

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Eighty-first Session  
March 8, 2021**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:00 p.m. on Monday, March 8, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Melanie Scheible, Chair  
Senator Nicole J. Cannizzaro, Vice Chair  
Senator James Ohrenschall  
Senator Dallas Harris  
Senator James A. Settelmeyer  
Senator Ira Hansen  
Senator Keith F. Pickard

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Alexis Hansen, Assembly District No. 32

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst  
Pam King, Committee Secretary

**OTHERS PRESENT:**

Peter Gray, Ph.D., Boston College; Co-Founder, Let Grow  
Will Adler, Let Grow  
Kendra Bertschy, Washoe County Public Defender's Office  
Lynn Chapman, State Treasurer, Independent American Party  
Nicholas Shepack, American Civil Liberties Union of Nevada  
Janine Hansen, President, Nevada Families for Freedom  
Ernie Adler  
Erin Phillips, President, Power2Parent  
Christine Saunders, Progressive Leadership Alliance of Nevada  
John Piro, Clark County Public Defender's Office

Senate Committee on Judiciary  
March 8, 2021  
Page 2

Gillian Block, Nevada Coalition of Legal Service Providers  
Yvonne Sweeten  
Lenore Skenazy, President, Let Grow  
Scott Coffee, Clark County Public Defender's Office  
Amber Howell, Director, Washoe County Human Services Agency  
Brigid Duffy, Director, Juvenile Division, Clark County District Attorney's Office  
John Jones, Nevada District Attorneys Association  
A.J. Delap, Las Vegas Metropolitan Police Department  
Ross Armstrong, Administrator, Division of Child and Family Services,  
Department of Health and Human Services

CHAIR SCHEIBLE:

For those of you who are joining us over the internet, if you wish to speak on the bill, please go to the Senate Judiciary Committee website and to the meeting for March 8, 2021. There is a button you can click on that says participate. You will have to enter in your name, your phone number and the position you wish to testify in, and once you do that, you will be given the phone number to call in and I will give the cue whenever it is time for the public to speak.

I will open the hearing with Senate Bill (S.B.) 143.

**SENATE BILL 143**: Revises provisions relating to the care of children. (BDR 15-721)

We are joined today by Senator Dallas Harris, Senator Ira Hansen and Assemblywoman Alexis Hansen. There are a few other people along with Senator Harris to present S.B. 143.

SENATOR DALLAS HARRIS (Senatorial District No. 11):

I want to thank the vigorous working group that collaborated on this bill and the active participation of Ross Armstrong and child protective service directors from around the State, the Nevada District Attorneys Association and representatives of law enforcement. We have made several changes to the bill based upon their feedback. Members of the Committee should have received the most updated version.

Fundamentally, I am bringing this bill because of the impact of Nevada's vague neglect statutes lessens parents' confidence, especially poor and minority

parents, and their ability to allow children to be independent through outdoor activities or being home alone.

It also suppresses resources in multiple systems for more acute needs. To bring about the positive effects of this bill will take time, yet I believe that this is the key part of the inclusive culture change we are undertaking in Nevada.

ASSEMBLYWOMAN ALEXIS HANSEN (Assembly District No. 32):

I am honored to cosponsor S.B. 143, the reasonable childhood independence bill, and present it with Senator Harris. I also appreciate all the conversations and the suggested amending language from the various stakeholders.

First and foremost, the intent of this bill is not to make the important work of law enforcement, child protective agencies and prosecutors more difficult. We appreciate the difficult work they attend to on a regular basis.

We are talking about responsible parents and the unnecessary hindrance or stigma that parents can be caught up with in the broad scope of the Nevada neglect statute. We hope this legislation will assure responsible parents that their reasonable judgment can be used to determine if their children are capable of engaging in certain childhood independence.

Senator Harris and I were raised by single moms. I worry that if they were raising us today, they might be caught up in the broad net of our current law. My mother's circumstances were such that she allowed me, and sometimes had no other choice than to allow me, to experience reasonable childhood independence. I benefited from that, and it turned my eight grown successful children who are products of growing up with the same kind of confidence that I was allowed to develop.

But today, many parents and legislators do not know what independent activities are allowable by law for their children to engage. Unfortunately, a culture of fear has begun to grip many parents in our communities about what is okay. What is neglect in the eyes of the law or in the eyes of my neighbor?

I see this legislation as enabling good parents to be given the autonomy to make decisions about their child's independence within reasonable guidelines that are codified in statute. This is not a solution in search of a problem, the problem already exists. Parents in our communities today are being stigmatized.

We are in no way trying to discourage concerned citizens from reporting questionable circumstances they see involving children, but we are trying to affirm the right of responsible parents to let their children have healthy, reasonable independence.

SENATOR HARRIS:

This bill is not attempting to discourage community members from calling law enforcement to report cases of suspected abuse and neglect. That is an important part of our system, and we need our community members to be the eyes and ears.

