

MEETING NOTICE AND AGENDA

Name of Organization: INTERIM STUDY ON THE PLACEMENT OF CHILDREN IN FOSTER CARE (Senate Bill 356, Section 4, 2007 Session)

Date and Time of Meeting: Friday, July 25, 2008 – 9:00 a.m.

Place of Meeting: Grant Sawyer State Office Building
Room 4412
555 East Washington Avenue
Las Vegas, Nevada

Note: Some members of the committee may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

Legislative Building
Room 3138
401 South Carson Street
Carson City, Nevada

If you cannot attend the meeting, you can listen to it live over the Internet. The address for the legislative website is <http://www.leg.state.nv.us>. For audio broadcasts, click on the link "Listen to Meetings Live on the Internet."

Note: Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.

AGENDA

Note: Items on this agenda may be taken in a different order than listed.

*Denotes items on which the committee may take action.

- I. ROLL CALL.
- II. OPENING REMARKS – Senator Steven Horsford, Chair.
- *III. APPROVAL OF MAY 15, 2008, MEETING MINUTES.

- *IV. REPORT ON THE REVISION OF REGULATIONS PURSUANT TO SENATE BILL 356 – NAC 432B PROTECTION OF CHILDREN FROM ABUSE AND NEGLECT – Brenda J. Erdoes, Legislative Counsel, Legislative Counsel Bureau.
- *V. PRESENTATION ON THE COLLABORATION OF PROGRAMS OF THE DIVISION OF WELFARE AND SUPPORTIVE SERVICES WITH CHILD WELFARE – Dena Schmidt, Social Services Program Specialist, and Romaine Gilliland, Administrative Services Officer, Division of Welfare and Supportive Services, Department of Health and Human Services.
- *VI. WORK SESSION – DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATIONS RELATED TO THE PLACEMENT OF CHILDREN IN FOSTER CARE.

Note: The Work Session Document is attached below and contains proposed recommendations. The document is also available on the Interim Studies web page (www.leg.state.nv.us/74th/Interim/Studies/FosterCare), or it may be obtained by contacting Donna Thomas, Committee Secretary, at 775-684-6821.

VII. PUBLIC COMMENT.

VIII. ADJOURNMENT.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Fiscal Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Donna Thomas, Management Assistant at (775) 684-6821 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Government Center, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature's website at www.leg.state.nv.us.

WORK SESSION DOCUMENT

NEVADA LEGISLATIVE COMMISSION'S SUBCOMMITTEE ON THE PLACEMENT OF CHILDREN IN FOSTER CARE

(Senate Bill 356, Section 4, 2007 Session)

JULY 25, 2008

The following "work session document" has been prepared by the Chairman and staff of the Legislative Commission's Subcommittee on the Placement of Children in Foster Care in order to facilitate the committee's discussion of possible recommendations. It contains recommendations presented in public hearings and in correspondence during the course of the study for the committee's consideration.

The possible recommendations are compiled and organized by topic to assist members in determining which proposals to forward to the 2009 Session of the Nevada Legislature. The possible recommendations listed in this document do not necessarily have the support or opposition of the committee. Sponsors of recommendations may be noted in parentheses. The committee may accept, reject, modify or take no action on any of the proposals.

Pursuant to *Nevada Revised Statutes* (NRS) 218.2429, the committee is limited to five BDRs, including requests for the drafting of legislative resolutions. Although possible actions may be identified within each recommendation, the committee may choose to recommend any of the following actions: (1) draft legislation; (2) draft a legislative resolution; (3) draft a committee letter; (4) draft a committee resolution; or (5) include a statement in the final report. It should also be noted that some of the recommendations may contain an unknown fiscal impact. The committee's recommendations will be submitted to the Legislative Commission and highlighted in the report that will be prepared for the 2009 Session of the Nevada Legislature.

Finally, please note that during the drafting process, specific details of approved requests for legislation or other committee action may be further clarified by committee staff in consultation with the Chairman or others, as appropriate. Also, some recommendations may include references to specific chapters or statutes. However, as part of the bill drafting process, amendments to other related chapters or sections of the NRS may be added to fully implement the recommendation.

