

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

**Eighty-First Session
February 11, 2021**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 9:06 a.m. on Thursday, February 11, 2021, Online. 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblywoman Rochelle T. Nguyen, Vice Chairwoman
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Lesley E. Cohen
Assemblywoman Cecelia González
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Heidi Kasama
Assemblywoman Lisa Krasner
Assemblywoman Elaine Marzola
Assemblyman C.H. Miller
Assemblyman P.K. O'Neill
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Ashlee Kalina, Assistant Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Bonnie Borda Hoffecker, Committee Manager
Traci Dory, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Ross E. Armstrong, Administrator, Division of Child and Family Services,
Department of Health and Human Services
Egan Walker, Judge, Second Judicial District Court
Joey Orduna Hastings, CEO, National Council of Juvenile and Family Court Judges
Mandi Davis, Deputy Administrator, Administrative Services, Division of Child and
Family Services, Department of Health and Human Services
Tennille K. Pereira, Director, Vegas Strong Resiliency Center
Susan Meuschke, Executive Director, Nevada Coalition to END Domestic and Sexual
Violence
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public
Defender's Office
Liz Ortenburger, CEO, SafeNest

Chairman Yeager:

[Roll was called. Committee protocol was explained.] We have two presentations and one bill on the agenda today. The presentations can be found on the Nevada Electronic Legislative Information System (NELIS) if you would like to follow along.

Ross E. Armstrong, Administrator, Division of Child and Family Services, Department of Health and Human Services:

I have all the deputy administrators of the Division of Child and Family Services (DCFS) with me in the room today for any questions that I might not be able to answer. Judge Egan Walker and Joey Orduna Hastings are here today as well. They are the cochairs of Nevada's Juvenile Justice Oversight Commission (Commission).

I think it is important for the Committee's varying experiences with the criminal justice and juvenile justice systems to provide some important differences [[Exhibit C](#)]. In the adult system, there is a conviction by a judge or a jury and then there is a sentence, the length of which is set by statute [page 3]. There is a range for that sentence, and the judge determines what the sentence will be. That is referred to as determinate sentencing. In the juvenile system, there is not a conviction but an adjudication by a judge. Some of our jurisdictions have family court judges who are specifically designated for the juvenile justice docket. In our rural counties, those judges handle all cases. They might be handling an adult murder one day, a juvenile justice case the next day, and a divorce the day after that. It is a judicial

determination in terms of the juvenile justice system with indeterminate sentencing. In those juvenile justice cases, there may be a determination that an individual needs to be on juvenile probation, but if they come to state custody with DCFS, it is indeterminate sentencing. For us, our average lengths of stay are 6 to 9 months. The release date is dependent upon the child's progress through programming and not dependent necessarily on what crime they may have committed.

In Nevada's overall structure, we have county-operated, front-end services, so when we talk about juvenile probation, engaging the community, the prevention work is really done by our county juvenile justice agencies [page 4, [Exhibit C](#)]. In all counties except for Clark County, those juvenile justice agencies are an arm of the court. In Clark County, it is an arm of the executive county government. We have state-operated correctional placement, and that is operated by DCFS. Aftercare is through our Youth Parole Bureau. Once a juvenile is committed to DCFS and then returned to the community, we would maintain supervision through our Youth Parole Bureau. We also have juveniles in Nevada who are certified to the adult system, sometimes automatically, and sometimes it is at the discretion of the district attorney by filing a petition before a court. Those juveniles under the age of 18 who go into the adult system also go into the adult system of supervision, so the juvenile justice system no longer has a role in supervising them.

Knowing the Chairman's affinity for doughnuts, you can think about the juvenile justice system this way, in terms of scope. That is, the county-operated, front-end probation is really like the dough or cake; that is where the bulk of the system is in those county-operated, community-based services. The frosting would be DCFS and our juvenile correctional care, a very small population compared to the entire system. Whatever topping is your preference would be the very small number of juveniles who go into the adult system. I thought that visualization might help you, Chairman, and the members of your Committee.

Because we have these great ideas in terms of reform, how we should operate in comparison to other states is helpful [page 5]. For our correctional care—the facilities we operate—there are really three models in the country for where that service lies in state government. It is either an independent agency, with a health and human services or DCFS-type agency, or it is a branch of adult corrections. In Nevada, correctional care is part of a family and child welfare agency. The website on this slide is a great resource to review if you are thinking about some juvenile justice policies for yourself or your Committee. The website is JJGPS.org, and it allows you to compare Nevada to any other state on juvenile justice policies. When we start comparing how other states do things, it is helpful to remember that in Nevada, at least the corrections part of our system is operated by our family and child welfare agency.

I talked about community services and the counties operate those probation departments [page 6]. They have supervision and diversion programs, and some of them have juvenile specialty courts. They really do the bulk of the work in terms of community engagement and diversion. In Clark County there has been a lot of work done with the school district in trying to not criminalize behavior that can be addressed without getting the justice system

involved. At the state level, again, it is the Youth Parole Bureau. Based on some juvenile justice reforms in 2017, the Youth Parole Bureau has really worked toward using objective measures in terms of sanction decisions and incentives for completing and complying with parole conditions.

Speaking about those reforms, the juvenile system has been ahead of the curve as we talk a lot about criminal justice reform. I think because of an inherent gut instinct—that children still have time to develop and change—we have had a more rehabilitative approach than, say, the adult justice system.

In terms of residential services in the juvenile justice system, meaning juveniles staying overnight in a facility, counties operate detention centers [page 7, [Exhibit C](#)]. If you were to think about the equivalent, it would be essentially like the jail system in the adult system. You get arrested and need to be removed from the community, you go to the juvenile detention center. Not every county operates a detention center, and so there are agreements among neighboring counties to utilize those facilities. There are county camps, one in Clark County (Spring Mountain Youth Camp) and one operated by Douglas County (China Spring Youth Camp) for the rest of the counties in the state, which is an intermediate step before going to state correctional care. There are some alternative residential settings, whether they be mental health facilities or step-down group home-type facilities.

For the state, we operate three juvenile justice correctional facilities: the Caliente Youth Center in Lincoln County, which currently has a budgeted capacity of 64 beds and is our only facility that serves both boys and girls; the Nevada Youth Training Center in Elko, which is our oldest facility, established in 1915, and has a budgeted capacity of 48 beds. Back in the '90s there were something like 200 kids at that facility, so in terms of removing children from correctional care, we have done a great job in Nevada. The Summit View Youth Center in Las Vegas also has a budgeted capacity of 48 beds. It is our highest security facility. It is physically secure with a fence and razor wire. It feels like a correctional center. Both Caliente and the Nevada Youth Training Center are staff secure. There are no fences; they are in a remote location or the staff can control behavior to reduce the risk of walking away. There are also alternative residential settings. We did some restructuring within our agency a couple of years ago that puts both our juvenile justice and mental health facilities under one roof. If there is a determination that what is really needed for a child is mental health care, we may place them at a mental health facility instead of in correctional care.

