

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Eighty-first Session  
April 13, 2021**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 2:35 p.m. on Tuesday, April 13, 2021, Online and in Room 2135 of the Legislative Building, Carson City, Nevada. [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

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst  
Nicolas Anthony, Counsel  
Pam King, Committee Secretary

**OTHERS PRESENT:**

Elizabeth Neighbors, Ph.D., Division of Public and Behavioral Health, Department of Health and Human Services  
Cathy Kaplan, Chief, Child Support Enforcement Program, Division of Welfare and Supportive Services, Department of Health and Human Services  
Kim Smalley, Social Service Program Specialist, Child Support Enforcement Program, Division of Welfare and Supportive Services, Department of Health and Human Services  
John Jones, Nevada District Attorney's Association; Clark County Office of the District Attorney

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CHAIR SCHEIBLE:

I will now call this meeting of the Senate Committee on Judiciary to order. This is our first hybrid in-person meeting of the Eighty-first Legislative Session.

Presenters are here, via Zoom video. I will now open the hearing on Assembly Bill (A.B.) 24.

**ASSEMBLY BILL 24**: Revises provisions relating to a forensic facility to which certain offenders and defendants with a mental illness may be committed. (BDR 14-292)

ELIZABETH NEIGHBORS, PH.D. (Division of Public and Behavioral Health, Department of Health and Human Services):

I am in support of A.B. 24. I am here to briefly go over the bill. It clarifies and expands the definition of a forensic facility in *Nevada Revised Statutes* (NRS) NRS 175.539.

The bill is designed to update current forensic facilities identified in the Division of Public and Behavioral Health (DPBH) to include Stein Forensic Unit, that opened in 2015. Prior to that, Lake's Crossing Center was the only identified forensic facility. This update is much needed as we are expanding.

The bill also gives DPBH the authority to designate future facilities and units of facilities as forensic hospitals or treatment centers. It will allow DPBH to draft policies defining the criteria for qualifying as a forensic facility, which was not in the statute in the past.

Our expectation is this population is going to grow. The definition of forensic facility needs to be expanded and flexible to allow new facilities built and new units identified to qualify without DPBH having to go back to the Legislature and include them in the statute.

SENATOR OHRENSCHALL:

You mentioned a possible expansion beyond Lake's Crossing Center and the Stein Forensic Unit facility. Do you envision A.B. 24 in the future to allow placement of incompetent persons at private contracted facilities or perhaps out-of-state? Do you believe this language change would still limit the placement of those incompetent persons to a State-run facility, such as the ones I have mentioned or a future State-run facility?

DR. NEIGHBORS:

At present, we do not anticipate these facilities would be privately contracted. Nor do we anticipate placing anyone out-of-state. It would be difficult to take them out of the judicial venue they are in. I do not know that it excludes that situation. Some states have privately contracted facilities that do competency restoration, so I do not know if this excludes that. Still, it was not anticipated as a prominent component of the bill. This bill's intention is to be able to manage our facilities.

SENATOR PICKARD:

When we talk about the term "forensic" typically, we are talking about a rearward legal interpretive type of definition in the law.

I want to be sure we are talking about a therapeutic approach, a facility still looking at rehabilitation as its core mission since we are dealing with juveniles. As a follow-up regarding being designated by the Division, is there some precedence to suggest that this would not authorize a private facility?

I am just harkening back to prior sessions. Last Session, we attempted to prohibit private penal institutions, and I am wondering if we are traveling down a similar track?

DR. NEIGHBORS:

In response to the first part of your question, is this a therapeutic facility? The answer is absolutely. Our two forensic hospitals are both licensed as psychiatric hospitals, and I should qualify that these are adult facilities, not juvenile facilities. We have, in the past, had juveniles who became adjudicated as adults, but we typically do not have juveniles in our facilities who are under the age of 18. We have all of the same attributes as a sole psychiatric hospital with the same kind of staffing. The hospitals are structured with treatment teams, psychiatrists and psychologists, nurses and recreational programs with the goal to restore the individual and treat their psychiatric disorders, and retraining them as they recover.

Regarding privatizing these facilities, so far in Nevada, we have no precedent for doing that for forensic psychiatric hospitals. At the moment, it is not anticipated that this will be done. There is no plan in place, and we have not looked into that as an alternative to our current model for delivering these services.

CHAIR SCHEIBLE:

I will now close the hearing on A.B. 24, and I will open the hearing on A.B. 27.

**ASSEMBLY BILL 27**: Revises provisions relating to the administration of child support. (BDR 11-300)

CATHY KAPLAN (Chief, Child Support Enforcement Program, Division of Welfare and Supportive Services, Department of Health and Human Services):  
With me today is Kim Smalley, who is a Social Service Program Specialist within the Child Support Enforcement Program in our Policy Unit.

