would look to see how long ago it was, what the nature of that conviction was, and whether it dealt with a newborn or a 15-year-old. It would not be on

point until you made a separate finding by a petition under NRS 432B.410 through 432B.590 that this newborn child is in need of protection and is being abused and neglected.

Assemblywoman Titus:

So what I am hearing you say is that it does not automatically pull in all their children, and that the judge has the discretion to look at all of it.

Judge Sullivan:

Yes. We consider the totality of the circumstances, but this would not pull that child in. The state would have to file a separate petition saying that this newborn child is in need of protection from abuse and neglect. If, for example, the person was convicted of child abuse two months ago, of course, that could be the basis for a new petition. But they really have to show a connection with that conviction to prove that the child is in need of protection and is being subjected to abuse and neglect before we get to this presumption about returning the child home.

Chairwoman Cohen:

I am concerned about the language on page 1, lines 7 and 8, that reads "the law of another jurisdiction that prohibits the same or similar conduct." Can you talk about "similar conduct"? Some people might be concerned that the language is vague.

Eric Robbins, Committee Counsel:

Certainly Judge Sullivan is probably better than I am to talk about what they would consider "similar conduct" since they are the ones who will be implementing this, but I would interpret that to mean similar to conduct that is prohibited by NRS 200.508. It would have to be something similar to something that is considered to be child abuse in this state.

Judge Sullivan:

I agree with counsel. *Nevada Revised Statutes* 200.508 talks in specifics about different types of child abuse and neglect, but I think the purpose is to deal with conviction for child abuse, neglect, or endangerment in other jurisdictions. *Nevada Revised Statutes* 200.508 gives some specific types of conduct that would constitute that, but I think the issue is either to look to see if it falls within that NRS 200.508 scheme of abuse, neglect, or child endangerment.

Chairwoman Cohen:

I do not see any further questions, so I will open the hearing for testimony in support from Las Vegas or Carson City.

Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office:

On behalf of the Department of Family Services in Clark County, I am putting our support for S.B. 477 on the record. We believe this will assist us in ensuring the safety of children who may be released back home where a parent or guardian has been convicted of child abuse or neglect, and not just under the NRS here in Nevada but under any state jurisdiction.

That loophole is closed; it does not have to be about the child at question but it could be about a sibling to that child who might now be deceased. If we have the sibling in our care, we want to make sure that we are entitled to that hearing where the court would decide by clear and convincing evidence that no physical or psychological harm to the child would result from returning that child back to the parent or guardian.

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

We are in support of S.B. 477.

Chairwoman Cohen:

Seeing no one else in support, we will move to opposition. Is there anyone in Las Vegas or in Carson City who wishes to speak in opposition? [There was no one.] Is there anyone in Carson City or Las Vegas who wishes to give neutral testimony? [There was no one.] Would you like to make any closing comments?

Senator Settlemeyer:

We appreciate the opportunity to present this bill. I think it tightens up a loophole that exists now to make sure the children are protected, and by passing this bill, it will do just that. Thank you.

Judge Sullivan:

I want to thank you for this opportunity and for Senators Settlemeyer and Pickard for bringing this before the legislative body. I think it is an important issue for our children to make sure we are taking every effort to keep our children safe, including other siblings. I think this bill helps us provide that and keep the court focused. Again, it gives the judges something that makes sure we address all the issues and makes sure before we send children home that there will be no psychological or physical harm done to those children.

Chairwoman Cohen:

I will close the hearing on S.B. 477 and open the hearing on Assembly Bill 498.

Assembly Bill 498: Revises provisions relating to fictive kin caregivers. (BDR 38-452)

Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1:

During the 2017-2018 Interim, I had the honor to serve as Chair of the Legislative Committee on Child Welfare and Juvenile Justice. We heard testimony from numerous organizations on various topics concerning our children. One of those organizations was the Children's Advocacy Alliance, which presented information regarding fictive kin providers. Fictive kin providers are individuals who have a family-like tie to a child and are the preferred placement for a child when blood relatives are unable or unwilling to provide care for the child. These placements allow a child to grow to adulthood in a family environment and maintain connections to their family, community, and identity.

Kinship caregivers differ from foster parents because they are unlicensed when they first accept children into their homes, which means they are not entitled to the financial support

that non-kin foster parents receive. For most kinship caregivers, having a child placed in their care can become financially burdensome, as many of these caregivers are retired and living on fixed incomes. More than one-third are living in poverty and may be in poor health. The cost has caused some fictive kinship providers to decline the placement and/or request that the child be removed short months after being placed in their homes. What Assembly Bill 498 will do is help offset the financial burden by allowing fictive kin providers to receive some assistance in providing care to these children.