The Division of Child and Family Services has a role in coordination of the system [page 8]. I think across all systems for DCFS, program coordination is our least resourced. We have just a handful of people in our Juvenile Justice Programs Office doing a lot of work for statewide planning. It ensures our federal compliance with the Juvenile Justice and Delinquency Prevention Act of 2018 and the federal Prison Rape Elimination Act (PREA). Adult corrections has to comply with PREA and so does juvenile corrections, although the standards are a little different. The Juvenile Justice Programs Office also performs data

collection and analysis and generates a handful of annual reports to help decision makers chart the path forward. They are a great resource to this Committee if you need any information.

There is also the Nevada Association of Juvenile Justice Administrators, which includes all the juvenile justice agencies in the state, county probation departments, and representatives from the state agency.

There are a number of system trends and issues that we are focusing on as a system in juvenile justice [page 9, [Exhibit C](#)]:

- Racial and ethnic disparity.
- Conditions of confinement, including living conditions and different services while we have youth in a residential placement.
 - Use of confinement, including room confinement. There is a lot of data on restriction requirements around the use of confinement or isolation for a juvenile.
 - Use of force.
 - Services and supports. Over the last decade there is more of an emphasis on mental and behavioral health and trauma-informed practices as key to helping with the rehabilitative process.
- Juvenile competency. Nevada has a juvenile competency statute, but we really have no services or structure in place when a juvenile is determined to be not competent.

The next two slides [pages 10 and 11] are about the Commission. It was established by Assembly Bill 472 of the 79th Session (Nevada's Juvenile Justice Reform Act of 2017). There were some previous committees and oversight groups that were working in the juvenile justice world, including the Governor's Juvenile Justice Commission and the Supreme Court's Commission on Statewide Juvenile Justice Reform.

Assembly Bill 472 of the 79th Session established a single commission that is appointed by the Governor. There are some seats that are recommended by members of the Legislature, and there is also the Advisory Committee to the Commission, which can include members of the Legislature. The Commission has four current working committees, including the State Advisory Group Planning Committee, which helps with federal compliance and general planning for our system; Assembly Bill 472 of the 79th Session included some quality assurance mandates, especially on facilities, that the Grants and Quality Assurance Committee oversee; the Data and Performance Committee helps us to understand how to use all the data that we have and determine if our system is or is not working well; and the final one is the Racial and Ethnic Disparities Committee.

Some of the accomplishments of the Commission include:

- A five-year strategic plan was adopted as required by statute.
- Implementation of a risk and needs assessment as required by the reform bill. The Commission researched and landed on the Youth Level of Service assessment.
- Implementation of the Correctional Program Checklist, which is an oversight and validated assessment of our correctional facilities.

There is ongoing work, which includes regular data and system reviews including on racial and ethnic disparities, those conditions of confinement I discussed earlier, and finally the impact of COVID-19 on youth and staff.

I would ask Ms. Hastings and Judge Walker to weigh in on anything I missed about the Commission; otherwise I think we are ready to take some questions.

Egan Walker, Judge, Second Judicial District Court:

I have had the pleasure of being a cochair of the Commission and was a member of both the Nevada Supreme Court's Commission on Statewide Juvenile Justice Reform and the Governor's Juvenile Justice Commission. I am happy to answer any questions you may have.

Joey Orduna Hastings, CEO, National Council of Juvenile and Family Court Judges:

I am a cochair of the Commission, and I, as well, am happy to answer any questions you may have.

Chairman Yeager:

I appreciate the brevity of the presentation. Are there any questions from the Committee?

Assemblywoman Bilbray-Axelrod:

I was looking at the JJGPS.org website. The simple rates of incarceration of non-white to non-Hispanic, Black, and Asian are startling, especially when you look at the number of Black juveniles who are incarcerated compared to what our state details are. The numbers look like they are from 2011. I wanted to know if you had any more updated numbers. Additionally, I was curious if we knew the number of kids who are in the adult population. I know that you mentioned that some crimes are automatic and then other times it is at the discretion of the district attorney. Ten years seems like a long time ago, so any current breakdowns of those figures would be appreciated.

Ross Armstrong:

The average for the last three years in terms of children committed to DCFS breaks down to 40 percent African American, 27 percent Caucasian, and 25 percent Hispanic or Latino. As part of the Commission, we are required to participate in federal reporting on racial and ethnic disparities, so we can follow up for you. There is a whole report we do annually that looks at each point in the system—arrest, decision to file a petition, decision to certify to the adult system, the decision to commit to state custody—based on racial and ethnic disparity.

I will make sure to submit that report to the Committee as it is helpful being color-coded, with red meaning there is a statistically significant deviation from our population.

Judge Walker:

The JJGPS.org data you are looking at is a product of the National Council of Juvenile and Family Court Judges through its research arm. A lot of people do not know, and I commend you for this lucky circumstance, that the headquarters of that Council is here in Reno, and Ms. Hastings is the CEO of that organization. I also have the privilege of serving on their board. Although that statistic from JJGPS.org is 10 years old, we have up-to-date state statistics if you would like them.

Chairman Yeager:

Before I take the next question, Mr. Armstrong, I did want to commend you for using the doughnut analogy. That was very creative. I like all parts of the doughnut, but in the juvenile system I would like to get rid of the toppings and someday eliminate those juveniles who are in the adult system, which I know is a challenge. I appreciate the effort and the analogy.

Assemblywoman Nguyen:

Is there a lack of guidance in *Nevada Revised Statutes* (NRS) regarding competency determinations with juveniles, or do we just not have the resources to help? I am familiar with how competency, restoring competency, and dismissal of cases when you are not able to restore competency works in the adult system, but can you highlight the juvenile aspect of that?

Ross Armstrong:

The interim Legislative Committee on Child Welfare and Juvenile Justice had a study that looked at this, and I think you will likely see a policy bill coming forward. Although, juvenile justice is one of these things that we never know if it is going to land in Health and Human Services or Judiciary. It is a very similar process that is in the adult system. In the adult system, we have Lakes Crossing to help determine and bring back to competency. I think what we are seeing in the juvenile justice system is when we have issues of competency, it is much more likely because of developmental or intellectual disabilities and not so much untreated mental health issues that you see in the adult system. When you take a look at the determination that a juvenile is not competent to go forward on their juvenile proceedings, the likelihood of regaining competency or being able to be medicated to the point of where they now become competent as we see in the adult system is pretty low. There are some best practices around the country in terms of community-based competency evaluation and restoration versus sending them off to a facility. That is where our judges are in a tricky spot. Clark County had an example of a juvenile who had developmental disabilities, did not understand what he was doing was wrong, but kept getting access to guns and firing at people. He was not eligible to be automatically certified to the adult system and go through that process with Lakes Crossing, but then really could not proceed on the juvenile proceedings. It is rare, a small population, but it will grow as Nevada grows. But that is where we are in terms of the competency aspect.

