

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

**Eightieth Session
April 5, 2019**

The Committee on Health and Human Services was called to order by Chairwoman Lesley E. Cohen at 12:32 p.m. on Friday, April 5, 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:

Assemblywoman Ellen B. Spiegel, Assembly District No. 20
Assemblywoman Shea Backus, Assembly District No. 37



STAFF MEMBERS PRESENT:

Marsheilah Lyons, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Terry Horgan, Committee Secretary
Alejandra Medina, Committee Assistant

OTHERS PRESENT:

Jacob Schnog, Private Citizen, Las Vegas, Nevada
Bobbie Gang, Private Citizen, Las Vegas, Nevada
Lisa Foster, representing State of Nevada Association of Providers
Nate Boyack, President, State of Nevada Association of Providers
Karen Schnog, Private Citizen, Las Vegas, Nevada
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office
Alex Ortiz, Assistant Director, Department of Administrative Services, Clark County
Jill Marano, Assistant Director, Department of Family Services, Clark County
Xavier B. Planta, Deputy Directing Attorney, Children's Attorneys Project, Legal Aid Center of Southern Nevada
Karla Rios, Private Citizen, Las Vegas, Nevada
Bailey Bortolin, Statewide Advocacy, Outreach and Policy Director, Nevada Coalition of Legal Service Providers

Chairwoman Cohen:

[Roll was taken. Committee rules and protocol were explained.] I will open the hearing on Assembly Bill 287.

Assembly Bill 287: Imposes certain requirements on the amount of pay an employer of practitioners of applied behavior analysis must provide to such practitioners from reimbursement received from Medicaid. (BDR 38-1078)

Assemblywoman Ellen B. Spiegel, Assembly District No. 20:

I am here today to discuss Assembly Bill 287. It has been a long-standing policy direction for our state to help individuals with intellectual disabilities receive long-term care in home and community settings rather than in institutions. This bill is designed to help achieve that policy goal. As a member of the Assembly Ways and Means and Interim Finance Committees, I have heard testimony that, because of our Medicaid reimbursement rates, many of the front-line staff who provide direct services to some of the individuals in supportive living arrangements and through jobs and day training programs do not earn much more than minimum wage. This leads to staff instability and challenges in providing quality care to some of our most vulnerable citizens. At the same time, I have heard from clients' family members who want to ensure that increases in Medicaid reimbursements— requested so that staff can be paid more—are actually passed along to staff.

That is where Assembly Bill 287 and the conceptual amendment Ms. Lisa Foster submitted ([Exhibit C](#)) come in. When I originally approached the Legal Division of the Legislative Counsel Bureau, I wanted to ensure this bill would cover people who have been recipients of applied behavior analysis (ABA) therapy and who received direct services through supportive living arrangements (SLAs) and job and day training programs. I did not intend this bill to cover providers of ABA therapy. These changes are addressed by the conceptual amendment you have before you ([Exhibit C](#)), which also covers potential increases in the minimum wage.

With that, there is someone in Clark County to testify as part of the presentation.

Chairwoman Cohen:

Are there any questions?

Assemblywoman Titus:

I, too, sitting on the same committees as you, heard about providers not being paid enough. In section 1, subsection 1 of the bill, it says, "a person who provides such services that enters into a contract with Medicaid must agree to increase the amount paid to its employees who provide applied behavior analysis services." Perhaps your amendment clarifies this, but were you anticipating that the provider or group that employs the actual caregiver—the person who goes into the home or does the work—if that person gets a certain percent increase by the state, would that entire increase be limited to the increase in the salary of the employee?

Assemblywoman Spiegel:

Let us say the pay for a provider's staff who work in these positions makes up 30 percent of payroll, and that is based on their job classifications. If we increase Medicaid reimbursement rates to that provider by whatever dollar amount, then at least 30 percent would have to go toward employee compensation for those employees. We are trying to come up with a way to make sure the employees get the benefit of the pay increase.

Assemblywoman Titus:

In my mind this is still a slippery slope. When you put an actual percentage figure in there, if there is an increase in employees' health care costs, or if other business expenses for that employee increase, the employee may not see an increase in salary. I am concerned that it is not going to get where your intentions want it to go. If that is how the percentage is, then the employer could say that the costs for insurance, overtime, mandatory sick leave, or other things that could potentially be mandated and/or changed, it could cause not a penny to get to that employee.

Assemblywoman Spiegel:

The intent is related to employee compensation. That would include an employer paying for their insurance as well as paying for things like sick leave and other mandates that are part of an employee's compensation. It would not include if the employer decided to buy a new van, nor would it include paperclips and staples.

Assemblywoman Titus:

I appreciate that intent, but that is my concern, and that is why I wanted clarification. I, too, am concerned that if we mandatorily raise reimbursement for these providers, the employees would not see it at all, so thank you for that clarification.

Assemblyman Hafen:

In looking at other information on the Nevada Electronic Legislative Information System [page 1, ([Exhibit D](#))], it appears that there is a range, but it looks as though Medicaid reimbursement is \$31.30 per hour, but we might possibly be going to \$44 per hour. Is that correct?

Assemblywoman Spiegel:

I do not know. I know that a lot of the people who are providing the actual services are earning around \$9 per hour, so regardless of what the reimbursement rate is to the overall company, I am looking at what the direct providers of service are earning. You will hear testimony shortly about the concern that someone providing services is not going to be able to afford to keep that type of job. They earn so little, the cost of living goes up, and it is very difficult. I was not looking at what the actual reimbursement was, I was coming up with a methodology. If employees are the reason we are increasing the Medicaid reimbursements, I want the employees to actually be seeing an increase. I am not necessarily talking about the dollar amount of the reimbursement.

Chairwoman Cohen:

I did not see a definition of "employee," but I assume we are talking about people we consider to technically be employees and not independent contractors, even if their contract is solely with this company and all their work is through this company.

Assemblywoman Spiegel:

That is correct. That is how it is written, and that is the intention.

Chairwoman Cohen:

We will go down south for additional testimony.

Jacob Schnog, Private Citizen, Las Vegas, Nevada:

This is Jacob Schnog for the record.

Bobbie Gang, Private Citizen, Las Vegas, Nevada:

Madam Chair and members of the Committee, my name is Bobbie Gang. I am Jacob Schnog's grandmother, and I will introduce him. Jacob is autistic, he is 19 years old. He is very smart and very verbal. He always has brilliant ideas in his head that he likes to talk about. He is very excited about being here today. In order to keep him on topic, I thought I might interview him since he is in front of a TV camera. Is that all right? We will do a little interview. I will ask him questions and he will tell you what he thinks.