I will walk through the conceptual amendment ([Exhibit B](#)). Section 1, subsection 2 within the criminal statute, *Nevada Revised Statutes* (NRS) 200.508, adds the phrase "with criminal negligence." This will appropriately focus enforcement on situations where specific and substantiated negligence exists.

The main term in the statutes "standing alone" is too vague, allowing any case to be investigated resulting in trauma to the child and parent. This section also indicates that a person is not guilty of a child neglect violation solely because that person allows a child to engage in independent activities.

The new section 2 makes the first of two changes to the civil statute. It amends NRS 432B.020 indicating a parent or other person responsible for the child's welfare is not guilty of neglect when he or she allows a child to participate in independent activities in which the child could be alone or with other children outside of the direct supervision of an adult. That person should have reasonable cause to believe that such child is of sufficient maturity, physical condition and mental ability to avoid substantial and foreseeable risk of physical harm when engaging in such activities or given such permission.

It also lists activities such as traveling to and from school, engaging in outdoor play, remaining at home unattended or engaging in a similar independent activity alone or with other children.

This section states that if a parent is neglectful or abusive and engaging in activities that are illegal, even if the child is engaging in independent activities by themselves, child protective services (CPS) can still remove the child and charge the parent.

What is now section 3 of the bill amends NRS 432B.140 to state that negligent treatment of a child occurs if a child is without necessary care, control or supervision, including without limitation, subsistence, education, shelter, medical care or other care necessary for the well-being of the child as a result of the neglect or refusal of the person to provide the necessary care and control when able to do so.

My hope is that this bill will have multiple positive outcomes. Parents who know their children best will not have to fear a child neglect investigation because they allowed their kids to play in the neighborhood. A knock on the door from a police officer or a child protective worker is traumatizing for a child, and for the parent or caregiver, too. Removal, even for a few hours, is even more deeply felt. While not many cases may be happening now, fewer is still better.

Law enforcement, CPS and prosecutors can focus their resources on clear cases of abuse and neglect. We will lessen the risk of conflating poverty with neglect. It is not only middle class kids who should be able to go shoot hoops at the elementary school.

You may hear from several respected stakeholders about concerns and objectives related to these changes and difficulties in prosecuting cases that involve due process before a child is removed from the home. We have considered these issues and are confident prosecutors can protect children in all necessary cases; removal is not necessarily the issue here. Casting a cloud on parents for actions they chose to or had to take related to their children's independent activities is what we are trying to address.

We have Will Adler from Let Grow, who has worked in this field for decades, and Kendra Bertschy, Washoe County Public Defender's Office, who is a criminal defense attorney, and has previously worked in the field of dependency in Nevada, California and Washington. In the spring of 2020, she taught a Human Development and Family Studies Course on Families and Public Policy at the University of Nevada, Reno

PETER GRAY, PH.D. (Boston College; Co-Founder, Let Grow):

I am a research psychologist and study developmental psychology. I am the author of an introductory textbook in psychology and of many papers on children's play and letting children learn and play.

Independent play, meaning play independently of adults, children playing with other children, is essential for their healthy physical, emotional, social and intellectual development. Such play is how children learn to take control of their own lives, make their own decisions, govern their own behavior, learn how to negotiate with peers and how to make friends. These are skills that are essential for children to develop to be able to grow in a healthy way toward adulthood.

In recent decades, we have been increasingly depriving children of this opportunity. There is a great deal of research evidence that shows the opportunities that children have to just go outdoors and play with other kids and walk independently to school are far less than they were a few decades ago.

Over this same period of time, we have seen a huge decline in children's opportunities for independent play and exploration. We have seen an increase in all sorts of mental disorders in childhood, and that is no coincidence. The rate of depression and anxiety in children, by standard clinical questionnaires given to children in an unchanged form over the years, have increased between eightfold and tenfold over the last four or five decades. Over this same period of time, children have become less free. The rate of suicide among school-age children has increased sixfold, according to CDC data, between 1960 and today—the same period of time that we have been gradually decreasing children's freedom to play and explore.

Children are not developing the kind of resilience, problem-solving abilities, and confidence that is necessary for emotional health and for their social well-being because we are depriving them of the opportunity to play.

The reasons for this decline in children's freedom are complex. One reason parents do not send their kids outside is they are afraid of being charged with neglect. Whether or not they will, parents are afraid they may be charged. They have all heard and seen such cases. I do not know if this is common in Nevada. It is important to tell parents they can let their kids walk to school, play in the park and use common sense to judge what their children are capable of. The State is not going to intervene unless it is clear neglect.

WILL ADLER (Let Grow):

I represent Let Grow, the child advocacy group in Nevada. Let Grow came to us first with this bill, and the general message was increasing the independence of children in Nevada. My first response was, "Doesn't Nevada already have pretty

independent children? It does, but it is not a state like Utah." So that is where we started with this bill. We wanted it directed at what can do the most good and where are places that need improvement.