Assemblywoman Nguyen:

Is it fair to say that we could do better in this area?

Ross Armstrong:

Yes.

Assemblywoman Nguyen:

On that same topic, you mentioned the example of someone with developmental disabilities. Does that happen a lot, that intersection of children who are on the spectrum, are low-functioning, who are just probably never going to be competent for legal proceedings but are engaging in very dangerous behavior, or is that an isolated situation?

Ross Armstrong:

It is not a frequent occurrence; it is rare. But we are in a position that, when it does occur, the judge's hands are tied and there is no good process going forward. As I indicated, the interim Legislative Committee on Child Welfare and Juvenile Justice did a study, and they have some recommendations that will be forthcoming to help improve that process.

Assemblywoman Summers-Armstrong:

Ms. Hastings, you are the chair of this juvenile justice chapter here in Nevada?

Joey Orduna Hastings:

I am a cochair of the Commission with Judge Egan Walker.

Assemblywoman Summers-Armstrong:

The statistics that Assemblywoman Bilbray-Axelrod discussed are alarming. The racial disparity is alarming. What have you gained from this, and what are you trying to put forth to improve what we are seeing? Please help me understand what your organization's purpose and thrust is, to get more justice and better parity? Because this really seems egregiously unfair.

Joey Orduna Hastings:

I will speak to Nevada and then on a national level. In Nevada, with the Commission workgroups, we are working on trying to better identify the data to address disproportionality in our system. There are efforts to bring programming back into communities; train judges, probation officers, and teachers to be aware of implicit bias; and other internal efforts—that may happen intentionally or not—that identify members of the population who may go into the court system faster or more frequently than other children in the system. The National Council of Juvenile and Family Court Judges did a virtual juvenile justice institute last summer for judges in Nevada to address issues of implicit bias, including using data, better engaging with parents and children in the system, diverting children from the system, and looking at educational and mental health needs as well as economic and poverty issues. We are also trying within the system to hire and recruit those people who look like the children in our system so that we can relate better culturally. We also have efforts with our tribal youth; I would recommend as part of the Commission that, as nominees are made to sit on the

Commission, that we look across diversity including our tribal courts and our tribal partners in Nevada. There are a number of efforts from external education, data, training, and looking at the systems protocols and internal procedures of [unintelligible] personality issues. I am reaching out to Dr. Melissa Sickmund, who runs our research department at the National Center of Juvenile Justice. That Center also provides all the data to the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice as to juvenile justice matters. As Mr. Armstrong noted, we will be sending this Committee updated information and data around the numbers of children in our system and the disproportionality figures.

Assemblywoman Summers-Armstrong:

I think this is a sad statistic. We often talk in my community and have been for years about the school-to-prison pipeline. It just appears that this is an example statistically of that happening. There should be some opportunity for us to stop some of that. Every child who is having problems does not need to go into the system. We hope that you will help us provide this information to our communities as well as resources and things that we can do to deal with some of these issues at home before we get kids into the system. Like you said, having teachers and other people who are referring kids use cultural competency—not a knee-jerk reaction to want to have kids committed. I appreciate your work.

Joey Orduna Hastings:

I would note, as a born and raised Las Vegas myself, I appreciate the work being done there and throughout the state. The National Council of Juvenile and Family Court Judges has a website specially related to tools to help with the school-to-justice pipeline, and I will send that material to you.

Assemblyman Miller:

You mentioned that there was a better rehabilitation rate in the juvenile system versus the adult system. Did I understand that correctly?

Ross Armstrong:

I do not know that we have the data to say that there is a better rate at this point. I will say that at this point, I think the juvenile justice system and the players in that system are ahead of the curve in terms of a rehabilitative approach, especially as more evidence about brain development in children has come to light and that we understand our system should be focused on rehabilitation. For us at DCFS, in terms of how we measure success, lack of recidivism is certainly one success, but we also look at positive youth outcomes, such as the number of kids in our facilities who get their high school diploma or are employed afterward. We did a data match a couple of years ago, and should update it to make sure this is still the case; we looked at four out of the five children who had been in the DCFS facility as a young person and had not been in the Nevada Department of Corrections within five years of being released from our care. We saw four out of five kids not going into prison as a success. The idea is that if we can help those kids on the right path from our area it is a success. When they get to state correctional care, it is their last best chance to change that path. Everyone in our division is committed to helping each child do that.

Assemblyman Miller:

I would loosely agree that if four out of five are not returning to the system, that it is probably a good indication that some progress is being made. I would also like to know in what ways do you think you are doing things differently for the youth that stay with the juvenile system versus the youth that are certified or direct filed into the adult system?

Ross Armstrong:

In terms of the aftercare and parole—because we have indeterminate sentencing—we can work with a child as long as we need to, as there is no clock ticking. The perspective of the youth in our system is that they know they get to go home if they are making progress in academics and counseling. They are not just sitting waiting for a clock to expire, which is how it goes in the adult system. When we have juveniles that are certified into the adult system, they go to the Lovelock Correctional Center, run by the Department of Corrections. The team there does the best they can, and they do a good job trying to program with those youth. Beyond that, in terms of a comparison of what services are provided, I think across both justice systems there is a growing understanding of the need to address past trauma and behavioral health needs, and I think if we continue to increase that access to care, the effectiveness of both systems will be good.

Judge Walker:

From a boots-on-the-ground perspective, the focus that we as judges have for children in the system is seen through the lens that children do not commit crimes. So the system that exists is focused on the behavior of children and how that behavior does not conform to society's rules. The answer is not a sentence; the answer instead is to try to find the right service for the right child at the right time. One of the watershed ways in which the Commission has helped practice in Nevada is to impose the requirement that all children have a youth-level of service or, for lack of a better term, a risk and needs assessment before we choose what programming they are going to receive, to ensure that we are not just mad at the kid—it is not a kid that we have seen a lot, who we do not like, who we think is from a bad family. I do not feel this way about children, just using them as extreme examples. This is to make sure that we are using objective data to find the right fit for the right needs. As a matter of fact, most children get better when they grow up. Overwhelmingly, we divert 85 to 95 percent of the children who touch the juvenile justice system out of the system. They are not adjudicated delinquent, they are not detained, they are not committed to DCFS. The overwhelming answer I would give has been the big push through A.B. 472 of the 79th Session to be data driven and to make sure that if, for example, we are going to remove a child from their home, there is a good faith basis to believe that what they are going to get away from their home is better than what they will receive at home. Because, in fact, most kids get better as they age.

Assemblywoman Krasner:

We are talking about taking away someone's constitutional rights here, because that is what involuntary commitment is, so I am wondering what mitigating steps, what safeguards are in place before we involuntarily commit a juvenile? How does a kid ever shed this moniker?