Chairwoman Cohen:

Yes, that will be fine.

Bobbie Gang:

This is Bobbie Gang, for the record. Jacob, do you know what the legislators we are talking to do?

Jacob Schnog:

They make laws.

Bobbie Gang:

Very good, and today they are talking about a law that has to do with the people who work in your group homes and how much those people will be paid. You have been living in your new group home for almost 6 months. I would like to know how you feel about the house and about the staff who work with you.

Jacob Schnog:

I really like the staff a lot, but some of the staff do not really listen sometimes.

Bobbie Gang:

They do not listen to you?

Jacob Schnog:

Yes, when I say I want to go for a walk, or I want to go somewhere, or I want to go in a car, or I want to go on an outing on a weekend—they do not have a car, and then we cannot go on an outing. Even the van—they do not have a van.

Bobbie Gang:

You are right. They talked about a van but your house does not have a van. Now, tell me how the staff helps you when they are in the house with you. What kinds of things do they do?

Jacob Schnog:

They help me cook; they help me clean; they help me to do everything.

Bobbie Gang:

Do they work really hard?

Jacob Schnog:

Yes, and they need to be retrained every time when the new staff comes in.

Bobbie Gang:

So, sometimes your staff leaves and they never come back?

Jacob Schnog:

And new staff comes.

Bobbie Gang:

And what happens then?

Jacob Schnog:

New staff comes and always has to be retrained.

Bobbie Gang:

That is correct, so what they are talking about in this law is paying the staff more than they are paying them now. Do you think that is a good idea?

Jacob Schnog:

Yes.

Bobbie Gang:

Why do you think that?

Jacob Schnog:

Because to have more money. Sometimes they do not; they need more money. I really like my staff.

Bobbie Gang:

Is there anything else you would like to tell the legislators?

Jacob Schnog:

My staff always works hard; they always help me. Sometimes they will get frustrated. When I say I am going to hit them, they say they will hit me back.

Bobbie Gang:

No, they do not do that. They do? And that makes you . . . ?

Jacob Schnog:

Mad.

Bobbie Gang:

That concludes our interview.

Jacob Schnog:

Do you have any questions?

Chairwoman Cohen:

Thank you, Mr. Schnog, and thank you, Ms. Gang. Do we have any questions? [There was no reply.] Do you have more testimony in support?

Assemblywoman Spiegel:

I want to thank Jacob and Bobbie for coming in, and I would like to call up Lisa Foster who represents the service providers.

Chairwoman Cohen:

To be clear, is the amendment from Ms. Foster on the Nevada Electronic Legislative Information System a friendly one ([Exhibit C](#))?

Assemblywoman Spiegel:

Yes, and to be perfectly clear, it replaces anything that talks about applied behavior analysis therapists.

Lisa Foster, representing State of Nevada Association of Providers:

The State of Nevada Association of Providers (SNAP) does support the amendment Assemblywoman Spiegel has described. The SLA providers are immensely appreciative of the rate increase included in the *Executive Budget*. Assemblywoman Spiegel's amendment requires that SLA providers dedicate this increase to the staff who care directly for the adults with intellectual disabilities that they support. They have done this previously and they want to continue this practice. As you have heard in many committees, they need this increase to enhance these employees' pay so they can attract good employees. They want to be able to keep staff and lower the turnover rate, which has been very high because of what Medicaid has been able to pay previously.

Mr. Nate Boyack, the President of SNAP and also an SLA provider, is in Las Vegas. He is available to answer any operational questions.

Nate Boyack, President, State of Nevada Association of Providers:

I would like to thank Assemblywoman Spiegel for her efforts on this matter, and I am available to take any questions.

Chairwoman Cohen:

Do we have any questions?

Assemblyman Thompson:

I have a family member who needs those services, and I truly appreciate this bill. Is it truly only the pay causing the high turnover? Do you do exit interviews? I think we all agree people need to get paid a little bit more, but I wonder if there are any other factors contributing to people leaving.

Lisa Foster:

It is a very difficult job, and that, of course, is a part of it. These are not small children; these are young adults with intellectual disabilities. You have to have a passion and a caring heart in order to do this kind of work. With our economy over the last few years, you are competing with fast-food establishments for employees.

Nate Boyack:

There are a variety of reasons for the high turnover rate, but the rate of pay is definitely a significant part of it. We were very grateful for the rate increase we received during the last fiscal year. Providers overall were able to pass on a lot of those funds directly to the employees, not just in additional benefits, but also as an actual pay increase. Overall, as SLA providers are concerned, we were able to see the starting wage rise to \$9.65 an hour as of last year. As we have seen that, our plan is to continue to track our turnover rates within the provider industry to see the effects of those pay increases on our turnover rate, as well as any other factors that may be present.

Assemblywoman Titus:

I understand and appreciate where you are going with this because the turnover is fairly significant. We are hearing across the board in these health care sectors a need to increase reimbursement across all providers and in all situations. Does this set a precedent? I have never seen a bill previously that would mandate that we reimburse like this. Take my office, for example. When I see a Medicaid patient, I bill for that and the hospital for whom I work is reimbursed. If that increase is mine, then does my staff have to get that increase? Will nurse's aides and the people working there as part of that provider team, will their pay then be increased? I am not sure how this will work if you carve out who is getting reimbursed. Will this spill over or potentially set a trend? Will my doctor's office now be mandated that all its employees have a 30 percent increase in pay? I am not sure if this is going to set a precedent in other areas of health care that receive Medicaid reimbursement.

Karly O'Krent, Committee Counsel:

This bill is only addressing folks who are providing services in the SLAs and facilities like that. To the extent that courts might interpret your responsibilities as a primary care physician in an alternative setting, these provisions would not apply, but I am not sure to what degree that gives you any comfort.

Assemblywoman Titus:

I know it specifies this area, but then are we going to see expansion because of setting this precedent? That explanation was not comfortable.

Karly O'Krent:

"No," would be the answer to your question in terms of this bill.

Chairwoman Cohen:

Are there any other questions from the Committee? [There was no reply.] Seeing none, is there anyone else in support?

Karen Schnog, Private Citizen, Las Vegas, Nevada:

I am Jacob's mom. It is critical to understand that the people whom we are talking about are the ones on the front line. Jacob has been in group homes for over three years because of his size. He is three times bigger than either me or my mom, Bobbie Gang, and he can get very aggressive. The staff in the homes cook and clean for him, but they also implement Jacob's

behavior programs. You many have someone making \$100 an hour designing the behavior help programs and spending a couple of hours training the behavioral programs, but these providers are the ones who work with him five to ten hours a day. They also clean up his accidents and his toilet area, so it is not an attractive job and it is not an easy job.