We are cognizant Nevada is probably the most impactful state in that it has not always been the most judgmental when it came to child independence. I am cognizant of this because as a child, I grew up with the independence available to me to walk to school, ride my bike and be free across northern Nevada, as long as I was home by bedtime. I understand that is not equally available to children. Families do not feel they can take those same practices that I grew up with as normal because there is a risk of having reports made about them, especially single parents and households that do not have the same opportunities mine did.

Taking this topic from that point of view, we worked with district attorneys (DA), law enforcement and other parties, but with Covid-19, we are still in the process of crafting this amendment. The conceptual amendment has covered many concerns and has taken a big step toward establishing independence and in freedom for parents to feel they will not be prosecuted unjustly in letting their children be independent in Nevada.

This bill is not looking to change the way neglect or abuse is reported. We are not closing out any hotlines or taking any actions that prevent people from reporting these instances.

We would like to structurally change the requirement to have a report of this behavior and explain to parents that if they are doing something within the realm of normal, it is okay. If they are doing something to cause a child harm, that is not correct.

We hope this bill will be well received. It has a place in this State and will bring opportunity to open up the idea it is okay to let your children be independent and still be a good parent.

SENATOR PICKARD:

We have heard about "Free-Range Kids" for years, the idea to let kids get out and explore, learn through experience and the downsides for keeping them cloistered.

Traditionally, the pushback was an increased number of abductions and assaults. We have to strike a balance. How do we strike that balance? I know that CPS is required to investigate every credible report that they receive; whether that turns into a removal or not, they are still required to investigate. How do we legislate that kind of balance?

DR. GRAY:

The balance is out of kilter. People hear about cases that occur anywhere in the Nation when a child is tragically harmed or dies in some way. The data and type of cases we hear about are very rare. That makes them newsworthy. We tend to have these stories on our minds, and they frequently inhibit parents from feeling free to let their children go outside. The news stories also leave child welfare workers and the general public overly concerned about children being outside.

That data shows rates of these crimes peaked in the 1970s and 1980s and has been going down since then. The rates of childhood suicides and mental disorders are rising. There is greater risk in not allowing children some independence.

Parents and the State need to use commonsense judgment, base those judgments on real data and not on an imagined worst case scenario that could happen to the child.

A parent can worry their child can get hit by lightning, but that does not mean the child would. That would make for an unhappy life. Unfortunately, we are producing that kind of unhappy life for many children today.

SENATOR PICKARD:

My wife is a district court judge and presides over dependency cases in Department V, Eighth Judicial District Court in Clark County. I asked her about this bill and she said that these kinds of cases do not usually have petitions filed against them. She also served five years as a Hearing Master for the Family Division hearing child abuse and neglect cases.

She told me that we have known for years when we keep young children cloistered and we do not allow them to interact with other children, there are some significant negative long-term effects. Do you concur?



DR. GRAY:

Yes, I concur. This is something I have written about for a long time and everybody in the Country should be aware of. We should work to reverse this trend of increasingly cloistering children and decreasing their opportunities to play, explore and learn to be independent.

I am an evolutionary psychologist. From an evolutionary point of view, the purpose of childhood is to grow toward adulthood. You cannot grow toward adulthood if you are not allowed some independence.

SENATOR PICKARD:

Senator Harris and Assemblywoman Hansen, I am in full support of this bill.

SENATOR HANSEN:

I am delighted to hear what Senator Pickard just said because his wife works in this arena, and he feels that this bill is reasonable.

Dr. Gray, have you had a chance to review the amended bill, and if yes, do you regard it as reasonable?

I see 30-year-old males living at home and on their computers 365 days a week, 24/7. They literally have no interaction with the real world.

I grew up in a different era. I raised my kids a different way. I am wondering if the kind of phenomenon you are describing for children is something that you see carried over into adulthood, like these young men?

You mentioned children are not allowed to develop in a normal way. Your field of expertise is the child side of it. Have you followed through with these children to see what happens to them as adults if they are not allowed to do normal childhood activities?

DR. GRAY:

I have been concerned about that situation. For example, a few years ago, I was invited by the head of counseling of the mental health department at the university where I work. He wanted me to meet with professors, guidance counselors and therapists at the school about the enormous increase in emotional breakdowns among college students over the last decade.

This is not just at the university where I work; it is everywhere. There is a decline in resilience including the ability for young adults to deal with the bumps in the road of life. They are somewhat independent. They have left their homes but now at the university, things like an argument with their roommate, a romantic breakup or a bad grade can cause a mental breakdown. I am convinced this is because we are not allowing children to experience the kinds of things that we did on a smaller scale as they are growing up.

I receive emails from employers of young adults who tell me young people want to be told exactly what to do, as if they cannot figure things out on their own. This kind of change is, to a large degree, the result of our overprotection of children. We are not allowing them to figure out how to solve problems and develop the courage and confidence it takes to become fully functioning adults.

SENATOR HANSEN:

Dr. Gray, is it your testimony that this bill is a good first step in that direction? Is that my understanding?