When are they up for review? Is it every six months, every three months, or are they just always going to have their constitutional rights taken away and be deemed incompetent?

Judge Walker:

First, incompetency: the idea that a child is not competent to answer the allegations against them is different from 99 percent of the cases. For children who are found to be incompetent, meaning unable to answer in a meaningful way the allegations against them, there is a path toward restoration of competency or toward teaching children the skills to be determined to be competent. To answer your more overarching question about constitutional rights, there are automatic sealing statutes. At 18, 21, or 27 years of age, depending on the circumstances of the offense, acts that children commit as juveniles are automatically sealed, and those children can honestly say when asked that they have never been arrested or detained. There is a robust system of confidentiality related to juvenile delinquent acts. Again, delinquent acts are not crimes; children do not commit crimes. This is, in fact, in the civil justice system, not the criminal justice system. To your concern that children would not be seen regularly, all the judges in this state see the children daily, weekly, monthly, or no less than every six months, as the children's needs may require. Again, back in the unique area of children who are not competent to answer allegations, the law requires that they be reviewed at least every six months and that there be an annual reassessment unless the charges are dismissed.

Assemblywoman Krasner:

I am informed that even though a record for a juvenile is sealed, law enforcement can still see it, so it is not really a fresh start. What mitigating steps are put in place before the court deems this juvenile incompetent or involuntarily commits this juvenile? Do we put them with a counselor? Do we ask them to get counseling once a day or once a week? What mitigating steps are in place before we do this last-case scenario thing, in my mind, which is taking away their constitutional rights?

Judge Walker:

The best way I would describe the juvenile justice system is to view it as a funnel. The opening of the funnel is all children who have contact with the system, whether it be through a school resource officer, a peace officer at the school or on the street, or mom and dad calling somebody to say their child is incorrigible. There are a giant number of contacts: for example, in Washoe County in a year, rough numbers are about 4,000 referrals to the juvenile justice system, including the Washoe County Jan Evans Juvenile Justice Center. Of those 4,000 referrals, there are only approximately 30 children in detention right now today. Of those children, the children who are committed to DCFS is an even smaller number. The reason it looks like a funnel is that every child who is referred to juvenile services receives an assessment; every child receives an evaluation of their risks and needs. At every juncture the pressure is put on juvenile probation, the courts, and anyone dealing with children to make sure that the behavior we are seeing is driven by psychological issues, developmental issues, poverty, home setting issues, et cetera. So the number of children, to use your terms, "who we strip of rights and commit to DCFS" is a very small proportion of the children who are actually touched, if you will, by the juvenile justice system.

Best practice in the juvenile justice system nationwide and in Nevada is to not be sticky with children. In other words, the fact that a child committed a delinquent act on Day One, does not mean that the child is more likely *ipso facto* to commit a delinquent act in the future. We do not, unless it is appropriate developmentally or psychologically, count marks against them and say this is your fifth time and therefore you get punished more. That is not at all the dynamic that is used. It is really about what are the child's needs, what did we miss the last time if we are seeing them again. I view that as a failure of me and not the child; in other words, if a child is coming before me for another delinquent act, I always ask what did we miss, what service did we not provide to this child, what intervention with the parents did we not give them, and what circumstances can we modify or change to help this child.

Ross Armstrong:

To add on to that in terms of due process, it did not start this way in juvenile justice, but it is the case in Nevada today; every child has a right to counsel and we have some tremendous public defenders in this state that specialize in working with these children and our system. A lot of times in child-serving settings we do not necessarily get counsel for the child to walk them through the process, but in the juvenile justice system they have that legal representation. Nevada has a terrific, dedicated workforce of counsel for children in this particular arena.

Assemblywoman Krasner:

At what point are juveniles represented in Nevada?

Ross Armstrong:

Once there becomes a formal court case. If it is a diversion, then the probation department might be working in some informal way, but when a petition is filed, and Judge Walker can correct me if I get the exact moment wrong, typically that is when the counsel will be assigned or if private counsel is hired.

Judge Walker:

The only additional nuance I will share is that anytime a child is arrested, that is if they are taken into custody out of their parents' custody, they are appointed counsel at the first hearing, which must occur within 24 hours. So even if a petition is not filed against that child, if they are in detention, they have an attorney. If they were arrested and released and a petition is filed, they have counsel appointed as Mr. Armstrong described.

Assemblywoman Gonzalez:

I was curious what services do you provide to children who are unfortunately sexually trafficked, and how are you helping that population of children?

Ross Armstrong:

Nevada is going through what I view as the beginning stages of establishing a system for those children, referred to as the "commercial sexually exploited children population." Some states automatically say they are going to the child welfare system and others keep them in the juvenile justice system. There have been some great reforms in the past that prohibit

those offenses that children might have, such as prostitution charges, from coming before the juvenile courts. In terms of those children whom we see come to state custody, typically there is a much more serious offense associated with that, such as armed robbery or something of that nature. In NRS Chapter 432C, we now have statutory authority for child welfare agencies to take calls and reports of those children who have been sexually trafficked and to work with the family to determine if there is family abuse or neglect going on, and if not, to still be able to refer out to services.

In the last interim, DCFS had a study done, which we can provide to the Committee after the hearing, that asked what a system of services needs to look like. We know that there are tremendous trauma and behavioral health needs there. I anticipate you will also be hearing that bill this session that details the process we want to go forward with these victims. At all levels of our system, we provide those services in terms of mental and behavioral health, working through past traumas and starting on that path to healing.

There was a University of Nevada, Las Vegas, study a couple of years ago that showed that a majority of the girls that we had at our Caliente Youth Center responded in such a way as to indicate sexual exploitation. The study was very creative in the way questions were asked. A lot of times in the process of understanding their victimization and transforming into survivor, at first a lot of victims do not see themselves as victims; it is a whole process. We have specific girls' programming at Caliente Youth Center. There are some people that we can put you in contact with on this particular issue. It is exciting to me that Nevada is taking a path different than some other states that just want to figure out where to put these kids in a system that already exists. We have determined that this is a very special need and needs to be approached in a unique and special way. Overall, the system has transformed, and we are all on the same page, treating those children as victims and not perpetrators based on prostitution charges. Judge William Voy in Las Vegas has a special court calendar where they bring in special advocates with the girls for their court hearings. It is an area that is evolving, and I think Nevada is on an exciting path towards real healing.

I am excited for that bill to come before you, which I believe Senator Julia Ratti is sponsoring. In such a tough session, it is one of those glimmers of hope this year.

Chairman Yeager:

This is one of those nice moments in Judiciary. The University of Nevada, Las Vegas study Mr. Armstrong referenced—Assemblywoman González worked on that study before she was elected to the Legislature. It is nice to see that interaction, and thank you, Assemblywoman González, for the work you did before you came to this building.

