

**MINUTES OF THE MEETING OF THE  
SENATE COMMITTEE ON FINANCE  
AND  
ASSEMBLY COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEES ON HUMAN SERVICES**

**Eightieth Session  
March 7, 2019**

The joint meeting of the Subcommittees on Human Services of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair Moises Denis at 8:04 a.m. on Thursday, March 7, 2019, in Room 3137 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**SENATE SUBCOMMITTEE MEMBERS PRESENT:**

Senator Moises Denis, Chair  
Senator Joyce Woodhouse  
Senator Chris Brooks  
Senator James A. Settlemeyer  
Senator Ben Kieckhefer

**ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:**

Assemblyman Michael C. Sprinkle, Chair  
Assemblywoman Maggie Carlton, Vice Chair  
Assemblyman Jason Frierson  
Assemblywoman Dina Neal  
Assemblywoman Ellen B. Spiegel  
Assemblyman Tyrone Thompson  
Assemblywoman Robin L. Titus

**COMMITTEE MEMBERS ABSENT:**

Assemblyman John Hambrick (Excused)

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**STAFF MEMBERS PRESENT:**

Mark Krmpotic, Senate Fiscal Analyst  
Sarah Coffman, Principal Deputy Fiscal Analyst  
John Kucera, Program Analyst  
Jennifer McEntee, Committee Secretary  
Michael Keever, Committee Secretary

**OTHERS PRESENT:**

Ross E. Armstrong, Administrator, Division of Child and Family Services,  
Department of Health and Human Services  
Kathryn Roose, Deputy Administrator, Quality and Oversight, Division of Child  
and Family Services, Department of Health and Human Services  
Mandi Davis, Deputy Administrator, Administrative Services, Division of Child  
and Family Services, Department of Health and Human Services  
Jason Benshoof, IT Manager, Division of Child and Family Services, Department  
of Health and Human Services  
John Muñoz, Deputy Administrator, Community Services, Division of Child and  
Family Services, Department of Health and Human Services  
Susie Miller, Deputy Administrator, Residential Services, Division of Child and  
Family Services, Department of Health and Human Services  
Timothy Burch, Administrator, Clark County Department of Social Services and  
Family Services  
Eboni Washington, Assistant Director, Clark County Department of Family  
Services

CHAIR DENIS:

Today, we will hear from the Department of Health and Human Services,  
Division of Child and Family Services.

ROSS E. ARMSTRONG (Administrator, Division of Child and Family Services,  
Department of Health and Human Services):

On pages 2 and 3 of our presentation ([Exhibit C](#)), the Subcommittees will find  
information on the Division of Child and Family Services' vision, mission and  
organizational chart. On page 4, we have provided a breakdown of the  
Division's funding sources. Funding is primarily made up of General Fund (GF)

appropriations and federal revenues. Federal funds are primarily used in e-funding for child welfare activities, and Medicaid transfers are represented in the "other" category. On page 5, there are details of the Division's budget accounts for fiscal year (FY) 2020 and FY 2021.

Information on budget account (B/A) 101-3145 is found on page 6 of [Exhibit C](#). This is our administrative budget, and it includes quality and oversight activities for child welfare and children's mental health, human resources, fiscal support, Division leadership and our grants management unit. This unit includes Victim and Crime Act funding, family violence funding and other grants. On page 7, we have one major maintenance unit M-501. This is a federally mandated continuous quality improvement activity that serves all three child welfare agencies.

## HEALTH AND HUMAN SERVICES

### CHILD AND FAMILY SERVICES

HHS-DCFS - Children, Youth & Family Administration — Budget Page DHHS-DCFS-7 (Volume II)  
Budget Account 101-3145

M-501 Mandates Conduct CFS Reviews — Page DHHS-DCFS-10

In addition, there are 2 program transfer requests under enhancement units E-501, E-901 and E-902. These are in response to the recently enacted Family First Prevention Services Act. Child welfare agencies will be more responsible for prevention activities. These programs will transfer to the Division and will assist in the prevention of removing kids from families and placing them in the child welfare system.

E-501 Adjustments To Transfers — Page DHHS-DCFS-11

E-901 Transfer From Grants Manangement To DCFS Admin — Page DHHS-DCFS-11

E-902 Transfer From Grants Manangement To DCFS Admin — Page DHHS-DCFS-12

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ASSEMBLYMAN SPRINKLE:

It seems there is an overall mandate for travel throughout the State. Has the Division had any conversations with the counties about their financial participation in these activities?

KATHRYN ROOSE (Deputy Administrator, Quality and Oversight, Division of Child and Family Services, Department of Health and Human Services):

Previously, counties have participated in these activities under an informal agreement to perform case reviews. Recently, we installed a memorandum with the counties to assist in performing case reviews with their own staff and finances for travel. During our last federal audit, there was concern that this was not building State capacity with the burden of these reviews ultimately falling on the State.

ASSEMBLYMAN SPRINKLE:

What would happen if the counties decided to not participate?

Ms. ROOSE:

The Division does not have the staff or finances to complete these reviews ourselves, and we do not have a backup plan if the counties decided to not participate.

MR. ARMSTRONG:

On page 8, we have provided an overview on B/A 101-3143. This is our information services budget which manages our three major case management systems: the Unified Nevada Information Technology for Youth (UNITY) system, myAvatar system, CaseloadPro system along with other information service support systems. There are 3 enhancement units to this budget: E-225, E-550 and E-226.