DR. GRAY:

Absolutely. It is not the whole solution to the problem, but it is an important first step. Parents will not give their children the independence needed if they think they might be arrested.

SENATOR CANNIZZARO:

I was probably raised similarly. My parents worked full time, and I remember times that I was told to head outside and do not come back until the street lights come on. I played outside with neighborhood kids in the apartment complex on the street where I lived.

I agree with the goals of this particular bill and am supportive of more clearly defining what constitutes child abuse and neglect when parents try to give their kids a little more independence. I do have questions about some of the bill language.

Referring to the conceptual amendment to S.B. 143, [Exhibit B](#), section 1, subsection 2, states, "with criminal negligence" and refers to a person who is either the parent or guardian of or is in charge of the safety and welfare of a child.

Also, referring to the definition of "criminal negligence" in paragraph (f), section 1, subsection 4 as "a gross deviation from the standard of care that a reasonable person would observe in the person's situation." Why is the inclusion of criminal negligence there, and what does that particular definition, if it exists elsewhere, mean or intend to capture?

The way I am reading this is you are including the definition of what either does not constitute abuse or neglect of a child, what is not negligent maltreatment of a child and some of these activities. I am wondering why we are adding "criminal negligence" keys to it?

KENDRA BERTSCHY (Washoe County Public Defender's Office):

The language of this bill was based on trying to work around the concerns we heard from the district attorneys' offices.

Some states have the requirement of actual harm. We do not believe it is necessary to have that requirement, which is why originally the language included "is likely to." Other states, including New York, have "is likely to" language, but we have heard from district attorneys' offices that they had some concerns over trying to prove the foreseeability of the actions or inactions.

The term "criminal negligence" was based off Nevada law, specifically from *Cornella v. Justice Court*, 132 Nev. 587 (2016) in how it describes criminal negligence, and we felt that it was a fair middle ground in taking the district attorneys' concerns, but also clarifying what "may" would be since "may" is vague.

SENATOR CANNIZZARO:

Under NRS 432B.020, we are defining "abuse or neglect of a child" and language is being added specifically about these independent activities where a child is outside playing and may be left home unattended, but otherwise can fend for themselves. Obviously, we are not talking about a one-year-old child. We might be talking about an older child. Why is that not enough when you also compare that with the changes to NRS 432B.140 with respect to negligent treatment or maltreatment of a child?

MS. BERTSCHY:

When we were reviewing this bill with Let Grow, we felt it did not provide enough clarity, especially looking at the criminal statute. You have to also look

at neglect in NRS 432B.130 in charging these types of cases. We felt that it was important to add extra clarity into the criminal statute.

We are willing and open to working on the language. This proposal was what we reached after responding to concerns from the district attorneys' offices.

SENATOR CANNIZZARO:

I understand why you want more clarity in the criminal context. I worry about adding things like "criminal negligence" where you have a parent who continues to leave a child with someone who is a boyfriend, a girlfriend or a caretaker and the child is being either sexually or physically abused. Are we blurring lines between what I would say constitutes a criminal offense? If we say it is a gross deviation if you leave somebody to have care over a child, I am not sure about the clarity of that particular language.

What you are trying to get at in terms of behavior of parents, guardians and other caretakers is reasonable and what we should be doing. I want to make sure we are not somehow exempting those individuals that fall under this statute for doing things that are far outside of what we are talking about.

SENATOR HARRIS:

One of the largest issues we have been trying to work out with this bill is the term "may". We were trying to find a way of removing "may" and move to a less broad exemption. We are still trying to find that perfect balance.

SENATOR CANNIZZARO:

I completely understand that and agree. It is tough to do, but hopefully we can find that balance.

SENATOR OHRENSCHALL:

Something Senator Harris said really struck me about the trauma of a visit from law enforcement or a visit from a CPS officer. Maybe nothing comes of it, and it is not found to be a substantiated case of abuse and neglect. This may be a question for Dr. Gray.

Do you think if there has been that visit, and maybe it was found unsubstantiated, the family may be even less inclined to let the child go to the park, the community play area, or go hang out or visit a friend? If something is

not found as abuse and neglect, the visit from CPS could have a domino effect in the future for that family and child.

DR. GRAY:

I think it does. I do not have any national data on that. I have heard from individual parents who, in fact, have had that kind of a visit. They say, "You know, even though a court case didn't result from the visit, the visit scared them," and they said, "I know that my child needs independent outdoor play, but I do not dare allow it."

Sometimes people get a visit simply because a child is playing in the front yard. A young child is playing in the front yard and the mom is looking out, sees the child, and yet somebody reports it. Then there is a visit and it is not likely to go anywhere in court, but it scares the parent.

Parents need assurance they are going to be trusted to make judgments like this about their kids.

SENATOR SETTELMAYER:

I think it is essential that children have individual time and play. I go further and say it is neglectful for parents not to encourage their children to go outside. It is also neglect to not have these kids in school.