Joey Orduna Hastings:

I wanted to share that the National Council of Juvenile and Family Court Judges is currently working with Awaken in northern Nevada to create a panel of youth who have been trafficked. We truly believe in learning from lived experiences. We will be working closely with youth as part of that project to help curate services they need so we can better understand what limitations current programming may have and what new programming may

be needed to better adjust their specific needs and concerns and, quite frankly, generational trauma in some ways. I hope that we will be able to report back soon on that project here in Washoe County.

Chairman Yeager:

We do need to move on rather quickly to the next presentation, but I did have one question. In terms of system trends and issues for children who are detained in the juvenile system, you talked about use of confinement and use of force. I know those are tough questions when it comes to appropriateness of solitary confinement for youth: when force is used and what level of force. I do not discount that these are tricky issues, but at the same time, sometimes we see reports in the media that are frankly shocking in terms of things that happen in the juvenile justice system. I am not suggesting that is commonplace, but, nonetheless, these things are out there. What have you and the Division been doing to try to figure out what the appropriate use of solitary confinement and use of force is to make sure that what is happening on the ground is in line with what the community expects in the juvenile justice system?

Ross Armstrong:

We are fortunate in Nevada that we participate in a program called Performance-based Standards. Twice a year, they come in to evaluate, collect data on confinement, use of force, and health to name a few. I will get you those full reports. The nice thing is that it touches on the key things that we would want in a healthy system in terms of those conditions of confinement. During the last evaluation, all three Nevada facilities performed above the national average in terms of those critical outcomes that make a good facility.

In terms of confinement, I believe Nevada will be ahead of the curve. Every facility has to report their confinement monthly to DCFS, both detention and the state. Not only uses, because use is important, but we know that confinement is terrible for kids and dangerous. We see suicidal behavior when kids are in confinement. By looking at the state-level data, we have been able to reduce the average length of confinement. It is rare in this state that confinement of a juvenile goes over 24 hours. Most durations of confinement in Nevada are around 2 to 3 hours. That is great progress.

In terms of use of force, DCFS has made substantial progress. This last summer we took the #8cantwait principles of police use of force and incorporated them into our practice. Some did not apply, such as the ban of shooting at cars because our staff does not have firearms. We did apply those principles in conjunction with a use of force continuum. Each use of force in our facilities is reviewed at the facility level and then again by a statewide review team. The Performance-based Standards reports are the most helpful because they show where Nevada is in the three facilities and how we compare to the national trends. I will submit those for the Committee. As an administrator, those reports are helpful, as we now have a policy that if any one of those facilities drops below the national average and does poorer than they did the year before, it triggers a meeting of our Division's leadership to get the facility back on track. We are committed to making sure that the children in our care are absolutely safe.

Chairman Yeager:

Committee members, due to our time constraints we will need to leave it at that for this presentation. If you do have additional questions, please feel free to follow up with any of the presenters. We appreciate what all of the presenters are doing for the juvenile justice system.

We will move on to the next presentation on victim services with Mr. Armstrong and Ms. Mandi Davis of the Division of Child and Family Services. There are some documents on the Nevada Electronic Legislative Information System relating to the Vegas Strong Resiliency Center.

Ross E. Armstrong:

I started my career with the State of Nevada as a prosecutor with then-Attorney General Catherine Cortez Masto in the Fifth Judicial District Court. She had a program of special prosecutors focused on domestic violence and sexual assault. I prosecuted those cases from Pahrump to Hawthorne. You might ask what is the Division of Child and Family Services (DCFS) guy doing here talking about victim services, and it is that our role as a division has evolved over the last several years to be the main victim service agency. I will turn it over to Deputy Administrator Mandi Davis, who serves as the Division's deputy administrator over victim services.

**Mandi Davis, Deputy Administrator, Division of Child and Family Services,
Department of Health and Human Services:**

I will briefly go over the DCFS victim services role in the state as well as touch on some issues and trends that we are experiencing now and those we anticipate in the future [page 14, [Exhibit C](#)].

The slide you see here [page 15] is a timeline that shows how the role of victim services in DCFS has evolved over the last few years. In 2016, we provided no direct services to victims and our only role in the victim services arena was to subaward funds out to community providers. In 2016, we provided \$9.2 million in subawards to 69 community providers.

Senate Bill 25 of the 79th Session moved the confidential address program to our agency from the Office of the Attorney General. That program allows victims of domestic violence, sexual violence, or stalking to apply and receive a confidential address. We act as the intermediary where we receive the mail and forward it to their actual physical address. Their address is not available for the public to search for. The Route 91 Harvest Festival shooting also occurred in 2017. Because we are the recipient of the Victims of Crime Act federal funding, we are also the recipient of the Antiterrorism and Emergency Assistance Program funding from the Office for Victims of Crime to assist us with the response and recovery efforts for that event. We are still in process with that, and I will provide more details later in the presentation.

Assembly Bill 534 of the 80th Session moved the Fund for the Compensation of Victims of Crime to DCFS from the Department of Administration. In 2020, we added direct services to 3,290 victims through the Victims of Crime compensation fund. That program allows victims of crime to submit an application to be reimbursed for their medical, counseling, and funeral expenses; lost wages; and other types of direct cash reimbursement expenses. Over the past year, we have also applied for a couple of competitive grants to enhance the training for our victim advocates and enhance services to the rural and tribal areas throughout the state.

Since 2016, we have evolved to become the largest provider and funder of victim services throughout the state. Currently, we directly serve more than 4,500 victims of crime, and we subaward \$39.8 million to 143 community providers. You can see the significant change that we have experienced over the past few years.

One of the biggest issues we have seen around victim services has been COVID-19 [page 16, [Exhibit C](#)]. When the pandemic first hit, providers throughout the state experienced an increase in domestic violence services as victims were quarantined in their homes with the abuser. We did see a spike in calls related to domestic violence services. We also have a funding source that collects \$25 from every marriage license sold throughout the state. From April to June of 2020, we saw a significant decrease in that funding source because nobody was getting married. We had to decrease the amount of funds that we could award out to those community providers. In prior years we were able to award out \$3 million, but this past year we were only able to award out \$1.8 million. That impacted us directly as far as the funding that providers could receive.

Another impact of COVID-19 was on our domestic violence shelters, where victims can go to escape their abuser. Providers have had to adjust the way they provide those services. Several of them transitioned to providing hotel nights instead of shelter nights: just one of the alternative methods to make sure that those clients had those services they need while still staying safe with COVID-19.

We did receive the Antiterrorism Emergency Assistance Grant for approximately \$16.7 million for the Route 91 event in 2017. That grant is going to expire this year, although we did apply for a one-year extension of that grant. We are hoping that will be approved for another year to continue providing those services. As a result of that grant, the Vegas Strong Resiliency Center was funded to be the main source of contact for those victims who are seeking services. That agency is able to refer those victims to the correct locations to receive those services. The director of the Vegas Strong Resiliency Center is here for any questions you may have.