HHS-DCFS - Information Services — Budget Page DHHS-DCFS-17 (Volume II)  
Budget Account 101-3143

E-225 Efficient and Responsive State Government — Page DHHS-DCFS-19

E-550 Technology Investment Request — Page DHHS-DCFS-21

E-226 Efficient and Responsive State Government — Page DHHS-DCFS-20

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Details of enhancement unit E-225 can be found on page 9 of [Exhibit C](#). This new position will manage the Division's complex systems and replace contracted programming services. Information on E-550 can be found on page 10. This enhancement allows us to maintain our federally compliant UNITY core. It also allows child welfare agencies to plug-in third-party applications and meet specific caseworker needs as opposed to having a single connection among many different systems.

On page 11, the Subcommittees will find information on enhancement unit E-226. Cognos is a program that pulls data out of UNITY and creates reports for social workers and management teams. Currently, we have a limited number of Cognos licenses; an unlimited subscription would allow us to develop dashboards and more customized reports. As an example, we can produce a child medical passport which collects a child's medical information into an easily understandable document that can be provided to a foster parent or caregiver.

CHAIR DENIS:

The Division has been working on the UNITY system and now wants to enhance it to be a bidirectional data exchange. Referring to E-550, is this the application programming interface (API)?

MANDI DAVIS (Deputy Administrator, Administrative Services, Division of Child and Family Services, Department of Health and Human Services):

Are you referring to the project that was approved during the 79th Session?

CHAIR DENIS:

Yes.

Ms. DAVIS:

This project allowed us to have more master service agreement (MSA) contractor hours to convert UNITY from the Statewide Automated Child Welfare Information System to the more updated Comprehensive Child Welfare Information System (CCWIS), which is federally regulated. These updated regulations allow for more flexibility and updated data quality. We are finalizing this project and expect to be completed by late summer 2019.

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CHAIR DENIS:

Will all the different modules for this project be complete?

Ms. DAVIS:

Yes.

CHAIR DENIS:

With enhancement unit E-550, is this the API the Division is using to do the bidirectional data exchange?

JASON BENSHOOF (IT Manager, Division of Child and Family Services, Department of Health and Human Services):

Can you repeat the question?

CHAIR DENIS:

Enhancement unit E-550 is intended to support bidirectional communication. Is this the API that will be put into place allowing the Division to communicate with everyone else?

MR. BENSHOOF:

Yes. This is called an enterprise service bus and API gateway. It will allow us to manage the growing number of bidirectional exchanges with UNITY in a more organized and secure way.

CHAIR DENIS:

How long will this take to complete?

MR. BENSHOOF:

Building the architecture will be done quickly. We would like to have professional services assist to make it highly available and constructed to meet all of our future needs. To build the interfaces, we will need to rewrite some existing interfaces and add-on to them. There is no completion date set for this.

CHAIR DENIS:

Is there a priority list on what will be completed first?

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MR. BENSHOOF:

Completion priority is based on program needs. The jurisdictions of Washoe County and Clark County will drive this agenda with the implementation of some of their own ideas, and these initiatives will be prioritized. We also want to rewrite our National Operational Model Archive and Distribution System (NOMADS) interface and add the social security administration interface that has been requested.

CHAIR DENIS:

Is E-550 necessary for compliance with the federal government?

MR. BENSHOOF:

Yes. The CCWIS requires us to have bidirectional exchanges. While it is technically possible to have multiple point-to-point interfaces, it is not ideal when there are more than three interfaces in a complex system. The recommendation is to find another way to achieve this goal. The enterprise service bus and API gateway is the industry standard for building and growing multiple exchanges.

CHAIR DENIS:

In absence of implementing E-550, is the Division out of compliance?

MR. BENSHOOF:

No. However, if we do not implement all of the required bidirectional exchanges in the future, the Division is at risk of becoming out of compliance.

CHAIR DENIS:

What is the purpose of keeping the two information technology positions once this project is complete?

MS. DAVIS:

The intent is to convert these positions to permanent positions after the initial buildout is completed. They will bring on other system interfaces in addition to the Social Security Administration and NOMADS interfaces.

CHAIR DENIS:

Is there a set end date for installing these additional interfaces?

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Ms. DAVIS:  
Yes.

CHAIR DENIS:  
Is there any savings involved with the completion of this project and the installation of additional interfaces?

Ms. DAVIS:  
We have not looked into potential savings. The intent of this project is to increase ease of use of the system and improve data quality for users. Since the initial rollout of this system in January 2019, we have seen improved data quality.

CHAIR DENIS:  
Is the Division still using a contractor in this project, or has this been discontinued?

Ms. DAVIS:  
For UNITY, we do not have a contractor who is assisting us with upgrades. We do utilize five temporary contracted MSA staff to assist with higher-level needs in programming languages.

CHAIR DENIS:  
Will these staff be discontinued upon completion of the project at the end of summer 2019?

Ms. DAVIS:  
Enhancement unit E-225 requests a new information technology manager II position to replace one of the contracted staff positions.

CHAIR DENIS:  
How many MSA contractors will there be left?

Ms. DAVIS:  
There will be four contractors.

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CHAIR DENIS:

Do these positions help with the project under E-550?

Ms. DAVIS:

Yes.

CHAIR DENIS:

How are these changes going to help child welfare agencies at the State and county levels?