The question I have is at what age do you think is appropriate for individual play, autonomy and things of that nature? Being in agriculture, some people gave my father a bad time because at six and eight years old I was actually out working alone. At what age do you think it is appropriate for this type of discussion?

SENATOR HARRIS:

The whole point is that it is up to the parents. They can make an age assessment of their children more than any of us could ever determine. For example, there are some 16-year-olds who are not ready to drive. I hope parents are not encouraging them to get out there and drive if they are not ready. This is really about parents who know their children and their abilities. There are some young children who are tech savvy and can call 911 when needed, or can jump online on Messenger if the power is down and reach out to another parent. We need to empower parents to make those choices for their children.

SENATOR SETTELMAYER:

I appreciate the answer and the concept of individual responsibility.

CHAIR SCHEIBLE:

I also have a question as to how this statute is going to be utilized? I appreciate the purpose and concept behind it, but I am trying to understand the idea that once a parent is arrested for criminal neglect that the defense attorney will bring up the new NRS 432B and say "Actually no, this was fine."

Will CPS specialists and investigators review the conduct of a parent they are investigating against these new statutes and say, "Oh wait, something new we have found substantiated last year, we will not find substantiated this year." Or are people going to start reading the NRS statutes and stop calling law enforcement when their neighbors let their kids stay out too late because they know that it is not considered neglect under the law? What is the prediction here?

SENATOR HARRIS:

We want people calling in when they feel children are being neglected. Defense attorneys will be able, in reasonable circumstances, to make the argument that the parent was not neglectful.

I hope we can send a signal, via statute, that parents can feel a little freer to parent their children and not be worried about any kind of criminal negligence or severe repercussions.

CHAIR SCHEIBLE:

I have a follow-up question from my own experience in criminal law and seeing some really egregious cases of abuse and neglect; some less egregious cases; and sometimes going through a file and seeing cases where the court or a child protective agency should have stepped in a lot earlier.

As the sponsors of the bill and experts in this area, specific cases cannot be cited and other people's stories cannot be told. There are instances where the court dismissed a case, or did not find the case substantiated, but could now find substantiated in Nevada based on what would be the new statute?

Are there type one and type two errors? Are we prosecuting parents who are not doing anything wrong and failing to prosecute parents who are doing something wrong? Are we experiencing both types of errors in Nevada?

SENATOR HARRIS:

I will turn that over to one of my colleagues at Let Grow or Ms. Bertschy.

MS. BERTSCHY:

What we hear from stakeholders across Nevada, and especially in Washoe County, social services is already implementing some of these policies.

The goal is to ensure we are codifying that so the next director or agency keeps up that standard. It is difficult to say this bill would have impacted a lot of our clients. I am hopeful that Social Services or the Human Services Agency is providing informal case plans and providing clients with the services from the outset instead of bringing them into the fold or removing the child.

From a criminal standpoint, I am hopeful this bill will provide extra clarity for the DAs offices with child abuse charges coming forward—not child neglect or endangerment. Perhaps cases will be dismissed sooner rather than be tried for gross misdemeanors, providing extra assurance that cases do not meet the definition based on conduct.

CHAIR SCHEIBLE:

That helps clarify my question. Sometimes we use legislation to solve a problem or to keep doing something right. If this qualifies as a working policy, that is also a step in the right direction.

LYNN CHAPMAN (State Treasurer, Independent American Party):

We are in favor of this bill. We need to let parents be parents. The parents know their children best, and teach their children to be better citizens. To do that, they need to learn responsibility and independence. The parents are the best ones to teach their children these issues without the fear of government intrusion.

As a home school consultant, many years ago, I had a number of people who were concerned because their neighbors would turn them into child protective services (CPS) because they had their children at home. A lot of that went away

because we now have computers. It is important that parents be parents and have the opportunity to teach their children the things they will need later in life.

NICHOLAS SHEPACK (American Civil Liberties Union of Nevada):

We have talked to directly impacted people who wish to testify in support. However, there is a real fear about talking publically about open CPS cases. If you do not hear from them today, we will help them provide written statements or set up private meetings with Legislators.

Nevada must tighten its child neglect statutes and give parents the freedom they need to raise their children without fear. This is a racial justice issue.

Each year, law enforcement and school personnel file the most referrals, making up over 50 percent of all referrals to the Division of Child and Family Services. Racial disparities in our system and an unconscious bias fuel this racial justice issue.

Schools, police, the Division of Child and Family Services, district attorneys' offices as well as the public defenders' offices in Nevada are all disproportionately white. While these public servants are some of the most well intentioned and hardworking people in the State, it is clear that the current makeup of our system disfavors families of color and puts them at a higher risk of being investigated for child neglect and having a child removed.

Clear and narrow neglect statutes will help protect these families. To drive home the racial justice issue, I will share a few numbers from Washoe County. This is county-provided data based on zip codes from 2016 through 2020.