Chairwoman Cohen:

There is a proposed amendment ([Exhibit C](#)) from the Children's Advocacy Alliance on the Nevada Electronic Legislative Information System. It is a minor amendment having to do with the effective date. Will you please address that?

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

[Denise Tanata's testimony included excerpts from ([Exhibit D](#)).] I would like to thank Assemblywoman Monroe-Moreno for moving forward with A.B. 498 to make sure we are providing appropriate supports for fictive kin in our system. I also want to recognize Alison Caliendo and Foster Kinship, which is an organization that provides support and technical assistance for kinship care providers throughout the state of Nevada ([Exhibit E](#)). It was her organization that brought this issue to our attention.

In Nevada, there are two main sources of financial support for qualified kinship families. The first is the Title IV-E of the Social Security Act. Relative and fictive kin families may become licensed as foster parents and receive the same foster care reimbursement that foster parents receive. The process is not mandatory and is managed by the child welfare agencies. It can take about 90 to 120 days, which leaves many kin families struggling to pay the bills while they are working to become licensed while caring for new children in their homes.

The second is Temporary Assistance for Needy Families (TANF). During the time kin are working to become licensed, many relatives' families may be eligible for a smaller form of financial support from the TANF grant offered through the Division of Welfare and Supportive Services within the Department of Health and Human Services. Child-only TANF, also known as Non-Needy Relative Caregiver TANF, is available to individuals caring for dependent children other than their own biological children who meet specific conditions. Due to the relationship requirements, fictive kin families are not currently eligible for any of this assistance.

In 2016 the state established the Nevada Kinship Guardian Assistance Program (KinGAP) which is designed to expedite legal permanency for children in foster care who are not able to return home or be adopted. Nevada KinGAP provides the child with an opportunity to live with relatives who have demonstrated a strong commitment to caring for the child on a permanent basis and have developed a loving and nurturing relationship with the child. Financial resources under this program are negotiated based on the needs of the child, but may not exceed the monthly foster care reimbursement rate. Currently, this option is also not available to fictive kin families because they are not considered "relatives."

Fictive kin are treated as relatives in the child welfare system with the ability to be unlicensed caregivers and to do an expedited licensing process. However, not providing equitable financial support options for fictive kin means that this valuable family placement is often unable to continue due to a lack of resources.

The federal Families First Prevention Services Act of 2017 makes it clear that children should be in family settings, so all efforts should be made to support the kin families that step up for children regardless of their blood relationship. This should reduce strain on the family, reduce trauma for the children, and, in turn, increase placement stability.

Assembly Bill 498 includes some basic provisions to ensure access to these supports for fictive kin providers. Section 1 requires the state to include in the State Plan for TANF eligibility for fictive kin to receive Child-Only TANF if all the other applicable conditions are met. This section also defines "fictive kin" as "a person who is not related by blood to a child but has a significant emotional and positive relationship with the child."

Section 2 provides a conforming change to include section 1 and relevant portions of *Nevada Revised Statutes* (NRS) Chapter 422. Sections 3 to 9 require the state to include fictive kin in the Kinship Guardianship Assistance Program and also makes conforming changes to NRS Chapter 432B.

Section 10 establishes the effective date. For this we have submitted a friendly amendment ([Exhibit C](#)). The original language in the bill established the effective date as July 1, 2019; however, after consultation with the Division of Welfare and Supportive Services, they have identified that they will need to put system enhancements in place for the Child-Only TANF to be eligible for fictive kin. Working with them, we are putting forth the amendment to section 10 stating that sections 1 and 8 of this act would become effective on July 1, 2020, allowing them time to do the system enhancement. There would also be an addition to the bill indicating that sections 2, 3, 4, 5, 6, 7, and 9 become effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act.

Kelly Venci Gonzalez, Children's Attorneys Project, Legal Aid Center of Southern Nevada:

I have represented kids or the agency for about 18 years as an attorney. I came from a jurisdiction that allowed fictive kin to be considered relatives for subsidy purposes. In the 10 years I practiced there, they went from having about 3,000 kids to about 1,500. There were a lot of things going on there to reduce the number of kids in care, but one of them was to give the courts and give the agency more options to pursue permanency for children and get them out of the system. We all know that kids do not fare well when they grow up in foster care. They need to exit the system; they need to have a relationship with a caregiver that is going to be there for them. They do not need the case management and the ongoing visits from attorneys and care workers, et cetera. We need to give them the chance to be a family.