MR. ARMSTRONG:

There are many benefits for these changes, especially with the bidirectional data exchange that some counties are already exploring. One of these benefits is our ability to quickly match kids with foster family preferences, which reduces placement disruption throughout the life of a case. There are a number of initiatives to make better decisions for complex kids and families by linking up different data systems in education and juvenile justice.

CHAIR DENIS:

Explain why the counties and other users do not participate in the cost of this system?

Ms. DAVIS:

The requirement to have a Statewide child welfare system is the burden of the State. The Division is a Statewide child welfare agency, and we oversee the counties.

ASSEMBLYMAN THOMPSON:

What is the projected lifespan for the UNITY system? How does UNITY compare to other child welfare system?

MR. ARMSTRONG:

Referring to page 22 of [Exhibit C](#), we have outlined the timeline of UNITY. There have been many improvements made to the system between when it began in the 1990s and where it is today. I do not think UNITY has an end date in its usefulness. Our information services team has done a lot of work with the counties and understands what their needs are. They also continue to make

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improvements to the system. Based on new federal regulations, we will continue to maintain the system and address user needs.

ASSEMBLYMAN THOMPSON:

I am glad to hear this. Given that the system has been around since the 1990s, there are always new vendors with alternative system solutions. Is there an alternative system that is more cost effective than UNITY?

MR. ARMSTRONG:

Assembly Bill (A.B.) 111 has been proposed to look at a cost benefit analysis of maintaining UNITY versus moving to a new system. If the Division were to move to a new system, we would still need to perform customization to meet the State's needs. Recently, we experienced this in converting our juvenile justice programs to CaseloadPRO. This conversion has been beneficial; however, it required a lot of customization. Private companies who offer other systems are no more responsive than our internal team. If the Legislature passes A.B. 111, the Division will participate in the study.

**ASSEMBLY BILL 111**: Requires the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study concerning the funding of the child welfare system in this State. (BDR S-451)

ASSEMBLYMAN SPRINKLE:

The UNITY system is used throughout the entire State for all three agencies. If the Division moved to a new system, would this be a significant requirement of the agencies?

MR. ARMSTRONG:

Yes. On page 21 of [Exhibit C](#), we have provided the names of our UNITY users. An advantage to having a bidirectional secure data exchange is that it maintains the UNITY core. If there is a piece of UNITY that an agency does not find helpful and wants to replace it with another tool, that agency can purchase the tool and apply it to UNITY. If a child needs to be matched with a foster family, the bidirectional exchange ensures the UNITY core receives all mandatory data that must be reported to the federal government. This allows flexibility to fulfill the needs of the child.

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ASSEMBLYMAN SPRINKLE:

As the Division continues to enhance UNITY with integration of Cognos and other software programs, it may not be beneficial to consider other alternative systems. Is this accurate?

MR. ARMSTRONG:

This factor will be taken into account under A.B. 111.

CHAIR DENIS:

Cognos is a report-generating software. Do users need to have expertise to use the software?

MS. DAVIS:

Cognos is built so users can easily generate reports instantly. If a user only wants to see specific information on worker caseloads, they can customize and pull reports on this information. This software does not require a lot of technical skills or knowledge of coding.

CHAIR DENIS:

Does this involve using structured query language (SQL)?

MR. BENSHOOF:

We have an International Business Machines Corporation staff member who is a certified Cognos developer and assists with writing the reports in Cognos. Our enhancement for Cognos licensing is to allow users to generate their own reports, enter filtering data and prompts into UNITY.

CHAIR DENIS:

Is there an interface that allows users to do this?

MR. BENSHOOF:

Yes. Our long-term goal is to allow users to generate reports from UNITY. This will be done by entering information and selecting criteria within UNITY.

CHAIR DENIS:

Will this be available to the counties and other users?

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MR. BENSHOOF:  
Yes.

CHAIR DENIS:  
It sounds like there is no need to have a designated person to run these reports, given how user-friendly Cognos will be.

MR. BENSHOOF:  
This is correct. An advantage to Cognos is that it is a reporting subsystem and a separate component from the UNITY core. We are offloading all rendering of Cognos, SQL and other interacting components to a separate reporting subsystem.

SENATOR KIECKHEFER:  
For the Cognos upgrade, there was no agency request submitted at the Governor recommended budget level. Did something happen that triggered the need for this new reporting system?

MS. DAVIS:  
We originally included this in our agency request budget and then removed it in order to meet our GF cap. During the Governor's recommended budget phase, we were able to add it back in.

MR. ARMSTRONG:  
Details of B/A 101-1383 for juvenile justice services can be found on page 12 of [Exhibit C](#). These services perform a lot of oversight and quality functions within our juvenile justice system. On page 13, the Subcommittees will find information on enhancement unit E-901. This request is a non-cost transfer to better coordinate and manage our family travel program. This program was developed during the 78th Session to help families visit their children in our facilities.

HHS-DCFS - Juvenile Justice Services — Budget Page DHHS-DCFS-47 (Volume II)  
Budget Account 101-1383

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E-901 Transfer Fr NV Youth Training To Juvenile Justice — Page DHHS-DCFS-50

On page 14 of [Exhibit C](#), we have provided information on B/A 101-3148 for our Summit View Youth Center. This center is our only secured facility and houses youth with high risks and needs. Apart from enhancements from the Prison Rape Elimination Act (PREA), we are requesting enhancement unit E-230. Originally, when we opened the center, our intent was to have a community service provider provide case management services to our high-needs youth. We were able to contract a provider; however, that contract has since been terminated and the Division has had difficulties keeping this position filled. Currently, we are filling this position with temporary staff. These two psychiatric caseworker positions under E-230 would help with oversight and management within the system and allow for a more cohesive team at the center.