The south Reno area with 27,000 people, 90 percent white, had 142 investigations and 33 removals. The west Reno to Verdi area, with 31,000 people, 80 percent white, had 393 investigations and 61 removals. The midtown Reno area, with under 40,000 people, 65 percent white, had over 18,000 investigations and 535 removals. The north Reno to the north Valley area, with 20,000 people, 59 percent white, had over 1,000 investigations and 336 removals.

I support S.B. 143.



JANINE HANSEN (President, Nevada Families for Freedom):

I am the President of Nevada Families for Freedom. I also have a degree in child development and family relations.

We support S.B. 143. It is a sensible parenting bill allowing parents to make deliberate decisions about their parenting, and the ability to give their children the opportunity to play outdoors with other children, walk to school and stay home alone if they are mature enough, without fear of being charged with neglect.

We support this concept and feel like children need an opportunity to grow, develop and learn about life without parents being concerned with being charged with neglect.

We support this bill.

ERNIE ADLER:

I am speaking in favor of this bill. I remember when I was a child growing up, we had a family of six. My mom could not or did not need to keep track of us. I had about a two-mile radius around my house where I could ride my bicycle to school, the park and places where we would play.

I do not think it is possible to do that today. This bill adds a little bit more freedom for kids to go out and have adventures on their own.

On another topic, I represent a client who had a substantiation of child abuse 20 years ago and since then has had no criminal or child abuse allegations. She has earned a master's degree. She is faced with the fact that these substantiations of child abuse will remain on her record for decades.

Parents can be hesitant to let their children be children because if there is a substantiation of child abuse, which can remain on their record, it can influence other future employers who would offer them a job.

ERIN PHILLIPS (President, Power2Parent):

I am reading from my written testimony ([Exhibit C](#)).

CHRISTINE SAUNDERS (Progressive Leadership Alliance of Nevada):

I support Senate Bill 143.

Like the bill sponsors, I was raised by a single mother who worked full time to provide for my brother and me while also completing her master's degree in teaching. We have grown strong and independent.

The current laws have a disproportionate impact on low-income families of color. Senate Bill 143 is a simple clarification for families, and we ask for your support of the bill.

JOHN PIRO (Clark County Public Defender's Office):

We believe that this legislation enables good parents to make decisions within reasonable guidelines providing some modicum of predictability within the criminal justice system as opposed to the nebulous word of "may" that currently exists.

We have proffered a chance at defining criminal negligence, which is defined in case law from *Cornella v. Justice Court*, 132 Nev. 587 (2016). We referred to concerns through the district attorneys that this change would make it almost impossible to prosecute these cases. We determined these claims were unfounded.

New York has a similar statute, and we have not heard anything to the effect that they find it impossible to prosecute these types of cases.

GILLIAN BLOCK (Nevada Coalition of Legal Service Providers):

I am speaking in support of S.B. 143.

The Legal Aid Center of Southern Nevada and Washoe Legal Services represent 100 percent of children in the child welfare system. This is a service of the court representing the child's wishes before the court and in the community.

We support S.B. 143 which will make the law on child neglect clearer and prevent unjustified interventions and removal of children from their homes.

Interventions, including the removal of a child from their parents, are traumatizing to the child. Research shows that separating children from parents has long-term detrimental effects on a child's emotional and psychological health and well-being. Further, neglect and intervention disproportionately impacts children from low-income families and families of color.

Senate Bill 143 will help prevent these negative consequences of removals when it is not appropriate.

YVONNE SWEETEN:

I am in favor of S.B. 143. I am a former teacher and think it is the best bill for parents, children and quality of life for everybody involved.

LENORE SKENAZY (President, Let Grow):

I have submitted written testimony ([Exhibit D](#)) which I will read from.

I am the President of Let Grow, the nonprofit that promotes childhood independence. Before this, I wrote the book "*Free-Range Kids*" that started the Free-Range Kids movement, and that grew into Let Grow.

I believe in safety, like everybody here who loves helmets, car seats, seatbelts and mouth guards who just do not believe kids need a security detail every time they leave the house. It is great for children to have some freedom when their parents feel they are ready for it.

I get so many letters from parents saying that they want their kids to go outside, walk to the store, play outside. They do not want their children home staring at a screen all day because they are afraid to send them outside and worry that somebody is going to call 911 and a case will be opened causing them to keep the kids inside.

Kids are getting out of shape and depressed. They are on the couch, and they are hurting themselves. We have heard from Dr. Gray, that Utah passed the Free-Range Parenting Law. The *Las Vegas Review-Journal* was extremely enthusiastic about that law. They wrote "Nevada should follow Utah's lead." That is what brought Nevada to my attention. The *Review-Journal* kept writing editorials about this law and how Nevada parents need to know they can let their kids have a childhood.

Your citizens, and certainly your editorial writers, love freedom, family, the outdoors and giving parents a fair shake. The Reasonable Childhood Independence Bill rolls all of this into one big ball and lets the kids go outside and play.

Pass this law, and Nevada becomes an even better place for families to raise their kids.