A lot of the families that step up—the fictive kin, the relatives who step up—are not preparing to be foster parents, are not preparing for another child in their house, but they accept the challenge and they accept the children because they have a relationship with them. Many are of modest means and they do not have much in the way of finances. When you take a child from removal, a lot of them have no clothing, they need dental and medical care, they have to get to therapy for visits; we are asking these folks to do that with no compensation or support to help that happen. This provides an important tool for the agency and for the courts to make sure that we are taking care of and supporting our kids who do go to fictive kin. At the Legal Aid Center of Southern Nevada, we support this bill and this amendment and hope that you will support it as well.

Chairwoman Cohen:

Who makes the decision about fictive kin and if that person is actually close enough to the child and meets the requirements?

Kelly Gonzalez:

In my experience, when child protective services is doing their investigation, they gather information and ask family and parents for family members or those who had a relationship with the child. If they go through the relatives and no relatives are able, then they look to fictive kin who might not be blood-related but who have a substantial and significant relationship with the child.

I have seen it become difficult if a child is born substance-exposed in the hospital. It becomes a little more difficult to figure out whether a person is fictive kin to a child who was just born. In my experience, they look for family, or if there is nonfamily, and determine who is most prepared to take care of that child. Also, if the child is old enough, they ask where the child would feel more comfortable going.

Chairwoman Cohen:

Can you tell us approximately how many children fall into this position where there is no relative but there is someone—fictive kin—who could step in and raise them?

Denise Tanata:

Looking at fiscal year 2017, our numbers show approximately 20 percent of kinship placements are with a fictive kin caregiver and about 39 percent of children in foster care in Nevada live in a kinship placement. That might add up to around 350 children.

Assemblywoman Monroe-Moreno:

I have numbers from the Department of Health and Human Services. For fiscal year 2018 in Clark County, there were 348 children. In the rural areas there were 42 children, and in Washoe County there were 15 for a total of 441 children.

Chairwoman Cohen:

Are there additional questions?

Assemblyman Assefa:

To implement this, you said there would need to be system enhancements. What kind of system enhancements need to be made and how long will that take?

Lisa Swearingen, Chief, Eligibility and Payments Unit, Division of Welfare and Supportive Services, Department of Health and Human Services:

In order to implement this, it would require us to build a new aid code in our system which is specific to this program. Then we would make changes to add a relationship code. Right now, it is not an eligibility factor, so we do not currently gather that. The fiscal note we put forward for this would address those changes.

Assemblyman Assefa:

How long would it take to do this?

Lisa Swearingen:

When I spoke with our information technology staff, they believed it would take until July 2020 to make those changes.

Assemblywoman Titus:

Could you clarify? Are the 441 children currently living in a kin family, a fictive kin family, or a foster family?

Lisa Swearingen:

These numbers were provided to us by the Division of Child and Family Services in the Department of Health and Human Services. These are children who were placed with fictive kin in calendar year 2018.

Assemblywoman Titus:

Are you differentiating between a kin family and a fictive family? How many are living in a blood-relationship family? Is that different from this number?

Lisa Swearingen:

On our side, we would pick up kids under our Non-Needy Relative Caregiver or our Kinship Care programs. I did not bring those numbers with me but I can provide them to you.

Assemblywoman Titus:

So this number is just fictive kin?

Lisa Swearingen:

Correct.

Chairwoman Cohen:

Seeing no other questions, we can move on to support. Does anyone in Las Vegas or in Carson City wish to speak in support?

Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office:

On behalf of the Department of Family Services in Clark County, we are in support of this bill. We are very supportive of any legislation that will assist us in allowing children to go into fictive kin placements and be supported financially so that we can maintain those placements and keep them out of foster care.

Chairwoman Cohen:

Seeing no one else in support, we will move to opposition. Is there anyone in opposition in Las Vegas or in Carson City? [There was no one.] Seeing no one, let us move to neutral. Does anyone wish to speak as neutral in Las Vegas or in Carson City?

Lisa Swearingen:

We just want to thank Assemblywoman Monroe-Moreno for presenting the bill, bringing it forward, and allowing us the opportunity to make the additional changes we would need to make to our system to accomplish this.

Chairwoman Cohen:

Assemblywoman, do you want to come back for closing statements or do you want to waive them? [Assemblywoman Monroe-Moreno waived the closing statements.] [([Exhibit F](#)) and ([Exhibit G](#)) were submitted but not discussed and are included as exhibits for this meeting.]

We will now close the hearing on A.B. 498 and open the hearing on Senate Bill 184 (2nd Reprint).