HHS-DCFS - Summit View Youth Center — Budget Page DHHS-DCFS-54  
(Volume II)  
Budget Account 101-3148

E-230 Efficient and Responsive State Government — Page DHHS-DCFS-57

Information on B/A 101-3179 for the Caliente Youth Center can be found on page 16 of [Exhibit C](#). This center is the Division's only co-educational facility and typically serves our younger and low-risk youth. There are no other enhancement unit requests for this budget account apart from the PREA.

HHS-DCFS - Caliente Youth Center — Budget Page DHHS-DCFS-59 (Volume II)  
Budget Account 101-3179

On page 17 of [Exhibit C](#), the Subcommittees will find information on B/A 101-3259 for the Nevada Youth Training Center. This center serves our youth with medium-risk and unique educational needs. The facility also operates its own independent school.

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HHS-DCFS - Nevada Youth Training Center — Budget Page DHHS-DCFS-63  
(Volume II)  
Budget Account 101-3259

On page 18 of [Exhibit C](#), we have provided information on our maintenance units related to PREA. Under maintenance unit M-595 for B/A 101-1383, the Division is required to ensure that there is an investigation of all PREA allegations including sexual abuse and sexual harassment.

During an audit last year, it was determined that facility staff were not meeting federal requirements for experienced and trained staff to conduct investigations. We have been using a patch work of solutions since then and the Department of Corrections Office of Inspector General and the Youth Parole Bureau were able to assist us with this. Maintenance unit M-595 will hire one criminal investigator to oversee and manage all PREA investigations for our State facilities.

M-595 Mandates-Prison Rape Act - Public Law 108-79 — Page DHHS-DCFS-49

We have corresponding M-595 maintenance units for our three facility budget accounts: 101-3148, 101-3179 and 101-3259. These are for the addition of group supervisor positions. The PREA requires a staffing ratio of 1 to 8 during daytime hours and 1 to 16 during nighttime hours. With low capacity at our Caliente facility and the large amount of overtime being utilized, the Division is in need of these additional positions.

M-595 Mandates-Prison Rape Act - Public Law 108-79 — Page DHHS-DCFS-56

M-595 Mandates-Prison Rape Act - Public Law 108-79 — Page DHHS-DCFS-61

M-595 Mandates-Prison Rape Act - Public Law 108-79 — Page DHHS-DCFS-65

The Division used a federal PREA grant to have a consultant identify how we should be analyzing our staffing needs with PREA ratios. The consulting agency produced a report which is the basis for our request of 97 additional staff positions.

ASSEMBLYWOMAN CARLTON:

When did the Division receive notice to begin working towards these PREA ratios?

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MR. ARMSTRONG:

The PREA standards were adopted in 2012, and the ratios became effective in the fall of 2017. At this time, the Division's youth ratios went into effect. It was indicated that the enforcement of these ratios would be delayed; however, this did not occur. The Division began working towards meeting these requirements in 2017. The Division also piloted these ratios at our facilities in 12-hour shifts; however, with the difference in shifts between awake and sleep hours, this was not successful.

ASSEMBLYWOMAN CARLTON:

Despite meeting these ratio requirements, is the Division considered in compliance as long as it is moving towards meeting these requirements?

MR. ARMSTRONG:

On an annual basis, the Governor certifies to the U.S. Department of Justice whether the adult and juvenile systems are meeting compliance. In order for the Governor to certify that the entire system is compliant, both systems must be compliant. Auditors look at our staffing plan to determine if the ratios are being met. It is acceptable to fall below the required ratios as long as it does not become a frequent occurrence.

If the Governor certifies that the State of Nevada is not compliant, but is working towards compliance, a penalty will be applied to federal grants received by the State that are tied to PREA. These penalties go towards improving efforts for meeting compliance. If the Governor certifies that the State is not compliant and has no intention to becoming compliant, these penalties will still be applied to the State.

ASSEMBLYWOMAN CARLTON:

What are the penalties of noncompliance?

MR. ARMSTRONG:

Currently, penalties are applied to the Justice Assistance Grants within the Department of Public Safety and our Juvenile Justice Delinquency Prevention Act. The penalty is five percent of grant funding, and last year we were penalized \$30,000. Previously, the Violence Against Women Act grant was linked to PREA and created many problems for the Division. This grant is

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managed by the Attorney General's Office. The federal government can also create different incentive structures by tying more or less grant programs to PREA.

ASSEMBLYWOMAN CARLTON:

My concern is that we will not be able to fulfill ideal staffing needs despite the Division's funding requests. Facility staffing is very important; however, there are other programs that could use this funding to help our youth be more successful. I am also concerned that we are funding more staff to checkoff a box rather than meeting the needs of our institutions. Perhaps we should look at improving internal operations, such as housing arrangements to improve ratio requirements.

ASSEMBLYMAN SPRINKLE:

Are we tracking penalty funds the Division has paid? Do we know if these funds are being used to help the Division become compliant? If so, where can we find this information?

JOHN MUÑOZ (Deputy Administrator, Community Services, Division of Child and Family Services, Department of Health and Human Services):

The juvenile program office has a coordinator who tracks these funds. The funds are set aside for us to enhance training and build infrastructure into the program to meet PREA compliance. Compliance requirements for PREA often change, which creates difficulties.

ASSEMBLYMAN SPRINKLE:

Can the Subcommittees see how these funds are being used?