SCOTT COFFEE (Chief Deputy Public Defender, Clark County):

I am an attorney with the Clark County Public Defender's Office. I have been an attorney for over 25 years. Over the last 20 years, I have been involved in training for defense attorneys. I am familiar with the situation surrounding the child abuse and neglect statutes in Nevada.

The Nevada Attorneys for Criminal Justice are in favor of what is being proposed, including the amendment from Senator Harris.

In Nevada, it is difficult to know what does and what does not constitute child abuse and neglect. Having been an attorney for 25 years, if someone asked me, "Can I let my child do this?", I would feel at a loss due to the vague nature of the statutes.

I think the conceptual amendment, particularly the change to section 2 which talks about criminal negligence, is critical to providing some clarity.

I understand the concerns from law enforcement and district attorneys. Based on my experience, clarity will actually make the situation better rather than worse. By making clear what is abuse and neglect, it takes inconsistency out of the enforcement and provides direction to the officers to find the bad people that need to be found and not going after people who should not be charged.

The term "may" could put a child in a position where charges could happen. The statute is so vague that I could not get much direction on how this works.

Earlier, Senator Pickard asked if this bill would strike a balance. The proposed language does strike a balance. Senator Hansen also talked about it being reasonable. These solutions are reasonable. The bill provides direction and clarity and for those reasons, we fully support the bill.

AMBER HOWELL (Director, Washoe County Human Services Agency):

As the bill is proposed today, we are opposed to this legislation but have been working with the sponsors. We appreciate all of the ongoing dialogue to further enhance this bill.

About eight years ago, we embarked on a Statewide change throughout our system on our intervention of families and removals. Our safety model requires us to do what we can to mitigate a removal by finding alternatives to placement in foster care while exhausting all efforts to mitigate removal.

Nevada has made dramatic changes in how we serve families. In Washoe County, our removals have decreased by 38 percent in the last 5 years. Less than 15 percent of our removals are due to lack of supervision.

Foster care demographics show Washoe County with 60 percent of the foster care population 5 years of age and under. When removal occurs, the majority are very young and vulnerable. Nothing can be mitigated to keep them at home.

Our data does not show we have a disproportionate rate of inappropriate removals and, in fact, our removal rate is below the national average. We have been unable to come up with any data to support this need, and our data certainly does not suggest that this is problematic.

This proposed legislation would not codify our policies. Washoe County wants to ensure laws are not created that impact the significant improvements made, but allows continued assurance that the right children are placed in foster care and families get services for placement.

This is an education issue not to be solved by statute. Our workers in the field present themselves as a helpful resource, not a threat or form of harassment. Our practices have evolved significantly over the years, and we do everything we can to keep families together when safety is not in jeopardy.

BRIGID DUFFY (Director, Juvenile Division, Clark County District Attorney's Office):

I am here to submit the Clark County Department of Family Services testimony in opposition.

We thank Senator Harris and Assemblywoman Hansen for focusing on ensuring that the people of Nevada do not believe this bill is encouraging folks to stop reporting child abuse and neglect.

We are concerned, as child welfare agencies, that there is an under-reporting of abuse and neglect, especially during the Covid-19 pandemic. I appreciate the child welfare agencies on that clarification.

I have been in the child welfare system as a prosecutor for 20-some years now, and for 4 years as a court hearing master. I have seen atrocities when people turn a blind eye and feel the relief when a citizen assists a child escaping torturous conditions in the home.

We are still in opposition today but are willing to have conversations with stakeholders to come to an agreement.

I also submit to the same testimony that Director Howell made on behalf of Washoe County.

This Session, legislation will be put into statute requiring child welfare agencies to have warrants to remove children from their homes absent exigency.

If a child abuse agency determines that there is an act of neglect under child welfare agency and statutory standards, the child welfare agency must obtain a warrant to remove the child. All of those removals, absent exigency or emergency circumstances, must have checks and balances from the courts to determine whether to remove the child.

That is a state-defined Ninth Circuit decision, and as such, child welfare agencies are subject to civil rights violation lawsuits when removing children after exigency and without a warrant. That is a layer of protection that I believe has been ignored with this legislation. We are not just going in and taking children absent court review prior to that removal.

I also want to bring attention to the amendment to S.B. 143 adding to NRS 432B.020 a new section 2, subsection 2, paragraph (c) which uses the term "person responsible for the welfare of the child." That term is actually defined in NRS 432B and extends to things such as residential treatment facilities, day care facilities and institutions. By using that language, you will have those types of institutions and day cares substituting their judgment for a parent's judgment on whether a child is of sufficient maturity, physical condition and mental ability to be able to engage in independent activities.

The Division of Child and Family Services leadership states that only 40 percent of our calls Statewide are assigned for investigation.

This legislation is not going to stop the knock on the door because of a further need to investigate to determine sufficient maturity, physical condition and mental ability. Dr. Gray cannot assure us that there is not a problem.

JOHN JONES (Nevada District Attorneys Association):  
I testify in opposition of S.B. 143.