Senate Bill 184 (2nd Reprint): Revises provisions relating to the protection of children. (BDR 34-668)

Senator Heidi Seevers Gansert, Senate District No. 15:

Last session I brought a bill, Senate Bill 287 of the 79th Session, that addressed a problem well known across the United States as "passing the trash." Essentially, school personnel and individuals who have regular contact with students took advantage of their positions and abused or had inappropriate relationships with students. These individuals were frequently allowed to resign from their paid positions, leaving no record of the abuse or of the relationship.

Senate Bill 287 of the 79th Session required reports of abuse to be investigated externally by county-based child protective services agencies, and in some cases, by law enforcement. Since passage of S.B. 287 of the 79th Session, these investigations have yielded numerous substantiated reports, so S.B. 287 of the 79th Session is helping make our kids safer.

The reason I brought this bill is because recently I learned that some school districts, when there is a substantiated report, are not providing that information to the parent or guardian. There has been a lack of transparency. Certainly, if your child has been the victim of abuse,

you should have access to the report to know what happened and if any disciplinary action was taken as a result.

The easiest way to go through this bill is from the back forward. If you look at section 3, subsection 1, of the bill, it requires that the agency providing child welfare services must provide the parent or guardian with a summary of the outcome of the investigation and any disciplinary action taken against the person who allegedly committed the abuse or neglect.

Section 2, subsection 1, paragraph (d), requires that the information can be shared with an attorney for the child or parent or guardian of the child. Section 1, subsection 2, was added through amendment in the Senate. It basically allows the investigating agency to request consent from the parent or guardian to interview a child who is a witness. When they investigate, sometimes there is a child who may be a witness, but they do not have access to that child. This provides a process whereby the school district can contact and get information to provide to protective services for the investigation to see if that child witness will be allowed to be interviewed. With me today from Clark County is Brigid Duffy who brought this information forward to me.

Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office:

Thank you, Senator Gansert, for Senate Bill 184 (2nd Reprint) and thank you very much for S.B. 287 of the 79th Session. That piece of legislation went a very long way toward protecting children within our state while at school and away from their parents.

In school year 2017-2018, we had 127 reports to the child welfare agency hotline in Clark County with allegations of abuse or neglect in the schools. Of those 127 reports, the agency substantiated 14 cases of abuse within the school. In the school year to date, 2018-2019, the agency has taken 137 calls of abuse or neglect for children in the Clark County School District. Year to date, we have substantiated 16 of those allegations of abuse or neglect, so this was a very significant piece of legislation. The other significance of S.B. 184 (R2) and the reason we need it is because 75 percent of the allegations are occurring in special education classrooms. The alleged victims of these allegations of abuse or neglect are usually nonverbal, and the witnesses we have are children. There are laws that protect children's information with the school, so what S.B. 184 (R2) is doing is clearly allowing the child welfare agency to interview child witnesses to an allegation of abuse or neglect in the classroom. The schools would have to seek the consent of a child witness's parent or guardian so the agency could talk to the child. It is all-around consent, of course. A child witness's parent could say, No, I do not want you talking to my child. That is their prerogative because they are the parent of the child witness; at least it allows us the opportunity to ask and attempt to interview that witness.

The other thing we ran into after the passage of S.B. 287 of the 79th Session was the release of information to the parent of the child who is alleged to have been abused. When S.B. 287 of the 79th Session was drafted, it lifted a lot of the confidentiality of information from *Nevada Revised Statutes* (NRS) Chapter 432B and placed it into NRS Chapter 392. What it

failed to do was allow an exception to confidentiality to tell the parent of the alleged child victim what is going on with the case. Senate Bill 184 (2nd Reprint) will now allow the child welfare agency to provide information to the alleged child victim as to what is going on with the investigation, and ultimately, the outcome of the investigation. It also allows that parent or guardian to be able to third-party disseminate that information to the child's attorney.

Kelly Venci Gonzalez, Children's Attorneys Project, Legal Aid Center of Southern Nevada:

I am the team chief for the education advocacy program, and part of our responsibility is to represent families in special education proceedings. We have had families come to us who believe their children were abused. They had pictures of bruises. They made complaints that fell on deaf ears. It is really an issue of transparency. They want to know if these allegations are being fully investigated by someone and what happens. I have worked with Ms. Duffy to help us get more information about what is going on with our families and the disposition of these cases, but I know her hands are tied. We find that sometimes child protective services are not even being called to do a sort of unbiased investigation about what happened in the school when they probably should be. So those are our two major concerns, and I think the amendments will provide more transparency for parents to know that their kids in special education classes are being protected and are safe.

Chairwoman Cohen:

Are there any questions? [There was no response.] I was somewhat concerned when I was reading through this bill about the other child witness. I know this is a little off from the bill, but what is the process when a child at the school says, "My friend Joey says" We know that children can often be coached, and I feel as though working through another child is somewhat like a game of telephone. Could you briefly address that?