When Jacob gets up in their faces and says he wants to hit them, as you heard, he needs people who are trained, who understand him, and who are able to respond appropriately. He has been in group homes where staff were paid \$9 an hour and they were just there watching TV. They only got up and moved around when I or someone from the state showed up. His current home pays over \$11 an hour, and with just that \$2 change—which is not enough because I think some fast-food places may pay more—he has much higher-quality staff, and there are a couple who really care about him. One 25-year-old man loves to work with Jacob. They are buddies and he is being very successful. Jacob was averaging holes in the wall almost every day. Now his behavior has totally turned around, yet this staff member has told me that he cannot afford to stay.

We have seen floor staff turnover at least three times in the six months Jacob has been in that home. Any program is only as strong as the people who are actually serving and helping the clients, and it is critical that they be paid for the level of job they are being asked to do rather than just being babysitters.

Chairwoman Cohen:

Thank you for bringing your family to testify before us today. Is there anyone else in support in Las Vegas or in Carson City? [There was no reply.] Seeing no one, we will move to opposition. Is there anyone in opposition in either Las Vegas or in Carson City? [There was no reply.] Seeing no one, we will move to neutral. Is there anyone who wishes to testify as neutral? [There was no reply.]

[([Exhibit E](#)) and ([Exhibit F](#)) were submitted but not discussed and are included as exhibits for this meeting.]

With no one having further testimony, I will close the hearing on A.B. 287. We will open up the hearing on Assembly Bill 247.

**Assembly Bill 247: Makes various changes relating to the care of children.
(BDR 38-289)**

Assemblywoman Shea Backus, Assembly District No. 37:

I am also an attorney who does pro bono work for children who are subject to abuse and neglect. It is my pleasure to introduce Assembly Bill 247. There is an amendment we have been working on that is on the Nevada Electronic Legislative Information System, and the terms of the amendment are still being worked on ([Exhibit G](#)). Essentially, this bill provides a tool for parents to use to gain help to assist with the care of their child and/or children from others in the community as well as from community-based organizations.

This bill essentially creates a limited power of attorney, and I want to give you an example how a limited power of attorney could have helped one family whose children I represented. Prior to the children becoming subject to the jurisdiction of our State, they had been living with their mom. There were multiple children—five—and the mother had suffered some mental health issues. She lost her mother and the father of her children during one summer. Immediately, people within her community tried to help by getting her some mental health help, and she relied on family members to care for her children. She put a couple of the children with her sister, a couple with her brother-in-law, and another child with another family member. Unfortunately, her sister called child protective services and reported that the mom had left these children in her care for a little bit longer than what was probably necessary. Child protective services removed those children and they ended up being a part of the system for about four years because other stuff escalated.

We have created this power of attorney that will allow a parent to give power to another person—as a guardian can give power to another person—to care for the children. This power of attorney will not let this new person step in and permit the child to marry or be put up for adoption. This power of attorney—and this is the subject of the amendment—would not allow a parent to avoid a case being opened with the Division of Child and Family Services in the Department of Health and Human Services ([Exhibit G](#)).

The best way to start with this bill is to start with section 3. This portion provides for a parent or guardian to execute a power of attorney to delegate to another person all power regarding health care, support, custody, or property of the child. This power of attorney does not delegate the ability to allow a child to marry or be adopted. The proposed bill does place a time restriction on various types of limited powers of attorney: (1) For any amount of time that a child is in a child care institution; (2) 30 days after the time a parent is on active duty in the armed services; (3) Any period not exceeding 12 months for all other cases. This would allow a family to get back on track for up to a 12-month period.

The proposed amendment clarifies that a parent may not enter into a limited power of attorney for purposes of avoiding the removal of his or her children under *Nevada Revised Statutes* (NRS) 432B.390. This statute currently governs the removal of a child from parents, and that is what has now been clearly set forth in the proposed amendment. In case it is not fully clear, I am open to working with stakeholders to make sure that it is abundantly clear that this type of power of attorney cannot be used to avoid an open case whereby the State will step in for the care of the children. Likewise, a parent executing a limited power of attorney does not automatically constitute that the parent is neglectful, nor is the child deemed to be a foster care child. Setting this up and having someone else care for children underneath this power of attorney does not automatically deem that a parent is being neglectful. The parent or guardian who executes a limited power of attorney does remain responsible for any act or omission by the person who has been delegated with the care of their child. In such a situation, you cannot just give the power of attorney to some stranger or someone who could be at risk for the children being removed. The parent still holds onto that responsibility.

Section 1, subsections 1 and 2 of the bill state that the provider of foster care shall not provide care to a child when the provider is caring for a child placed in foster care by an agency which provides child welfare services or by juvenile court order, or provide care to a child under a power of attorney unless an exemption is provided by the agency.

Section 2 of the bill excludes care of a child being provided by a person pursuant to a power of attorney from NRS 424.020 to NRS 424.090, and these sections pertain to foster homes.

The parent or guardian may revoke the power of attorney at any time with a written revocation, and that is set forth in section 3, subsection 5 of the proposed amendment.

Section 4 allows for the court, during an adjudicatory hearing wherein the court finds that a child is in need of protection, to allow the agency to refer a parent or guardian of the child to a community-based organization that provides respite care, voluntary guardianship, or other support services for families in crisis as appropriate to meet the needs of the family. Should the court not find that the child is in need of protection, the agency may provide information to the parent or guardian concerning community-based organizations. For those who may not be familiar with the system, sometimes after children are removed, there is an adjudicatory hearing. At that hearing, the court may make a decision that the children stay in the care of the parent. The court will put in place a safety plan or a plan that they are going to work toward success and the children stay at home. This provides another tool in that toolbox to provide additional support, and hopefully, we can get some community-based organizations that will step up to provide those services.

Assemblywoman Titus:

I need some clarification. As a medical provider, I have to deal with powers of attorney for health care decisions all the time. In section 3, there is one line that reads, "power of attorney . . . regarding health care, support, custody or property of the child." With a child, is there just one power of attorney? In health care we see several powers of attorney—for instance for mental health, health care choices, finances, et cetera—so I need some clarification from a legal aspect about children.

Assemblywoman Backus:

For purposes of section 3, subsection 1, where your question arises, I would contemplate it. Unlike the chapter you are referring to where we have statutory durable powers of attorney set forth that are broken up, there are multiple exemplars throughout our statutes as well as in NRS. I would contemplate this being a single document for ease. Maybe a parent just needs a break and could give a power of attorney to take care of his or her kids to a neighbor, someone in their church, or someone they were associated with in the community. That would allow a child who may have to see you for health care to have a document that says the individual is stepping in for the parent at this point which would permit treatment to go forward.