MR. ARMSTRONG:

We can provide information on this from the last few years.

ASSEMBLYMAN SPRINKLE:

Does the federal government audit PREA compliance every three years?

MR. MUÑOZ:

Yes.

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ASSEMBLYMAN SPRINKLE:

When was the last audit conducted?

MR. ARMSTRONG:

One of our three facilities is audited once a year over the three-year period. The last audit occurred during summer 2018, and another facility will be audited sometime this year.

ASSEMBLYMAN SPRINKLE:

One of the PREA requirements is to have investigations conducted for all complaints received. Can you talk about how this requirement will be met with the addition of a new investigator position?

MR. ARMSTRONG:

The three main components of PREA are education, prevention and response. In alignment with federal requirement, most of our staff is needed for preventative measures. The investigator position is intended for responsive measures. When an allegation of sexual abuse or sexual harassment is made, the Division needs to conduct an investigation. Previously, we have used internal staff to conduct investigations, and this has not been successful. We have also received help from the Office of the Inspector General and Department of Corrections. Their expertise was helpful; however, they were not able to assist us within compliance of internal policies of investigation timelines.

Investigations must be conducted quickly, since the length of stay for our youth at our facilities is between six and nine months. The Division has also used peace officer standards and training certified individuals from the Youth Parole Bureau to conduct investigations. Utilization of the Bureau is dependent on the availability of these individuals. Juvenile justice reforms from the 79th Session have been beneficial; however, it has also changed the nature of the Youth Parole Bureau to more intensive case planning and family engagement for youth.

ASSEMBLYMAN SPRINKLE:

There is a standard of about 30 days for resolution once an investigation is completed. Will the Division be meeting this standard by establishing this investigator position?

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MR. ARMSTRONG:

We anticipate to meet this standard at a better rate than what we currently meet. There are always unknown issues that can prevent us from reaching resolution within 30 days; however, having a dedicated person who knows the standards and is familiar with the investigation process will result in more timely investigations.

ASSEMBLYMAN SPRINKLE:

How did the Division determine travel fund requests for investigating cases and attending conferences?

MR. ARMSTRONG:

We plan to have the investigator position located in Clark County since this is where most of our youth is located. These travel requests are based on investigations that will occur in Caliente and Elko. Participating in out-of-state conferences ensures we are up-to-date with the U.S. Department of Justice's interpretation of standards.

CHAIR DENIS:

The Division is using overtime to meet PREA requirements. Can you clarify this?

MR. ARMSTRONG:

This is one of the ways we are able to meet the requirements. At our Caliente facility, we have been operating at below capacity.

CHAIR DENIS:

Has the use of overtime been used at all three facilities to meet these requirements?

MR. ARMSTRONG:

Yes.

ASSEMBLYWOMAN TITUS:

China Spring is listed as a location where one complaint was reported. Who does the State house at the China Spring facility? Is the Division obligated to investigate complaints from China Spring, and can we afford to do this?

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MR. ARMSTRONG:

We are not obligated to cover investigations at China Spring; the State allocates money for China Spring to conduct their own investigations. They are obligated to PREA audits; however, since they are not State operated, they are not a part of the Division's full certification. We do try to track data from these types of facilities, when possible.

ASSEMBLYWOMAN NEAL:

What is the Division's employee vacancy rate?

MR. MUÑOZ:

Currently, we have 14 percent vacancy.

CHAIR DENIS:

What penalties will the Division experience over the 2019-2021 biennium, if compliance is not met with PREA ratios?

MR. ARMSTRONG:

The formula grant rate for the office of juvenile justice programs has stayed the same or decreased in previous years. We do not anticipate any changes over the biennium. We can not speak to this in regards to the adult system. These are difficult to predict especially if there are additional grants added to the penalty. Previously, the Violence Against Women Act grant was removed, but others could be added in the future.

ASSEMBLYMAN SPRINKLE:

Is there any evidence from the State or National level on whether these suggested ratios are effectively preventing incidents?

MR. MUÑOZ:

It is recognized Nationally that the 1 to 8 and 1 to 16 ratios are industry standard and work in other states. If the Division does not comply, we are at risk of civil liability, which is our biggest concern.

ASSEMBLYMAN SPRINKLE:

This is the whole point of PREA. Have we seen a reduction in claims of abuse or harassment to justify these ratios?

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MR. ARMSTRONG:

No. The U.S. Department of Justice has a program to study the data around PREA. At a meeting with the U.S. Department of Justice, I asked if they were going to perform a data correlation between different regulations and their ability to prevent claims of abuse and harassment. They responded by saying they would not do this. I am disappointed to know that there are no studies to confirm if these regulations actually prevent incidences of sexual harassment and abuse, or not.

There are other studies which show that youth need a connection with a caring adult. If we have more staff than what PREA requires, we will have better outcomes in general. The perspective of the U.S. Department of Justice is that more eyes on the youth mean less opportunity for abuse, and this is the methodology explanation we have been given.

ASSEMBLYMAN SPRINKLE:

It would be beneficial to see more information on this. The Division has considered different staffing scenarios. Why did the Division settle on the 8-hour shift scenario rather than a 12-hour shift to meet those ratio requirements?

MR. MUÑOZ:

When we switched over to the 12-hour shift schedule, overtime was built in to cover those shifts, since they did not coincide with waking and sleeping hours. As a result, there were staffing shortages in those areas, and we elected to return to 8-hour shifts.