Senator Seevers Gansert:

The original complaints are usually brought by other teachers or school personnel. My understanding about why they want to be able to interview a child witness is because, as was mentioned, a lot of times the victims are nonverbal. There would be consent, but that is an investigatory process and does not concern the part of the bill dealing with an allegation.

Brigid Duffy:

What is missing in the context of S.B. 184 (R2) is the language of the original S.B. 287 of the 79th Session which made teachers mandated reporters of teacher or volunteer abuse or neglect of a child. What S.B. 287 of the 79th Session did was basically say if a teacher witnesses another teacher or a teacher has information that reasonably causes them to believe that a child in their classroom is being abused or neglected, they must report it. In your example, Chairwoman Cohen, if another child says to a teacher, "I saw Ms. Smith hit Johnny," then that teacher may have reasonable cause to believe that there is abuse going on in Ms. Smith's classroom with Johnny and she would be the mandated reporter. But there would have to be enough information to cause her to have that reasonable cause to believe. That basis still has to be there, and then there is the mandated reporting aspect.

A call would then go to the child welfare agency and be assessed as to whether they are going to go out to the school to investigate that allegation of abuse. That is when we would need to question the witnesses. Already within the statute passed last session is that anyone who interviews these child witnesses has to have experience in interviewing children. We have to make sure whoever is investigating has knowledge about how to interview a child forensically with open-ended questions and not leading or suggestive questions. In Clark County, we have some really good expert forensic interviewers within our child welfare agency who deal with child abuse, specifically sex abuse and physical abuse, to help decide whether there has been some coaching within the circumstances.

Chairwoman Cohen:

In section 1, subsection 1, there is a strikeout. I was wondering about that.

Brigid Duffy:

This language in section 1 was taken from NRS Chapter 432B. In NRS Chapter 432B, we as a child welfare agency are investigating abuse within the home. That original statute in Chapter 432B gave the agency the authority to interview every child in the home and not just the child victim. The sibling of the child would be covered if the sibling attends the same school, because now they could be the witness. We would not need to interview every child or a sibling of the child. It would have to be relevant because that child would be a witness to the abuse that happened in the school.

Chairwoman Cohen:

Are there further questions? [There was no reply.] Seeing none, we will move to support. Is there anyone in Carson City or in Las Vegas in support?

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

The Children's Advocacy Alliance is in strong support of this bill.

Chairwoman Cohen:

Seeing no one else in support, we will move to opposition. Is there anyone who wishes to speak in opposition? [There was no reply.] Seeing no one, is there anyone who wishes to speak in neutral?

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

I come here. The bill looks nice; it is important to protect children. I care about their safety, but I have not read the entire bill. There could be some fine print, so there could be something I am not aware of. However, I am pretty optimistic about it.

Chairwoman Cohen:

Seeing no one else in neutral, I will invite the presenters back up for any final comments.

Senator Seevers Gansert:

Thank you, Madam Chairwoman and members of the Committee. I appreciate your consideration of this bill. I think it is a strong follow-up to S.B. 287 of the 79th Session in

that any parent whose child has been the victim or alleged victim of abuse and neglect needs to know what the outcome is—whether substantiated or not—and then receive the summary of the report as stated in the bill.

Chairwoman Cohen:

With that, I will close the hearing on S.B. 184 (R2) and open for public comment. [There was no response.] Our next meeting will be Monday, April 29, at the conclusion and adjournment of floor session or 12:30 p.m., whichever is later. With that, we are adjourned [at 1:29 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblywoman Lesley E. Cohen, Chairwoman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to Assembly Bill 498 presented by Denise Tanata, Executive Director, Children's Advocacy Alliance.

[Exhibit D](#) is a fact sheet, dated April 26, 2019, incorporated into testimony presented by Denise Tanata, Executive Director, Children's Advocacy Alliance, in support of Assembly Bill 498.

[Exhibit E](#) is a letter dated April 25, 2019, to members of the Assembly Committee on Health and Human Services, authored by Alison Caliendo, Executive Director, Foster Kinship, submitted by Denise Tanata, Executive Director, Children's Advocacy Alliance, in support of Assembly Bill 498.

[Exhibit F](#) is a letter dated April 25, 2019, to members of the Assembly Committee on Health and Human Services, submitted by Algie Elzy, Private Citizen, Las Vegas, Nevada, in support of Assembly Bill 498.

[Exhibit G](#) is a letter dated April 25, 2019, to members of the Assembly Committee on Health and Human Services, submitted by Kat Case, Private Citizen, Las Vegas, Nevada, in support of Assembly Bill 498.