Assemblywoman Titus:

These are revocable and your intention would be to have it date signed with an open-ended revocation? How would that work? It says no longer than 12 months, but could they re-execute one?

Assemblywoman Backus:

I would contemplate there should at least be a start date, and it would probably have to have no more than the 12-month period, which is probably why the statute contemplates a written revocation so the parents always have the opportunity to revoke this power of attorney. There is an exception for active duty service members. Under that situation, they can create a limited power of attorney. In that situation you have put the specific start date and contemplated return date, and then it stays open for 30 days after that contemplated return date. That would be under section 3, subsection 1, paragraph (b).

Assemblywoman Krasner:

What if the parents are divorced and one parent decides to give this power of attorney to another person? How would that work?

Assemblywoman Backus:

It is important to flesh that out because this statute only allows one parent to make that decision. In times when this is probably needed, it is that one parent. There is another statutory provision, NRS 159A.215, which discusses temporary guardianship [of a child of a member of the armed forces]. That is where both parents would be required to sign off. In the example I gave you, sometimes both parents are not involved in that child's life. As a practitioner, if one parent started doing a limited power of attorney and I shared custody with that kid, if you felt that was inappropriate, you could go to family court and file a motion. This bill would allow a single parent or a single guardian to fill out the power of attorney—it is how it is drafted.

Assemblywoman Krasner:

So it allows a single parent, when the parents are divorced, to file the power of attorney. Therefore, the only recourse for the other parent would be to go to court.

Assemblywoman Backus:

With respect to this bill, it mentions "a" parent. When you compare it to NRS 159A.215, in that situation it mandates "both" parents. This is not plural; it is singular, but on the backend, it says "a" parent can revoke this power of attorney. I assume that "a" parent refers to a single parent. It is hard, because I have had situations where a family may be on the verge of being subject to the Clark County Department of Family Services. In those situations where you have a married couple, usually the child would go to the other parent as opposed to having an open Department of Family Services case. That other parent would definitely have to step up at that time and seek relief, possibly through an emergency motion, to step in and care for the children.

Chairwoman Cohen:

You are talking about a situation in which you have one parent who has custody and the other parent is not in the picture. We are not talking about parents for whom there is joint physical custody and the person who gets the power of attorney is not going to step in and share joint physical custody with the other parent. Is that correct?

Assemblywoman Backus:

You are absolutely correct. This bill originated from community-based organizations that provide services to a family. I anticipate in those types of situations the other parent is probably not around, because I would hope that person would be stepping up and helping out the parent who is in need at that time. For instance, this would allow someone in your church to step in and help you fill that void. At that point, I am assuming that the other parent is not around.

Assemblyman Carrillo:

I pulled up that statute, NRS 159A.215, and that is correct.

Assemblywoman Backus:

I believe it is. There are two different statutes under NRS 159A. One specifically deals with deployment and the other deals with temporary guardianship.

Assemblyman Carrillo:

Yes, NRS 159A.215 talks about guardianship of a minor child of a member of the armed forces.

Assemblywoman Backus:

It is actually NRS 159A.205 that deals with short-term guardianship.

Chairwoman Cohen:

Are there any other questions? [There was no reply.] Seeing none, I will ask the presenters to step back, and we will open up for support either in Las Vegas or in Carson City.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:

I want to thank Assemblywoman Backus for bringing this legislation forward. I agree with her statement that this does provide our parents with tools to make sure their children are not removed—and if they are removed, to help make sure there are other options to provide and connect them with community support to ensure that the children do not languish in foster care. Having a child removed from a parent is very detrimental to the child. It affects the bonds between family members, and so we do support this ability to allow for parents to connect with different support systems in their communities.

Also, I appreciate the statements made by Assemblywoman Krasner regarding ensuring that we do not have one parent using this as a tool against the other parent. I will reach out to Assemblywoman Backus to see if there is any way I can assist in crafting that language.

Chairwoman Cohen:

Washoe County Public Defenders do defend parents who are in termination cases, is that correct?

Kendra Bertschy:

That is correct.

Chairwoman Cohen:

That does not occur in Clark County, so I am not too familiar with this.

Kendra Bertschy:

To clarify, we represent parents when their children have been removed; that includes the NRS Chapter 432B cases as well as before removal at the probable cause hearing. We represent clients in that instance as well. It is my understanding that the Clark County Public Defender's Office does not.

Chairwoman Cohen:

That is correct, but they can be assigned an attorney. I am not sure if you are familiar with this and if that is part of your practice when you are not in session. Do you think this is a tool that would help keep families from getting to the NRS Chapter 432B hearing?

Kendra Bertschy:

You are correct that my role with the Washoe County Public Defender's Office is as a felony criminal defense attorney. However, prior to that, I worked for Washoe Legal Services, so I have some familiarity with that as well. I did staff this with my chief public defender who does the dependency cases, and she believes this will assist.

Chairwoman Cohen:

Do we have any other questions? [There was no reply.] Seeing none and no one else for support, we will move to opposition in either Las Vegas or in Carson City.

Alex Ortiz, Assistant Director, Department of Administrative Services, Clark County:

We are here in opposition to the bill. We have some concerns with it, but I want to thank the sponsor for allowing us an opportunity to speak with her about some of our concerns. We want to continue that discussion with her as she continues to, potentially, provide additional amendments to this bill.

Our Department of Family Services, which is the child welfare agency in Clark County, does have some concerns with this bill. If it is all right with you, I would like to let our Assistant Director of the Department of Family Services provide a little more detail.

Jill Marano, Assistant Director, Department of Family Services, Clark County:

I want to start by thanking the sponsors for putting this bill forward. These were discussions we had during the interim, in particular about the Safe Families for Children Program, which is a program being implemented in Las Vegas and across the country. As we have had time

to have additional conversations with other jurisdictions and learn a little bit about how programs—in particular this one and others like it—have worked in other states and how other states have created similar statutes to this one, we have learned about some unintentional consequences that have been created in those statutes. We want to take some time and continue to work with the sponsor to make sure we are not replicating any of those concerns here. We have started some conversations and do think we will be able to get to support after we can talk through and make some more amendments.

Chairwoman Cohen:

Could you briefly go over what some of those unintended consequences you are concerned about are?

Jill Marano:

One thing we learned from other states is that there were concerns where a statute like this created conflicts with legislation passed in other sessions around the rehoming issue. Essentially, "rehoming" is parents deciding, particularly with adoptive children, to transfer the children to other people. We want to make sure we are not creating conflicts with that adoption statute. Additionally, we need to continue to work through and make sure we have no concerns with the issue around when there are two parents or a full custody and a partial custody. We need to make sure we have teased through all those details in the statute.