Assembly Bill 534 of the 80th Session also removed the physical injury requirement for victims of crime compensation [page 17]. That allows victims to become eligible for those funds if they have a traumatic event or mental health services rather than just for injuries you can see.

Looking forward, we are striving to build a mature system. We are good at collecting the data to meet our federal and state requirements, but how can we really use that data to make good decisions on what trends we are seeing and to find out if the types of crimes being committed are changing and what other partnerships we can develop to help prevent those crimes from occurring in the future—really using that data in a meaningful way to make decisions on our programming. We are looking at ways to target underserved areas such as rural and tribal communities.

Finally, we are looking at how domestic violence and child welfare intersect. Over the past year, we developed a working group to make those connections. Often those victims of child abuse have domestic violence in the home, so how can we connect those services to make sure that we are fully meeting the needs of those families to make sure that they can recover? That working group is developing policies around how to connect those two systems in a meaningful way.

Chairman Yeager:

Committee, we do have some documents that have been uploaded on NELIS relating to the Vegas Strong Resiliency Center. We are not going to go through all of those today, but they are there for your reference. I did want to give Ms. Pereira a chance to introduce herself and tell us about the Vegas Strong Resiliency Center so you can put a face to a name if you have questions. I will open it up for questions when her presentation is concluded.

Tennille K. Pereira, Director, Vegas Strong Resiliency Center:

We provided an overview of the Vegas Strong Resiliency Center [[Exhibit D](#)] and an annual report for 2020 [[Exhibit E](#)] on the efforts of our agency. One of our goals is to transition into a long-term victims' rights center that would serve all of Nevada. We have learned so much and are honored to do this work. We are managed and operated under the Legal Aid Center of Southern Nevada, so we have always been connected to victim services in a number of ways [page 2, [Exhibit E](#)]. Taking on the resiliency center has just broadened that knowledge and expertise, and we want all victims within the state to have the access and benefit of what we have developed and built through the center.

Chairman Yeager:

One of the points that was brought up by Ms. Davis was the removal of the requirement of physical injury that was passed in A.B. 534 of the 80th Session. Is there any kind of data or breakdown that you can give us on how many individuals are being provided services whose injuries are not physical or visible, or maybe on a percentage basis, are you able to make any kind of characterizations about how many of the total that would be?

Mandi Davis:

I do not have the numbers in front of me, but we can get that to you. I know that a lot of the reimbursement that we provide through the Victims of Crime compensation fund has to deal with counseling and treatment services instead of the direct medical benefits such as surgery or doctor's appointments. We do provide reimbursements for those counseling services as well. I will get those numbers to the Committee.

Chairman Yeager:

Are there any questions from the Committee?

Assemblywoman Cohen:

Are you seeing the out-of-state survivors from Route 91 coming back seeking services, or is it mostly just the local survivors and their families who are seeking your services?

Tennille Pereira:

As you know, we had survivors from 48 states as well as internationally. A large number of them are coming back, but it is hard to gauge exactly in comparison to the percentage in Nevada. Obviously, those in Nevada are hearing the news media and seeing the reports about the Center and are connecting with us. The outreach is much easier within the state because of those resources. However, we are actively doing a lot of outreach to connect with survivors outside of the state because they are a lot more isolated and that will impact them in their healing. Then we had COVID-19 come in and compound that issue, but we actively do outreach to both groups, and we are seeing both groups reach out for services.

Chairman Yeager:

Are there any questions from the Committee? [There were none.] I will now open the hearing on Assembly Bill 30. There is a conceptual amendment to the bill on the Nevada Electronic Legislative Information System.

Assembly Bill 30: Revises provisions relating to the Account for Aid for Victims of Domestic Violence. (BDR 16-260)

Ross E. Armstrong, Administrator, Division of Child and Family Services, Department of Health and Human Services:

Assembly Bill 30 relates to what Ms. Davis discussed in her presentation regarding victim services—the marriage license funding for providers of domestic violence and sexual assault. The current language in *Nevada Revised Statutes* (NRS) Chapter 217 requires qualifying agencies to exclusively provide their services for domestic violence victims. This has raised some concerns for the Division of Child and Family Services, Department of Health and Human Services (DHHS) in terms of some of our rural agencies. There are agencies in those communities that can be a one-stop shop for vulnerable populations, and they may not necessarily qualify under the exclusive language. The original text of the bill changes that language to avoid technical difficulties in the statute from preventing us in getting funding out to communities to provide services. With me today is Mandi Davis, who will discuss the changes, and Sue Meuschke, who helped us work on some amending language. There are some formatting issues in the conceptual amendment [[Exhibit F](#)] that we will talk about to make it clear.

The idea behind this bill is to make sure we do not have a statute that is hypertechnical and preventing services for victims. I will hand it over to Ms. Davis to provide information on what the changes entail.

**Mandi Davis, Deputy Administrator, Division of Child and Family Services,
Department of Health and Human Services:**

Assembly Bill 30 discusses the marriage license funding source that I discussed during my presentation. *Nevada Revised Statutes* (NRS) 122.060 requires county clerks to collect an additional \$25 at the time of issuing a marriage license and deposit those funds into the Account for Aid for Victims of Domestic Violence. Funds are then disbursed to each county based on census data and then awarded to those qualifying nonprofit organizations that meet the certain requirements to become eligible for these funds. When disbursing the funds to each county, existing law also requires that in a county whose population is 700,000 or more—currently only Clark County—15 percent of those funds must be granted to an organization that specifically assists victims of sexual assault.

Section 1 of the bill changes the name of this account from the "Account for Aid for Victims of Domestic Violence" to the "Account for Aid for Victims of Domestic Violence or Sexual Assault." This just reflects the use of the funds because currently, funds are awarded to that one entity in Clark County that is required to provide services for victims of sexual assault. Section 1, subsection 4 of the bill changes the requirement that eligible organizations must provide their services "exclusively" for victims of domestic violence to "primarily" for victims of domestic violence. As Mr. Armstrong mentioned earlier, this is just a technical requirement so that we can ensure that the funds we are awarding are in compliance with the law.

Section 2 of the bill carries forward the renaming of the account to the other applicable sections of the bill. I can pause now for questions or I can discuss the conceptual amendment [[Exhibit F](#)].

Chairman Yeager:

I think it would make sense to go through the conceptual amendment first and then we will open it for questions. I think the amendment makes some changes to the language you referenced.

Mandi Davis:

As Mr. Armstrong noted, some of the formatting in the amendment is a little off, so we will submit a cleaned-up version after this meeting to make it clear on the sections that are being changed versus those that are in existence currently.

Section 1, subsection 2 of NRS 217.420 currently requires that the nonprofit corporation be "governed by a board of trustees which reflects the racial, ethnic, economic, and social composition of the county to be served and includes at least one trustee who has been a victim of domestic violence." The amendment would add "sexual violence" to the end of that paragraph.