I am here to present A.B. 27. Child support payments must be rendered to the State Disbursement Unit (SDU) as stated in the child support order.

When an obligee leaves the original state of the child support order and applies for child support services in another state, payments must still be submitted to the original state's SDU, then forwarded to the SDU in the obligee's new state of residence. This causes a significant delay in distributing payments.

Section 319(b) of the 2008 Uniform Interstate Family Support Act (UIFSA) addresses those issues by requiring each state to redirect support payments upon request from another state's support enforcement agency.

When an obligee is receiving child support services in that state, neither the obligor, obligee nor the child live in Nevada.

Nevada law allows only a tribunal to redirect child support payments to another state's SDU. Assembly Bill 27 seeks to mirror language found in the UIFSA to allow a support enforcement agency or a tribunal of the state the ability to comply with this general requirement. Including the support enforcement agency in the duplicity in statute provides for an administrative process to carry out this requirement, thus reducing the need for state-funded court proceedings and getting support to the families faster and more efficiently.

SENATOR PICKARD:

I spent about 25 percent of my practice in UIFSA courts, so I am pretty familiar with what you are talking about. This language seems to grant the office the ability to issue an order, which is currently reserved for the UIFSA judicial officer, who is appointed to do that. I can certainly see how this would make

things more efficient if the prosecutor or the district attorney's office could issue the order without a judicial officer being involved.

Is that not the purpose of the judicial officer under the Title 40 of NRS program that we established? It seems to me you are asking the prosecutor to go straight to an order, much like a deposition or subpoena. Although we are talking about someone's rights to their income, we are invading their income, whether through a garnishment order or support order, at least from this State.

Can you explain how that does not run afoul of the separation of powers?

KIM SMALLEY (Social Service Program Specialist, Child Support Enforcement Program, Division of Welfare and Supportive Services, Department of Health and Human Services):

Assembly Bill 27 covers existing orders, not the establishment of orders. We are requesting that when a Nevada order is established and the SDU is named in the Nevada order, we are then able to have an administrative process to pass those payments upon the request from another state under UIFSA. That is not an establishment of the order, just the payment redirect portion named in an existing order.

SENATOR PICKARD:

I am not sure I am clear. Section 1, subsection 5 of A.B. 27 states:

A support-enforcement agency of this State shall issue or request a tribunal of this State to issue a child-support order and an income-withholding order that redirect payment of current support, arrears and interest if requested to do so by a support-enforcement agency of another state pursuant to a law similar to NRS 130.319.

We are asking, in this Legislation, to add language that would allow the support-enforcement agency to issue the order or request the tribunal, which in most cases is the UIFSA court to issue that order.

In section 2, subsection 2, we are adding the words support-enforcement agency or tribunal of this State shall direct and issue an order under paragraph (b).

I am concerned this language is actually allowing the executive agency, not the judicial officer, to issue an order for that income-withholding order. That might run afoul. Maybe this should be a question for legal counsel to clarify. This seems inappropriate.

NICOLAS ANTHONY (Counsel):

Yes, when we were drafting this bill, we did research UIFSA. This bill, as written, exactly tracks the option in UIFSA which allows the agency to issue that redirection from child support. The Division of Welfare and Supportive Services (DWSS) testimony stated it is not issuing a new order, but it is the redirection of where that child support payment would go.

SENATOR PICKARD:

I appreciate that. Maybe we can just do this offline. If you can direct me to the citation in UIFSA, that would be helpful. This is something we encounter as a procedural matter, and I am learning something new about it.

JOHN JONES (Nevada District Attorneys Association; Clark County Office of the District Attorney):

As various district attorney's offices around Nevada handle child support enforcement, we are in support of A.B. 27. It will help out-of-state children get their support payments faster.

MS. KAPLAN:

As to Senator Pickard's question about the UIFSA, it is section 319(b) of the 2008 Uniform Interstate Family Support Act. All DWSS is trying to do is mirror that option to redirect payments and not have them filtered through Nevada into another state.

If you have any further questions, you can reach out to us. We are available to answer any concerns you may have. Thank you for the opportunity to present A.B. 27.

CHAIR SCHEIBLE:

That concludes our hearing on A.B. 27. I will now close the hearing and move to public comment.

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CHAIR SCHEIBLE:  
The meeting is adjourned at 3:03 p.m.

RESPECTFULLY SUBMITTED:

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Pam King,  
Committee Secretary

APPROVED BY:

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Senator Melanie Scheible, Chair

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

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A			Agenda