Chairwoman Cohen:

Is there any other opposition in either Las Vegas or in Carson City? [There was no reply.] Seeing none, do we have anyone neutral in either Las Vegas or in Carson City? [There was no reply.] Seeing no one, I will invite Assemblywoman Backus back up. Assemblywoman Backus, I do not think you have been amended onto the bill. Would you like an amendment to be on the bill?

Assemblywoman Backus:

Yes, I guess I should probably add myself onto the bill. I am willing to work with the folks who would have to be dealing with a limited power of attorney. The amendment I provided you with today may have partially resolved one of our issues, but I want to make sure that is adequate to all interested parties, so we will definitely continue.

Assemblyman Carrillo:

May I also be considered as a cosponsor on this great bill? Thank you.

Assemblywoman Backus:

I will run it by the real sponsor of the bill, but I doubt there will be any problems with that. I will also reach out to Assemblywoman Krasner because I want to make sure the issue with the multiple parents gets flushed through with all interest groups.

Chairwoman Cohen:

With that, we will close the hearing on A.B. 247 and open the hearing on Assembly Bill 298.

Assembly Bill 298: Requires an agency which provides child welfare services to adopt certain plans relating to the placement of children. (BDR 38-1061)

Assemblywoman Shea Backus, Assembly District No. 37:

I have the privilege of being a pro bono attorney to children who are subject to abuse and neglect. This bill came about through discussions to address situations where children are being placed in foster homes or group homes far from the communities from which they were removed. When a child is placed in an area that is not near their community, it makes it difficult with their schooling and for keeping in contact with their friends—and sometimes even their siblings and parents. Ideally, children are placed with their siblings, but sometimes that does not happen. It is so important during this hard time when kids are removed to make sure that they still have access to their siblings and people they are familiar with.

Assembly Bill 298 is, hopefully, a way to move us in a direction to see if we can make it more possible to have placements that focus on the communities the kids are being removed from. Assembly Bill 298 requires the child welfare agency to establish a plan for recruitment and retention of foster homes. This bill has been worked on by a lot of stakeholders, and so we have a whole new amendment for your review ([Exhibit H](#)). A lot of it is original language but a lot of language has been removed; for ease, we have put the entire proposed amendment to A.B. 298 that Bailey Bortolin put together on the Nevada Electronic Legislative Information System.

I will quickly go through each provision of the proposed amendment. Section 1 provides for a plan for recruitment essentially looking to the number of foster homes needed in an area to meet the needs of foster children by considering the following:

1. Ages of the children in foster care;
2. Accommodating siblings remaining together;
3. Serving children with intellectual or developmental disabilities and who have other special needs;
4. Addressing cultural and racial needs of children in care; and
5. Identifying strategies for recruitment in areas where removals are highest.

The plan should also set forth targets for the number of homes needed for each area and identify supports available to retain foster parents.

Sections 2 and 3 provide for the agency to appoint at least one employee who would be responsible for developing and carrying out the plan, and the plan is also to be updated each year.

Section 4 provides that the agency is to publish an annual report on its website prior to August 1 of each year. This annual report is to provide information relating to whether the agency achieved the targets it established in its plan with respect to the number of foster homes in each category it considered under section 1 of the amendment. If the agency did

not meet the targets, what measures does the agency plan to make to ensure that the targets are met in the future?

There is a typographical error. The last provision [page 1, ([Exhibit H](#))] listed as No. 2, shall be the sixth provision in order and the subsections will be corrected. We will provide a solid amendment for this Committee to consider, hopefully, when you consider this bill.

Section 5 reiterates the placement priority as set forth under *Nevada Revised Statutes* (NRS) 432B.550 which includes the following: Ideally, the child would be placed with a parent or guardian if the placement is determined to be safe, then to a relative or a fictive kin, and then to a foster home. This subsection also includes that a child is to be placed in a home located in the same community as that from which the child was removed and within the same school zone as the child's school of origin to the extent possible.

What will be a new section 6 involves the manner in which the plan is to be carried out in individual cases by considering: (1) the needs of the child and use of available resources; (2) any gaps in services for children; and (3) barriers to the placement of children as noted in the plan.

Xavier B. Planta, Deputy Directing Attorney, Children's Attorneys Project, Legal Aid Center of Southern Nevada:

Thank you for allowing me to testify here today. I also want to thank Assemblywoman Backus for sponsoring this bill. I am here today to testify in support of A.B. 298.

As a child's attorney for almost ten years, I have had the opportunity to work alongside the Clark County Department of Family Services and the Clark County District Attorney's Office on some very difficult cases with challenging issues. Obviously, we have had our differences on the trajectory and outcomes of cases as well as on the resolutions of various issues. It has been very contentious at times, but despite our differences, I have tremendous respect for the agency, its management and leadership, as well as for the district attorney's office. Our office's goal, moving forward, is to continue to identify opportunities to work together as partners to improve our child welfare system.

One such area of improvement is the recruitment and retention of foster homes. The priority is always to keep kids safe at home and avoid their coming into care. But the reality is that is not always viable. When a child cannot be safely maintained in his or her home, we do not have current resources and homes to meet the needs of many of our children in care. All too often, a child is removed from her home and forced to leave her neighborhood and her friends and family close by. Then that child must choose between attending a new school near the foster home or a two-hour bus ride each way in order to attend the same school.

Several years ago, I represented a teenaged client who lived in northwest Las Vegas. She was placed in a home across town in southwest Las Vegas. While she was able to continue attending the same high school, it meant she had to wake up at 4:30 a.m. to catch a 5 a.m. bus

to get to school. Because she had to catch the bus immediately after school, the opportunity to participate in after-school activities or to socialize with friends was not possible.

All too often we have siblings separated from each other because no homes can accommodate a sibling group of opposite genders, a sibling group with a gap in age, or a sibling group of three or more. Often, we have children with special needs who linger at Child Haven for weeks or months because there are no homes that can meet the child's needs. Our office recently represented a group of four siblings—two of whom had been diagnosed with autism. While the younger siblings were placed almost immediately in a foster home, the two with autism were finally placed six months later. That meant they were at Child Haven for over six months while the Department of Family Services (DFS) tried to find placement.

We also have cases that involve children who enter foster care speaking only Spanish who are then placed in homes in which only English is spoken. We also have the situation in reverse. In this case, not only are the kids removed and placed in unfamiliar surroundings away from their parents, but then they are not able to communicate with the people who are now caring for them.