Section 1, subsection 4 would be changed to, "Except in counties under 100,000 provide its services exclusively for victims of domestic and/or sexual violence; in counties under 100,000 provide its services primarily for victims of domestic and/or sexual violence and

only within this state." Any organizations in those urban counties—currently only Washoe and Clark Counties—are still under the "exclusively" requirement, and it adds "sexual violence." The agencies in the remaining rural counties would "primarily" provide their services to victims of domestic violence and/or sexual violence.

Section 1, subsection 7, paragraph (d) would change the word "spouses" to "partners" and change "children" to "family members." Section 1, subsection 7, paragraph (f) would add "prevention programs" to the education and training portion and include "sexual violence" similar to the remainder of the bill.

The last change on the conceptual amendment relates to section 2 of NRS 217.440 and adds the sentence, "In counties under 100,000 no more than one applicant will be funded." The intent of this change would be that our rural counties get so little funding anyway as part of the required funding formula that this would allow only one applicant to be funded, so those funds are not diluted so much that they cannot do any good work with the funds that they receive.

I am happy to take any questions, and Susan Meuschke, executive director of the Nevada Coalition to END Domestic and Sexual Violence is also here to answer any questions that the Committee may have.

Chairman Yeager:

I saw that in section 5, the effective date is July 1, 2021. Was that date chosen because that is the end of the fiscal year and makes it easier for the Division of Child and Family Services (DCFS) in terms of making these changes to the statute?

Mandi Davis:

We do award these funds to the nonprofit organizations on a state fiscal year basis, so this would make those requirements go into effect at the beginning of our next funding cycle.

Chairman Yeager:

Are there any questions from the Committee?

Assemblywoman Cohen:

Some of our rural counties only have one agency in the county and some of those counties are very large, but when a determination is being made as to which organization is going to receive the funding, is that part of the requirements that they are going to serve the whole county? I can see a small organization where this would be a great influx of funds to do their work, but they are centered in one part of the county, and for them to go to the other parts of the county would be difficult.

Ross Armstrong:

I do not think we have any rural counties that currently have more than one agency. It is primarily the opposite actually, as we do have some counties that do not have any providers. I think Ms. Meuschke is the best person to talk about what that landscape looks like.

Susan Meuschke, Executive Director, Nevada Coalition to END Domestic and Sexual Violence:

We are the statewide coalition of domestic and sexual violence programs throughout Nevada. It is a struggle to try to provide comprehensive services countywide in counties that are often larger than some states in the nation. The amount of money that agencies get is fairly small; for some of the counties it is no more than \$28,000. Agencies try to be as creative as possible to make sure they are providing the best services they can given the resources and the geography. They utilize 800 numbers—I do not know if that is passé now—but that was a great innovation at one point so that people could make that call no matter where they were. They work with volunteers and try to place them around the county so there are people available. It is a struggle, and transportation is another issue in rural communities that we do not have the complete answer to, but we work as hard as we can to figure out how we can make sure folks have access to services.

Assemblywoman Cohen:

Along those same lines, we know that some of our rural communities are closer to a non-rural area than they are to other parts of the same county. If someone from one of the rural communities, who is closer to a more metropolitan area, wanted to use services in that larger area, would they be prohibited, or would that cause problems with the agency for providing services to someone who did not reside in their county?

Ross Armstrong:

The only restriction on the marriage license funding is that you can only serve victims in the state of Nevada. There are no county border requirements in terms of this funding. This funding, although it is helpful funding, represents a very small investment in these operations. We do not have any other general fund or financial sources for victim services. For our victim service providers in this realm, the marriage license funding from the state is in addition to federal grants. A lot of times the marriage license funding helps provide that required non-federal match for those agencies. We were able to waive some match requirements during COVID-19 to help the agencies, but that is where the power of the marriage license funding lies. This funding is helpful, but it is not the whole picture of the funding, and there are no restrictions in terms of borders. Ms. Meuschke and the Coalition have worked to make sure that there is great cooperation across the state and that providers are working together, especially during COVID-19. We know that for some victims, it may be the only thing that keeps them alive to get out of the county and go to a provider in a different county. Service providers all understand that and work together as a state so that there are no real county barriers for them.

Assemblywoman Cohen:

Is there a legal or statutory definition for "primarily?" Who decides if it is primarily or not?

Ross Armstrong:

That would be up to the agency's determination. There is no ability in the statute for DCFS to adopt regulations; if there was, we might define that term. As part of the process of

examining this bill, we might want to define it. But there is no set definition in statute at this time or in the proposed bill.

Chairman Yeager:

Are there any questions from the Committee?

Assemblywoman Gonzalez:

Are you limiting organizations that you give this funding to with the change from exclusively to primarily?

Ross Armstrong:

The intent of switching it from exclusively to primarily, especially in the rurals, is to not have agencies excluded because they might provide services in different realms. It would be expanding the ability of those agencies in the rurals to provide services not only to domestic violence victims but other vulnerable populations. There is no current recipient of the funding that would become ineligible based on the changes in this bill.

Assemblywoman Gonzalez:

You are saying that changing it from exclusively to primarily would allow organizations to apply for this funding; however, the amendment [[Exhibit F](#)] would allow it to only go to one organization in the rurals currently?

Ross Armstrong:

That is correct. As Ms. Meuschke noted, it is a pretty small amount of money, so the concern was that you would not want a bunch of providers to pop up and not provide quality services or dilute the money so much that it would not then be able to provide a match for those federal funds or other types of funding.

Assemblywoman Gonzalez:

In the counties that have no services, like Esmeralda County, do you look at this funding and decide how can we provide funding to that county so that victims can have services, or is it more so the organizations that exist come to you for funding?

Mandi Davis:

Currently we have applicants who have been awarded funding in every county except Lincoln County. No eligible provider has applied to provide services in that county. We do have some organizations that provide services to more than one county. For example, Humboldt and Pershing could be served by one organization and receive the funding that was allocated to each of those counties. Currently we have organizations providing services in all but one county in the state.

Assemblywoman Summers-Armstrong:

Section 1, subsection 4, you changed exclusively to primarily, but you still only have the designation of domestic violence, and at the beginning of section 1 you added sexual assault.

Do you want to bring consistency to your language there, is that necessary, or is there a particular reason why it was not included there?

Ross Armstrong:

We will check with the Legal Division of the Legislative Counsel Bureau to make sure it is consistent. They were able to spot through the bill where they wanted that change, and we will make sure when we get an amended version that it is consistent throughout. There is the designation of assisting only sexual assault victims in counties over 700,000. There are some provisions that only apply to domestic violence providers, and we will certainly work with the Legal Division to make sure it is clean and clear for final passage.

Assemblywoman Hardy:

Do you have or could you put together a list by county of the different organizations that offer these services so that if we have constituents reach out, we have one place to go to provide that information?