SENATOR KIECKHEFER:

In 2018, there were 11 investigations at the Caliente facility. How many of those were substantiated?

MR. MUÑOZ:

In 2017, we had 15 PREA investigations; in 2018, we had 26 PREA investigations. Out of these 41 investigations, only 3 were substantiated for youth-on-youth sexual harassment.

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SENATOR KIECKHEFER:  
Is that divisionwide or specific to Caliente?

MR. MUÑOZ:  
This is divisionwide.

SENATOR KIECKHEFER:  
Were there 3 substantiated harassment claims in 2018?

MR. MUÑOZ:  
No. There were 3 substantiated claims over 2017 and 2018.

SENATOR KIECKHEFER:  
Are these staffing ratios based on capacity or actual sentences?

MR. ARMSTRONG:  
These ratios are based on budgeted capacity.

SENATOR KIECKHEFER:  
The Caliente facility is running at 20 or 30 youth under capacity. Is this correct?

MR. ARMSTRONG:  
Yes. We are below the budgeted capacity at all three facilities.

SENATOR KIECKHEFER:  
If we were to rerun these numbers based on actual capacity, what would the result be?

MR. MUÑOZ:  
The Division tries to not run at capacity all the time. Our youth commitment rates are constantly changing with some months higher than others. If our facilities operate at capacity and we have a spike in commitments, this will create a backlog for detention facilities; this happened in the summer of 2018.

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MR. ARMSTRONG:

With ratios of 1 to 8, a facility has to drop below capacity by 8 kids before we would see a need for staffing.

SENATOR KIECKHEFER:

If there is a housing unit that holds 20 kids and is reduced to 16, the cost is reduced by requiring two staff members instead of three. Has the Division run the numbers for reducing facility capacity by restructuring housing units and the number of beds placed in each unit?

MR. ARMSTRONG:

Our consultant did take a look at the result-reducing capacity of our Caliente facility to 120. We have looked at where costs would increase if the reduction of 20 beds was relocated; however, with a capacity of 248, it will cost the same regardless of a reduction.

SENATOR KIECKHEFER:

How much is the consent decree with Clark County driving this?

MR. ARMSTRONG:

I am not aware that we are under a consent decree.

SENATOR KIECKHEFER:

Perhaps I am mistaken.

MR. ARMSTRONG:

Our standard is to make sure that once a judge has decided to commit a child to the Division, they will enter the program within 30 days. There is no federal consent decree.

SENATOR KIECKHEFER:

Did Clark County sue the State over the backlog of kids being reduced which lead to entering into an agreement on how quickly kids were transferred from their system to ours?

MR. ARMSTRONG:

I am not aware of this, but I can look into it and follow up.

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SENATOR KIECKHEFER:

These staffing requests seem like a lot if we have had only three substantiated complaints over a two-year period.

CHAIR DENIS:

Has the Division calculated the incremental cost of group supervisors needed based on housing kids in groups of 8 versus groups of 12 at the Summit View Youth Center?

MR. MUÑOZ:

Yes. If we reduce the number of kids from 12 to 8, we will have nowhere to house the 4 extra kids. If we move these four kids to another facility, we would disrupt the efficiency at that facility. Our facilities are able to operate efficiently with groups of 16 kids and inefficiently with groups of 17 or 19 kids.

CHAIR DENIS:

If there are 12 kids in a group, the facility needs 2 supervisors. If there are eight kids in a group, you need one supervisor. Is there another area at Summit View Youth Center being used for administrative purposes that could be used to house kids?

MR. MUÑOZ:

Yes. However, that area would need to be developed and furnished to house kids. Currently, the area is not being used and there would be an expense to develop and furnish it. Additional staff would also be required to run this area.

CHAIR DENIS:

Could the facility house 16 kids with 1 supervisor?

MR. ARMSTRONG:

At Summit View Youth Center, we currently house 48 youth per building. Each building is split into 2 areas, and each area accommodates 12 kids. With a total of 24 kids, the facility experiences inefficiencies during night hours because we have to maintain 2 supervisors per group of 12 kids. During day hours, we do not experience these inefficiencies. If we reduce the group of kids from 12 to 8, it would require having enough staff to supervise more areas at the same time.

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CHAIR DENIS:

There is a cost to bringing unused area up to living standards. Would that require two less supervisors?

MR. ARMSTRONG:

The facility would only experience savings during the night shift.

ASSEMBLYMAN SPRINKLE:

Does the Division know if there would be any long-term cost savings associated with opening up an additional living area and reducing the staffing levels at night?

MR. ARMSTRONG:

Our fiscal team has looked at many scenarios and outcomes that we can provide to the Subcommittees. If there is a scenario that we have not looked at, we will do so and report the outcome to the Subcommittees.

ASSEMBLYMAN SPRINKLE:

This will be helpful to us. If we ignore PREA requirements, are the Division's staffing levels sufficient enough to provide the safety and security for these youth?

MR. ARMSTRONG:

Our current staffing level consistently allows us to maintain the safety of our youth and to respect their rights. The Division is audited by the Legislative Counsel Bureau regularly, and they support this level of consistency. I do not believe we are doing the best work we can do; however, additional staff can help with this.

The Division experiences a lot of employee turnover because of overtime requirements and the nature of the work. With additional staff to alleviate these factors, we would see less turnover. In general, the nature of juvenile justice facility staffing has changed a lot over the last 10 to 15 years. These changes include supervision, custody and control mentality, and therapeutic treatment of youth.