Assembly Bill 298 is intended to ensure that the needs of our children are being met through a few objectives. First, it promotes transparency. I am aware that DFS and other child welfare agencies continue to make efforts to address recruitment and retention. As a community partner, it is important to us and the other partners to see what efforts are being made to address the needs of this specific population. We are dealing with clients of a certain age, sibling groups, children with special needs, and trying to account for cultural and racial needs as well as areas where there are high removals. Equally as important, we need to see the results of the plan because what good is a plan if you cannot determine if those targets are being achieved.

Second, we believe A.B. 298 promotes stakeholder buy-in and opportunities for feedback. Transparency and knowing the agency's efforts promotes stakeholder buy-in. We had the opportunity this week to meet with Clark County Department of Family Services Administrator Tim Burch and Assistant Director Jill Marano to discuss this bill. I think they recognize and appreciate the need for transparency, and we have no issue with wanting to support the agency's current efforts. With that said, we also want the opportunity to provide feedback on areas where there continues to be a need.

Finally, I believe A.B. 298 keeps the momentum as we continue as a state to move forward and comply with the new Family First Prevention Services Act. As part of the federal Act, congregate care—places such as Child Haven—are going to go away. We are not going to be able to rely on the congregate care of children as we once did. We are going to need viable and appropriate foster homes that meet our children's needs.

I want to introduce an extraordinary young woman sitting next to me. Her name is Karla Rios. Karla is a former foster youth who is working full-time as well as being a

full-time student at the University of Nevada, Las Vegas. She has an amazing story about her and her siblings and their time in care. This story sheds a lot of light about A.B. 298 and why it is needed.

Karla Rios, Private Citizen, Las Vegas, Nevada:

I am 21 years old. I came into foster care at age 15 on February 14, 2014, along with four siblings—Ricardo, Brandon, Angel, and Matthew. Building relationships at a young age is very important. Having kids separated from friendships and bonds they created is wrong and should be stopped. I was 15 years old when I finally decided to change my life for the better and report all the scary things that would happen behind the closed doors of my house. I was put into Child Haven at first, along with my four siblings. The hardest time in my life was to keep it together so my brothers would not be worried. I was their mom figure and role model. I knew if they saw me stressed, they would be scared and terrified—not knowing why they had just been ripped away from their mother's hands and seeing their parents getting handcuffed and taken away by police.

Weeks passed and the worst day of my whole entire life was the moment my siblings were ripped away from me. I felt like I was going crazy. All I could do was scream. First it was Matthew—a 7-month-old baby—along with Angel who was 6 years old at the time. I could hear Angel screaming my name, and all I could manage to say behind the tears was to take good care of Matthew and to stay real strong for him. Then I looked at Brandon, the middle child, and I knew he was next. In my head, I was confused about why he was left behind. Why had he not gone with Angel and Matthew? Then I knew he was being separated from the rest of us. I could not look him in the face while I told him he was going to be alone but that he had to be the strong little boy I knew he was. In the blink of an eye, Brandon was gone and taken by foster parents.

My older brother and I were then placed in WestCare homeless shelter where we lived for about three months with only a few belongings. I felt as though many months had passed since I had any contact with school, family, or anyone other than my brother Ricardo and the four walls of our rooms in WestCare. I was later told that I was going to be able to return to school the next day, and it was the best news I had heard in many days. I was happy to get back to one regular routine.

Going back to see all my friends and teachers made me feel like a little kid who was just handed a piece of candy. That morning we had to wake up really early so we could catch a bus, but it did not matter because we were just excited to get back to school. Finally after arriving and stepping foot at my high school, there were tears running down my face as I ran to Miss Erica, the lady who later became my foster mom. With events going on at home, school was always a safe place for me. I wanted to always be away from home, and the closest I could get to that was going to school. Being able to continue my education at my high school where all the kids I had bonded with for many years made my life just a little bit easier compared with what was really going on in my life outside of school.

If it had not been for these bonds that were created, or if I had changed schools, life would have been devastating. I was always sad and disappointed to go back to WestCare, and all I wanted to do was stay at school and never have to leave. This led me to join absolutely every extracurricular sport I could think of after school so I would not have to go back to WestCare. I would even stay after school to do homework with my teachers and use that as another excuse not to go home.

I grew so much love for my school that it stayed a huge safe place for me. If I was moved to another school, then I would lose my safe place and have nowhere to go. I became the vice president of my senior class; I held events and assemblies that got the whole school together. I ran track and cross-country. My grades were amazing and I was very proud of that. Even with all the events occurring in my life, I was able to maintain a grade point average of 3.8 and 4.0, graduating as No. 8 in my high school class. I was also 2015 Prom Queen of Cimarron-Memorial High School. Life was so amazing with keeping that one little piece of my life absolutely the same.

Eventually, my brother Ricardo and I were placed with one of my high school teachers. We were able to stay in the same area where I was able to shop at the same stores as usual. I was able to visit the same parks; I was able to go out with my friends and hang out with them at the same spots where we had always gone. My life was going down the right direction because it finally felt as though I was living my life. It felt like I wanted to push harder and achieve all the goals I now had for the future. My life was able to continue the same but all the bad things going on at home went away.

Although I was lucky to be placed with amazing foster parents, my brother Brandon did not have much luck. Brandon was only ten at the time. He was the most frightened of all of us with everything that was happening. He started with one foster mom, got moved to another, and then another. At the end, I lost track, but I do know that he was not doing too well mentally or physically. He went to the hospital at least three times while he was with his foster parents. I would hear things like, He broke a window; he broke his leg; next was his arm, and it would not stop. Not only was Brandon affected by having to go to new schools, he was really affected by the fact that he was separated from his siblings. Brandon became really antisocial and his grades at all schools would drop because he would not be able to maintain them.

Eventually, three of our siblings went back home with our mom. I cannot really speak for Brandon on what was going on in his head while he was in foster care, but today I am able to sit with Brandon and have a serious talk with him. Brandon told me that there was a point during all the moves where he stopped having any encouragement to build any more relationships with anyone. He would tell me that he would be confused all the time about why he could not be with his siblings. He explained to me that I had Ricardo and Matthew had Angel, while he had no one. He said that he had to leave his first school and start all over again. Brandon was smart and talented in school. I remember how he would bring home straight As and Bs on his report card, but now his grades are Ds and Fs. He is

currently homeschooled because he did not know how to build relationships with his peers anymore, and he did not feel comfortable attending school.