Ross Armstrong:

Yes, we will absolutely submit that. The Nevada Coalition to END Domestic and Sexual Violence website has a listing of all the providers in each of the counties. Ms. Meuschke's team does a great job of making sure that there is good access to those. There is a victim service section on the DHHS' Nevada 211 website where individuals can go for that information. Lastly, Nevada has the Victim Information and Notification Everyday (VINE) service that allows victims to register for offender notifications. However, Nevada was the first state in the country to then utilize that also as a victim services finder. The VINE app for Nevada will provide information on the services someone needs and take them directly to that provider.

Assemblywoman Hardy:

I am pleased to see that Nevada has taken the lead in providing so many avenues for victims to find these services.

Chairman Yeager:

Are there any questions from the Committee? [There were none.] I will now open it up for testimony in support of A.B. 30.

Susan Meuschke:

[She read from prepared text, [Exhibit G](#).] I am here to express support for A.B. 30 and in particular the conceptual amendment that you have been presented with today. That amendment will address changes to requirements for eligibility for a grant from the Account for Aid for Victims of Domestic Violence. I would like to thank Administrator Armstrong and Deputy Administrator Davis for their acceptance of the amendments and their willingness to work with us as we went through our process.

For those of you who are not familiar, there are 14 domestic violence programs serving 16 counties except Lincoln County, although services to people in Lincoln County are being

provided. There is one stand-alone sexual violence service provider in Las Vegas. They each rely on grants from the Account for Aid for Victims of Domestic Violence, which is funded by a surcharge on every marriage license sold in the state. Six of the fourteen domestic violence programs also, to the extent they are able, provide sexual violence services, but they receive no state funding for that critically needed and important work.

The recipient organizations range from large multi-staff agencies in Clark and Washoe Counties to small, two- to three-person operations in communities like Elko, Fallon, and Winnemucca, to one all-volunteer program in Battle Mountain. While each program is a private nonprofit organization, they are all dedicated to serving survivors of domestic and/or sexual violence in their communities. Last year, programs reported serving more than 21,000 individuals on hotlines, in shelters, and through advocacy and support services. Even through COVID-19, services continued with significant increases in both hotline calls and shelter bed nights.

Importantly, in some of our rural counties, the domestic violence response function is one portion of a local nonprofit that provides multiple social services, because they are the only game—or as we sometimes say, heroes—in town. For this reason, the Division approached providers several months ago about the need to change the statutory language from "exclusively serving victims of domestic violence" to "primarily" as you see in the bill and in section 4 of the conceptual amendment.

What might surprise you is that the large counties and the small counties had different reactions to this language change. For programs in larger counties, which receive enough funding to be able to specialize in domestic and/or sexual violence, the "exclusive" language works, and they had concerns that the language change might have some detrimental impacts. The broadened language might result in DCFS receiving technically eligible applications from organizations that, while providing some domestic violence services, do not specialize their focus on this population. This raises the concern about the quality and depth of services to these populations and also endangers, from a financial perspective, full-service programs that are already struggling to meet the needs in their community.

On the other hand, for some rural programs, not making the change could jeopardize their access to these funds as they cannot at the same time deliver services they have been asked to take on by their communities and meet the "exclusive" statutory language. Also, the cost efficiency of delivering a few services from one organization helps make up for the lack of economy of scale the rural programs experience.

Over a number of months, we were able to come to a consensus around this issue—keeping the exclusive designation for counties over 100,000 and changing to the primarily designation for counties under 100,000. Part of that agreement was based on limiting the number of programs that could be funded in the smaller counties so as not to create a situation where several programs are vying for very small amounts of money and essentially ending up with not enough money for any services.

And then, after having spent many hours reviewing this section of the NRS, several other changes were suggested that reflect a broader understanding of relationships and the need to address, not only intervention services but also prevention. What we now know is that many of the individuals who are in need of counseling as a result of domestic violence may not be spouses and that family members may extend beyond children. In addition, while we want to ensure that intervention services are available, we also want to encourage programs to develop and implement prevention programming so that someday we see the end to this epidemic. While it took time, we were able to reach the consensus you see before you. I thank you for your time and am happy to answer any questions.

Chairman Yeager:

Are there any questions from the Committee? [There were none.] Is there anyone who would like to testify in support?

John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

I am testifying on behalf of my agency and the Washoe County Public Defender's Office. We wanted to register our support for this bill because, oftentimes in our practice, we realize that sometimes the victimized can become the victimizer later in life. We want to stop that cycle. When we talk about victim services, we are serious about providing victim services and believe that this bill is going a long way to do that.

Liz Ortenburger, CEO, SafeNest:

My agency is the largest provider of domestic violence services in the state and we wanted to register our support for A.B. 30.

Chairman Yeager:

Is there anyone who would like to testify in opposition? [There was no one.] Is there anyone who would like to testify in the neutral position? [There was no one.] I would invite the presenter back up for any concluding remarks.

Ross Armstrong:

I would just like to thank the Committee for hearing this bill and for taking time to hear about victim services today in a broader concept. I would also like to thank the Coalition for working with the providers to get to a consensus on language that ensures we are getting the money out into the community to help those victims in every corner of the state. We look forward to working with the Committee on A.B. 30 and any other victim services issues.

Chairman Yeager:

I will close the hearing on A.B. 30. I will open it up for public comment. [There was none.] Are there any comments from Committee members? [There were none.]

I will remind everyone that we will start tomorrow at 8 a.m. with a presentation and two bills. We will begin at 9 a.m. on Monday with two presentations.

This meeting is adjourned [at 10:53 a.m.].

RESPECTFULLY SUBMITTED:

Traci Dory
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a PowerPoint presentation titled "Juvenile Justice Overview and Victim Services," dated February 9, 2021, presented by Ross E. Armstrong, Administrator, Division of Child and Family Services, Department of Health Human Services, and Mandi Davis, Deputy Administrator, Administrative Services, Division of Child and Family Services, Department of Health and Human Services.

[Exhibit D](#) is a PowerPoint presentation titled "Vegas Strong Resiliency Center," provided by Tennille K. Pereira, Executive Director, Vegas Strong Resiliency Center.

[Exhibit E](#) is the Vegas Strong Resiliency Center Yearly Report, provided by Tennille K. Pereira, Director, Vegas Strong Resiliency Center.

[Exhibit F](#) is a proposed conceptual amendment to [Assembly Bill 30](#) titled, "Conceptual Amendment from Victim Service Providers," dated February 8, 2021, presented by Mandi Davis, Deputy Administrator, Administrative Services, Division of Child and Family Services, Department of Health and Human Services.

[Exhibit G](#) is a letter to Chairman Steve Yeager, Assembly Committee on Judiciary, dated February 11, 2021, submitted by Susan Meuschke, Executive Director, Nevada Coalition to END Domestic and Sexual Violence, in support of [Assembly Bill 30](#).