We have had several constructive meetings on this bill. The bill is moving in the right direction in terms of language. We still have significant concerns.

We agree with the premise that children should be given appropriate amounts of independence to aid with their physical, mental and emotional development. That is not in dispute. What we do dispute is that changing our abuse and neglect laws are a vehicle in which to accomplish those goals.

Our first concern with this bill is that it has been presented as providing parents with more guidance. It redefines the person responsible for the welfare of the child, which is much broader than just parents; it includes daycare workers, teachers, babysitters and anyone who comes in contact with a child on a somewhat regular basis.

This bill purports to provide protection and guidance to parents. It makes it harder for law enforcement and CPS to investigate and prosecute daycare workers, coaches, preschool teachers and other nonparental figures who neglect children.

This bill would allow these nonparental authorities to assert their opinions of the child's maturity, physical and mental conditions as a defense. They are not parents; they are not in the same position as parents. This bill gives them parental standing to make these determinations and would make prosecuting them harder.

Our second issue is with the addition of criminal negligence in section 1. The word is better than the proposed original version, but it is still not where district attorneys can support it.

We have been, and will continue to be, involved as this bill develops. We look forward to continuing that dialogue.

A. J. DELAP (Las Vegas Metropolitan Police Department):

The Las Vegas Metropolitan Police Department is opposed to S.B. 143. We, the stakeholders, are interested in this measure. Unfortunately, despite several hours of discussion, we have not come to a position where we can support the measure. The Las Vegas Metropolitan Police Department has deep concerns the proposed changes made in S.B. 143 may have the unintended consequences of reducing law enforcement's ability to protect children who truly are being neglected, endangered or abused.

We support the concerns expressed by our child protection partners and the district attorneys' offices in both juvenile and criminal divisions. As it relates specifically to law enforcement operations, it is difficult to craft language that would curtail members of the public from making reports to law enforcement that are erroneous, misconstrued or purposely vindictive. This may have a chain effect on law enforcement's response to child neglect calls.

Law enforcement would rather receive the report of child abuse or neglect, and respond accordingly, than to risk even the possibility of one child continuing to suffer in an abusive or neglectful situation.

We welcome further discussion of S.B. 143 in the hopes of arriving at a point where we can be in support of the measure.

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

We are neutral on this bill. I submitted data and information ([Exhibit E](#)) about child neglect in Nevada. I will review the highlights.

It is important to note just because a call comes into the hotline does not mean a Nevada Child Welfare Agency goes out for an investigation. We have a substantial screening process that allows for our workers to screen out nonsense calls; the calls that do not actually have any sort of stated abuse or neglect.

Neglect is our most common substantiation. Neglect substantiation also includes neglect that has resulted in a physical injury or in sexual abuse. We are certainly



not substantiating on the basis of parents letting their kids walk to school or anything of that nature.

As Director Howell stated, Nevada and the County's child welfare system have been going through a transformation. The focus is on prevention and family preservation.

This information can help the Committee as Senators consider this bill.

The Nevada version of this bill is different than the Utah bill. I want to make it clear to Nevada families who might be listening to this hearing and think there is some current proposition against independent play, which is not the case. Children in Nevada are allowed to do independent activities in a safe manner. We are not rounding up kids walking to school or at the park.

We appreciate the sponsors wanting to instill Nevada in support of our children. With that goal, the Division of Child and Family Services stand ready to help in providing information in order to assist them in their decision.

CHAIR SCHEIBLE:

To ensure that our record is clear, Ms. Skenazy's testimony was in the support category; Mr. Armstrong in the neutral category; Mr. Delap in opposition; and Mr. Coffee in support.

SENATOR PICKARD:

Statements were made about moving in the right direction, but I have some problems with the language and the unintended consequences. I never heard what those are or what the proposed language might be. I would be interested to hear if we are not too far off.

CHAIR SCHEIBLE:

You can discuss this with the sponsor offline or perhaps with those agencies who called in to testify in opposition.

SENATOR HARRIS:

I want to thank everyone who has been a part of this bill. I will close by saying anything that gets myself and Assemblywoman Hansen on the same side is either a really good idea or a really bad one, and I hope you are convinced to support this bill.

Senate Committee on Judiciary  
March 8, 2021  
Page 26

CHAIR SCHEIBLE:

I will now close the hearing on Senate Bill 143 .

This concludes this meeting of the Senate Judiciary Committee. The meeting is adjourned at 2:27 p.m.

RESPECTFULLY SUBMITTED:

---

Pam King,  
Committee Secretary

APPROVED BY:

---

Senator Melanie Scheible, Chair

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

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Testimony begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 143	B	1	Senator Dallas Harris and Assemblywoman Alexis Hansen	Conceptual Amendment
S.B. 143	C	1	Erin Phillips / Power2Parent	Written Testimony
S.B. 143	D	1	Lenore Skenazy / Let Grow, Inc.	Written Testimony
S.B. 143	E	1	Ross Armstrong / Division of Child and Family Services	Nevada Child Neglect Information