Based on my experiences in foster care, the thing I realize is the importance of staying in the same community, and having the same friends and surroundings. School means a lot in one's life. Being able to stay with your siblings, staying with people you love and want to protect is comforting when going through a hard and unfamiliar time. I am here today because I lived firsthand inside the foster care system and saw good, but I also saw how much damage it can do to kids. I want to help make the change so others will not have to experience what my siblings and I had to go through—having to be separated, changing schools, and leaving the norms of our community.

Chairwoman Cohen:

Thank you, Ms. Rios. I think I speak for the whole Committee when I say we are extremely impressed with you, and not just for the fact that you are so well-spoken. In a situation where you so easily could have fallen through the cracks, like so many children unfortunately do, you did better for yourself. You should not have been in that position, and I am sorry for what you and your siblings had to go through. Hopefully, we will be able to do better for the children who follow you.

Assemblyman Thompson:

I want to thank Assemblywoman Backus for bringing this bill, and thank you, Ms. Rios, or should I say, Miss Prom Queen. I want to thank you for sharing. I can only imagine how hard this was to share, especially to the extent that you did.

To the bill's sponsor, regarding section 5 in your proposed amendment, I was so excited to hear Ms. Rios say that school had been a safe space for her. We do not hear that narrative as much as we really should. I think the children need to help decide which school they attend because it could be the total opposite of what happened with Ms. Rios. In some cases, getting into a new school could be the fresh start that a child needs. Even though it says in section 5 that we need to place children in the same community and in the same school zone, actually a change might be a good fresh start.

Assemblywoman Backus:

I agree with you. As a Children's Attorneys Project (CAP) attorney, sometimes I am behind the eight ball by the time I get assigned to one of these cases. Last session, a law was passed that all these children be represented by counsel. I know the Legal Aid Center of Southern Nevada, almost from the first hearing, has an attorney present for the child and tries to find out what that child's wishes are. For the most part, once we are in contact with a child, we get to be that voice in court and explain to the judge what the child needs and where the child wants to be placed.

Bailey Bortolin, Statewide Advocacy, Outreach and Policy Director, Nevada Coalition of Legal Service Providers:

I think an important legal distinction here is that this bill is amending NRS Chapter 424 and this is macroplanning. The case-level planning happens on an individual case-by-case basis in NRS Chapter 432B. What we see is that, a lot of times, being placed near the school is not an option because the homes are not there. The intent of having this macroplan is that we would more often have the option because we will have been looking at those areas of removal. Not to say that they are not looking right now, but if we are removing a lot of kids from a particular school zone, let us make sure we have a lot of foster homes in that school zone so that children can remain fluent in that position. We agree that we are the voice for the children and want to go with what works best for them. On a case-by-case basis, we certainly would argue to allow a child to start over if that is what the child wished.

Assemblyman Thompson:

You are using terms we use as court-appointed special advocates (CASAs), and CASAs are voices for the children, too. I do not want to muddy this up, but we have to look at everyone who is involved in the life of that child, because it is not just the attorney. I was in full support of having a CAP attorney for everybody; however, in the amendment language in section 5 ([Exhibit H](#)) you put "shall ensure," but then you add "to the extent possible" about the placement. I do not know if both those terms should be in there. I know it is a technical issue, but it sounds contradictory.

Bailey Bortolin:

We can flesh that out. This was a last-minute deal we all reached on language, so there are definitely some places where we could clean it up.

Xavier Planta:

Thank you for your question, Assemblyman Thompson. I definitely can appreciate it, and I understand your scenario in terms of a child needing a fresh start. We certainly have had those cases. There is a law that a child is able to attend their school of origin when they are in care, but there are cases where that child does need a fresh start. What this law intends is looking at where the child was originally zoned to attend, but they certainly have the opportunity to have that fresh start if they are placed in a foster home where they are able to attend a new school.

What often happens is kids get placed across town. While they are able to attend their school of origin, often the other things that are associated with school—from extracurricular activities to the social aspect of it—they miss out on. When a transportation plan is developed for that child, often it does not have room to accommodate those other activities and the ability to hang out with their friends and do things that other teenagers are able to do.

Assemblyman Hafen:

I would like to expand on section 5. I would love to see if they could have school choice. Even in situations where they are not zoned for that school, they could continue to go to their current school so they are not removed from that. In addition, I know when you change

schools there are sports restrictions, and you may not always be able to play sports. Maybe that could be tied in so that children would still be eligible to continue to play sports if they went to a different school. These are just some things to consider and maybe put into a friendly amendment.

Assemblywoman Backus:

Thank you, Assemblyman Hafen, for your comments. My other bill, which has already gone through our Assembly Committee on Education, entertains exactly that. There is existing law for foster care children to stay in their schools of origin. Because there was some ambiguity, we are making sure that they can stay in their schools of origin. That would continue through the different grade levels.

Assemblyman Hafen:

I am very happy to hear that you are two steps ahead of me, so thank you.

Chairwoman Cohen:

I am wondering about the rural areas. Is there enough coverage to be able to do this?

Assemblywoman Backus:

I met with Mr. Ross Armstrong [Administrator, Division of Child and Family Services within the Department of Health and Human Services] with respect to A.B. 298. We were contemplating an amendment to exclude the rural areas and focus on areas with larger populations, but he was fine with including the rural areas in this plan. He looked forward to it; however, it has to go through the Office of the Governor. I think if he were here today, he would be testifying in neutral.

Assemblyman Carrillo:

This bill was introduced on the last day, March 18. I was hoping to be considered as a sponsor.

Assemblywoman Gorelow:

Currently, what is the time line for a child to be placed in foster care? How long does that take?

Assemblywoman Backus:

I will defer to Mr. Planta in Las Vegas as he has more of a sample size than I do.

Xavier Planta:

It is on a case-by-case basis. Here in Clark County, the intake happens at Child Haven. The Department of Family Services has a team that looks for relatives and fictive kin. The Department has a placement team that looks through their database and starts making phone calls looking for homes, but I do not have any statistics.

Assemblywoman Gorelow:

I thought Child Haven had a policy that children had to be placed within 24 hours, and I could see that being a barrier to making sure that the child could get into a home in their neighborhood or area. However, I may have misunderstood the policy.

Xavier Planta:

When there are factors such as large sibling groups, trying to explore relatives and fictive kin does often take longer—obviously longer than 24 hours. As I stated in my testimony, we have had kids who will remain there for days, weeks, or months. I know the DFS continues to identify placements, but we often do not have enough homes. What we really want through this bill is a plan that accounts for a multitude of different factors and making sure that the needs of our kids and of our community are being met.

Assemblywoman Duran:

When you make your amendments, I was wondering if you could add me onto your bill, if that is possible.

Assemblyman Carrillo:

Are there any problems with overcapacity at Child Haven that could create an issue with trying to place a child to meet that 24-hour requirement?