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The National Council of Juvenile Correctional Administrators recently put out a toolkit to help State agencies recruit and retain staff members. Even without these PREA mandates, increasing our staff for the benefits of our kids is the right thing to do. We do not have the structure to provide the Subcommittees with a good methodology for increasing staff. If we want our kids to thrive and be successful upon reentry, we need more staff.

ASSEMBLYWOMAN CARLTON:

It is important for us to put the right staff in the right place. The decision we need to make is whether staff needs to be increased in supervision, therapy or education. We all want to do the right thing for these kids. The question is not whether or not we should appropriate funds to the Division, but rather where those funds are best used.

ASSEMBLYWOMAN NEAL:

What kind of training is being implemented to deal with the issue of staffing rates? The number of investigations at the Caliente facility is higher than other facilities. What are the dynamics occurring there, as opposed to other facilities to drive the conversation of what kind of training the Division should provide for additional staff?

MR. MUÑOZ:

Due to the high population, we have a lot more investigations at the Caliente facility. Our budget accounts for 140 kids at Caliente Youth Center, 48 kids at Summit View Youth Center and 60 kids at Nevada Youth Training Center.

ASSEMBLYWOMAN NEAL:

What are the numbers at Summit View Youth Center?

MR. MUÑOZ:

There are 48 kids.

ASSEMBLYWOMAN NEAL:

In 2019, there were 9 investigations at Summit View Youth Center, 2 investigations at China Spring, 6 at Nevada Youth and 4 at Spring Mountain Youth Camp. Although there are more kids at the Caliente facility, I do not believe the type of child they house there is different from the other facilities.

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There must be another underlying behavior factor that is contributing to the high number of investigations at Caliente facility.

MR. MUÑOZ:

Yes. Over 2017 and 2018, there were 16 investigations for youth-on-youth sexual harassment incidences, 10 investigations for youth-on-youth sexual abuse, 9 investigations for staff on youth sexual abuse and 6 investigations for staff on youth sexual harassment. Three of these investigations were substantiated to be youth-on-youth sexual harassment incidences.

MR. ARMSTRONG:

The Summit View Youth Center was not open in 2015. It was reopened in 2016, and capacity was slowly increased during that time. This explains the gap in investigated incidences. In addition to the Division requiring specific training on PREA, we also passed regulations two years ago to make sure all State and non-State facilities had their staff trained on how to handle PREA allegations and investigations. This also included trauma, informed care for youth suicide prevention and use of force. We have shored up most of those training requirements across the State.

CHAIR DENIS:

Regarding enhancement unit E-230, can you talk about the benefits of case management services and the outcomes you expect?

SUSIE MILLER (Deputy Administrator, Residential Services, Division of Child and Family Services, Department of Health and Human Services):

These psychiatric caseworkers will formulate successful reintegration plans for youth by incorporating their families and any extended support.

CHAIR DENIS:

How many cases will these caseworkers work on?

MR. ARMSTRONG:

We do not have this information. The two psychiatric caseworker positions are sufficient for a capacity of 48 kids.

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CHAIR DENIS:

This is a budgetary and not a case management issue. Is this correct?

MR. ARMSTRONG:

Yes.

ASSEMBLYMAN SPRINKLE:

Can you describe the layout of the Caliente facility and why there is a request for 18 additional staff in response to 20 additional offenders? Can you also talk about the capacity decisions of 140 kids versus 120 kids?

MR. ARMSTRONG:

At the Caliente facility, housing units are made up of 20 room cottages. There are 7 units which brings us to a capacity of 140 kids. We had a spike in commitments of female kids last year, which resulted in moving some beds into the female areas. Currently, we have the worst youth to staff ratios at our Caliente facility. Historically, the Caliente facility budget account has been allocated the lowest number of staff-to-youth ratio due to problems in economies of scale.

ASSEMBLYMAN SPRINKLE:

Is the ratio so low because there are seven individual units, or is it because of the male to female mix?

MR. ARMSTRONG:

The mix of male and female youth makes us cognizant to our staffing patterns. Unlike the Nevada Youth Training Center, the Caliente facility does not have the room to divide our units into more units. Managerial positions such as group supervisor IVs are needed at every facility regardless of the amount of kids. Our ratio at the Summit View Youth Center is close to meeting PREA requirements. Historically, I can not speak to how staffing ratios have become what they are today.

CHAIR DENIS:

For the Nevada Youth Training Center, why did the Division not include academic teaching positions within the PREA staffing ratio during school hours?

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In the other facilities, the Division contracts teachers from the school districts; however, at the Nevada Youth facility teachers are hired in-house.

MR. ARMSTRONG:

We want our teachers to be focused on teaching, since they teach kids who are not academically successful. We prefer to have separation of duties between teaching and providing security.

CHAIR DENIS:

Have teachers done any security or direct supervision in the past? Have any incidences been reported from this?

MR. ARMSTRONG:

I can provide this information at a later time. Teachers are trained to call a code if there is an incident and security staff will respond.

CHAIR DENIS:

You do not know if teachers have been used as security in the past?

MR. ARMSTRONG:

Yes. We have never counted them towards ratios, and we normally do not use them for security purposes. There are always abnormal incidences with the nature of 24-hour facilities.

CHAIR DENIS:

What level of effort do you estimate will be required to bring one additional dwelling unit into service at the Nevada Youth facility? Is there an available area that could be converted into a living space?