Xavier Planta:

We have 46 kids there now. I do not know if that constitutes being over capacity. I know that DFS and the court do not like to have kids at Child Haven any longer than they have to. In order to accommodate and keep siblings together, there are times we will have to ask for a court order to keep the siblings together. That is one of the issues we continue to work with the Department on—trying to find a happy medium. We try to keep siblings together, but we also try to minimize the days they will be at Child Haven. Again, with the Family First Prevention Services Act, Child Haven will be going away. Ideally, we will have a plan in place so that there will be no need for Child Haven because we will have the resources to accommodate the needs of our kids.

Assemblywoman Krasner:

Thank you, Assemblywoman Backus, for bringing this very important bill. I really like the provisions that talk about keeping siblings together and serving children with autism and other special needs. I know we are not a money committee, but I did look at the fiscal note. Do you have any background information about how this was calculated? It talks about staff recruiting foster homes and developing a website, but I do not see how they got to \$7 million, and I wondered if you had any background documentation you could share.

Chairwoman Cohen:

I think we need to leave that to the fiscal committees.

Assemblywoman Krasner:

I was wondering if she had it, if I could just see it.

Chairwoman Cohen:

Maybe you can take that information off-line, though.

Assemblywoman Krasner:

All right, and thank you.

Assemblywoman Backus:

If it is the Clark County fiscal note, that may have been resolved. If they are pulling their fiscal note, I would be happy to have that addressed on the record.

Chairwoman Cohen:

Do we have any further questions? [There was no reply.] Seeing none, we will move on to support in Las Vegas and in Carson City.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:

I want to thank the sponsor, Assemblywoman Backus, for speaking with me at great length today regarding this bill as well as for bringing this important legislation forward. When our parents first enter into the foster care system in terms of when their children are removed, usually their No. 1 priority is what is going on with their child or children, where they are, and where they will be placed. It is very important to collect this information about the foster care program, the foster care homes they are provided with, the school and educational piece, and keeping families and siblings together. It will ensure that the data is collected and that it provides a really necessary check on the system. We appreciate this.

Chairwoman Cohen:

Seeing no other support, we will move to opposition. Is there anyone in opposition in either Las Vegas or Carson City? [There was no reply.] Seeing no one, we will move to neutral.

Alex Ortiz, Assistant Director, Department of Administrative Services, Clark County:

We are neutral on A.B. 298 with the proposed amendment. We want to thank Assemblywoman Backus for discussing this issue with us and considering our concerns. Based on the aforementioned amendment, Clark County will remove the fiscal note. With this proposed bill as amended, there is no fiscal note and we should be able to accommodate this internally.

With that said, I can also call up our Assistant Director of the Department of Family Services, Jill Marano. She can talk a little bit more about the issue of Child Haven, or we can take that off-line as well.

Chairwoman Cohen:

Come on up, Ms. Marano.

Jill Marano, Assistant Director, Department of Family Services, Clark County:

There were several discussion items around placement into foster care and population on the Child Haven campus. I am happy to provide an overview or simply answer questions.

Chairwoman Cohen:

I think we will ask you to answer questions.

Assemblyman Carrillo:

What is considered overcapacity at Child Haven?

Jill Marano:

We are licensed as a child care institution and our license goes up to 90 children. At 46 children, we are not over capacity from our licensing standpoint, but we do have several children on campus who are there because we do not have an adequate number of foster homes that can appropriately meet their needs right now.

The number fluctuates. In recent weeks, we have been as low as 23 and probably as high as 75, so it can fluctuate. There are certain days when 10 to 15 children might be removed, or we may go several days with no children being removed. This issue of needing foster homes is really about being able to meet that immediate need, and it is a very unpredictable need.

Assemblyman Carrillo:

I am sure DFS is making every effort to ensure reunification with parents versus having an excessive number of children. We never want to see that number reach 90 kids. How was this last summer? Do you keep statistics like that regarding children at Child Haven?

Jill Marano:

We do track the census population on a daily and monthly basis. I do not have the numbers in front of me, and I can get you more accurate numbers, but what stands out about this past summer is that we had a high number of the 0-6 population coming onto campus. There were several weeks where we had 20 or more children aged 0-6 on campus, which is very high for us. They are also our more concerning age group due to the amount of attention and the importance of 24/7 consistent caregivers for that age range.

Assemblyman Carrillo:

Thank you, and if you can get that information to the Committee as well, I would greatly appreciate it.

Chairwoman Cohen:

Do we have any other questions? [There was no reply.] Seeing none, I want to invite the sponsor back up for a closing remark.

Assemblywoman Backus:

I want to thank the Committee for your attention to this bill and your questions. I also want to thank Ms. Rios for coming here and telling her story, because she probably did a much

better job than any other presenter could have done with respect to why we need to look for and check on placement. We need to start with looking at the data. Thank you for your time. I hope you do pass A.B. 298.

Chairwoman Cohen:

With that, I will close the hearing on A.B. 298 and open the hearing for public comment. Do we have anyone for public comment in Carson City or in Las Vegas? [There was no reply.] Seeing no one, does anyone on the Committee have any comments? [There was no reply.] Seeing no one, we will meet on Monday at the call of the Chair. We are adjourned [at 2:11 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 287](#) submitted by Lisa Foster, representing State of Nevada Association of Providers, and presented by Assemblywoman Ellen B. Spiegel, Assembly District No. 20.

[Exhibit D](#) is a letter dated April 3, 2019, to the Assembly Committee on Health and Human Services, submitted by Erik Lövaas, President and CEO, the Lövaas Center, Las Vegas, Nevada, regarding [Assembly Bill 287](#).

[Exhibit E](#) is written testimony dated April 5, 2019, to the Assembly Committee on Health and Human Services, authored by Dr. Kerri Milyko, Co-owner and Director of Research and Development, the Learning Consultants, Sparks, Nevada, in opposition to [Assembly Bill 287](#).

[Exhibit F](#) is written testimony dated April 3, 2019, to the Assembly Committee on Health and Human Services, authored by Molly Halligan, Director, Las Vegas Autism Center, LLC, Las Vegas, Nevada, in opposition to [Assembly Bill 287](#).

[Exhibit G](#) is a proposed amendment to [Assembly Bill 247](#) presented by Assemblywoman Shea Backus, Assembly District No. 37.

[Exhibit H](#) is a proposed amendment to [Assembly Bill 298](#) authored by Bailey Bortolin, Statewide Advocacy, Outreach and Policy Director, Nevada Coalition of Legal Service Providers, and presented by Assemblywoman Shea Backus, Assembly District No. 37.