MR. ARMSTRONG:

We have not conducted any analysis on this. There are some cottages not being used at the Nevada Youth Center, and we can provide this analysis to the Subcommittees.

Ms. DAVIS:

We have not conducted an analysis of this. We will look into this and provide our findings at a later date.

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ASSEMBLYMAN SPRINKLE:

The Caliente and Nevada Youth facilities have the same level of youth offenders. There could be benefits to moving some of these kids and reducing ratios by utilizing unused areas.

MR. ARMSTRONG:

The Caliente and Nevada Youth facilities are similar in the types of youth they house. In terms of security, they are both considered staff secure and do not have fences surrounding them. It would not be difficult to transfer units from the Caliente facility to the Nevada Youth facility.

ASSEMBLYMAN SPRINKLE:

The Division knows these facilities better than the Subcommittees. If you are able to make this transfer soon, this would be helpful.

MR. ARMSTRONG:

We will do this and provide additional information to the Subcommittees at a later time.

ASSEMBLYMAN THOMPSON:

What are the Division's goals for youth success after they are released from these facilities?

MR. ARMSTRONG:

Our goal is for these youth to not enter the adult criminal justice system. Three out of four youth who come to our facilities are not in prison within five years of release. This is a success, and I want to see this ratio move to four out of five. We also recognize that there are other goals we should have for these youth. Many of these kids have had trauma in their lives, and their behavior is rooted in this. We want to make our facilities a place for healing and where academic success can be achieved.

We also want to provide successful reentry into the community for these youth. Often our youth have a great experience at our facilities and return to difficult situations after they are released. The passage of A.B. No. 472 of the 79th Session has given the Division the tools to do this. The Bill is not fully implemented with the Division, but it was a major overhaul in focusing our

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attention more on the needs of our youth and less on the crimes they committed. Going forward, a new measure of success will be if we met the needs identified at the beginning of a case.

ASSEMBLYMAN THOMPSON:

A lot of what we have talked about is sobering, but there is great work being done for our youth.

ASSEMBLYWOMAN CARLTON:

There have been discussions in other systems about kids being sent out-of-state. Do we have youth that are placed out-of-state? At one time this did occur because the State did not have the necessary psychological facilities to treat kids.

MR. ARMSTRONG:

Our youth are committed through the juvenile court system, and most of the time they are served through a juvenile justice facility. Sometimes they are committed through the juvenile court system to the Division for higher-level care.

ASSEMBLYWOMAN CARLTON:

Please provide this information to the Subcommittees.

MR. ARMSTRONG:

We always try to serve youth in the State. Assembly Bill No. 472 of the 79th Session placed requirements on judges in the juvenile court system to produce specific findings on why a child could not be served in the State, before authorizing them to leave the State.

SENATOR SETTELMAYER:

Do we have youth coming from court systems in California such as Alpine County, Mono County or anywhere outside of Nevada?

MR. ARMSTRONG:

Our youth are made up of kids who got into trouble in the State of Nevada and were adjudicated in the Nevada juvenile justice court system. Some of them end

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up getting into trouble while they are temporarily in Nevada. We manage the interstate transfer of juvenile youth to and from the State.

CHAIR DENIS:

We will now hear public comment.

TIMOTHY BURCH (Administrator, Clark County Department of Social Services and Family Services):

We are here in support of B/A 101-3143 and the technology enhancement. Three key items in the child welfare universe are security, scalability and dependability. We are working with consultants in Clark County to create smart community initiatives; these consultants are very complimentary to the Division's enhancement plans. The API structure is based on the highest level of data encryption and security available. This is critical, since we pass information between systems that do not communicate well with each other.

Scalability is important, since we have specialty units with five users for commercial off-the-shelf products. We have enterprise-level solutions that all 967 Clark County employees need to access. Having this type of infrastructure will allow all of our business units to access appropriate data for children in real time. The UNITY team is building a system and custom point-to-point integration from scratch. We have two subscription services in Clark County and know others throughout the State that do not integrate with UNITY. This creates an atmosphere of nonadoptability for our staff. We urge your support in this to make sure data sharing is standardized. All applications can share one core dataset on all children throughout the system.

EBONI WASHINGTON (Assistant Director, Clark County Department of Family Services):

We also support B/A 101-3143 regarding the update to UNITY and the bidirectional data exchange. Our child welfare case managers are required to complete a great deal of administrative work. Caseworkers have to go into the education system Infinite Campus to access information. They also go into Odyssey to access court information in an effort to get a comprehensive picture of what the needs are for our children and families. The more time they spend at their desk performing administrative work searching through systems the less time they are in the community working with children and families.

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This bidirectional data exchange will create the platform and ability to exchange information seamlessly. Regarding Cognos licensing and case managers having access to information, we are a 24 hours a day 7 days a week operation in Clark County; child abuse happens all the time. For caseworkers to run reports with information that is specific to their caseload improves efficiency and productivity. As an alternative to requesting a report from the State, this will streamline things. We have caseworkers who keep hand tallies and create their own spreadsheets. Having access to these reports will also improve efficiencies.

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CHAIR DENIS:

There being no further business, this meeting is adjourned at 9:36 a.m.

RESPECTFULLY SUBMITTED:

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Michael Keever,  
Committee Secretary

APPROVED BY:

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Senator Moises Denis, Chair

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

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Assemblywoman Maggie Carlton, Vice Chair

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

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EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	2		Attendance Roster
	C	27	Ross Armstrong/Division of Child and Family Services	Budget Presentation