RECOMMENDATIONS FROM THE TECHNICAL WORKGROUP

- 1. Develop and implement a consistent practice model focused on a family-centered child safety approach.** *Develop a practice model that is built on the premise that whenever possible, services and supports received by children and families should be provided within their own community, takes into consideration risk versus safety when making decisions about removal of a child, and is seen through the lens of reducing disproportionality.*

Possible methods:

- **Propose a resolution articulating the importance of the child welfare agencies developing a practice model that focuses on a family-centered child safety approach as well as identifying and reducing statewide racial disproportionality.**

Additional actions:

- Assess disproportionality in the Nevada child welfare system and develop a strategy to address the issue and includes ongoing data tracking.
- Identify targets for reducing the number of youth in care and instruct the child welfare agencies to implement a system to track reduction efforts.

Related actions:

- Implement structured risk and safety assessments. (Recommended by Paul Buehler, Senior Director of Strategic Consulting, Casey Family Programs on January 31, 2008.)
- Emphasize the need for Child Protective Services (CPS) to investigate the validity of allegations of abuse or maltreatment before removing children from their homes. (Recommended by Edward Willman, concerned parent, January 31, 2008.)

2. Examine and recommend changes to language in NRS 432B.

Possible methods:

- **Propose legislation establishing an interagency committee in order to review NRS 432B and associated regulations and ensure that it is aligned with current child welfare practice.**

Additional actions:

- Instruct the child welfare agencies to develop a plan to review and prioritize sections of NRS needing revision. Sections that should be considered include those that establish the definition of neglect, the standard for establishing protective custody, the standard for reporting, the timeframe for law enforcement to forward reports to CPS, and the provisions regarding research in NRS 432B.290.
- Establish a committee whose membership should include all parties (e.g. child welfare and law enforcement) that are allowed to place children in out of home care as well as partner agencies such as Temporary Assistance for Needy Families (TANF) and Juvenile Justice. Members of the legislative subcommittee should be informed of committee meetings and issues for review, to consider for potential BDRs.
- Support current Division of Child and Family Services (DCFS) process to engage with the National Resource Center and review Chapter 432B of NRS and *Nevada Administrative Code* (NAC) to review the chapters in their entirety from a legal perspective.

Related actions:

- Clarify the definitions of maltreatment to reduce the number of children brought into the foster care system. (Recommended by Steve Christian, Program Director, National Conference of State Legislatures (NCSL), on January 31, 2008.)
- Clarify the standard of evidence required for substantiation of allegations of maltreatment, to include a preponderance of evidence or clear and convincing evidence. (Recommended by Steve Christian, Program Director, NCSL, on January 31, 2008.)

3. Develop and implement a child welfare investment strategy that allows county jurisdictions the flexibility to effectively deliver services to children and families.

Possible methods:

- **Propose legislation or resolution allowing for the flexible use of existing child welfare funds in order to provide up front child welfare services and avoid out-of-home placement when possible.**
- **Issue a letter from the interim study committee instructing the state and county agencies to include a plan for the different funding model in their FY 2010 & 2011 agency budget requests for the Legislature's consideration in the 2009 Session.**

Additional actions:

- Instruct the state and county child welfare agencies to reexamine block grant funding to county child welfare agencies as outlined in the information submitted to the Legislature during the 2007 Session.
- Seek funding diversification to fill financial gaps. (e.g. private/corporate.)
- Create transparent and fair (competition) opportunities for community and faith-based organizations to stimulate best practices and efficiencies.

Related actions:

- Instruct the state and county child welfare agencies to produce benchmarks or performance indicators for measuring accountability in meeting child welfare outcomes, as outlined in the state/county interlocal agreements for child welfare funding. Include performance goals that would initiate or "trigger" flexible funding allowances. (Proposed for the committee's consideration by the Committee's staff.)
- Convert some or all of the counties' child welfare appropriations to flexible capped allocations, indexed for inflation. (Recommended in Casey Family Programs Financing Summary, May, 15, 2008.)
- Authorize the counties to reallocate funding across budget line items under certain circumstances. (Recommended in Casey Family Programs Financing Summary, May, 15, 2008.)
- Allocate a limited amount of funding to a flexible emergency account that could be used to avert foster care placement due to homelessness, unsafe housing, lack of food, etc. (Recommended in Casey Family Programs Financing Summary, May, 15, 2008.)

4. Evaluate and strengthen collaboration between community agencies, partners and the child welfare system.

Possible methods:

- **Develop a resolution requiring that a statewide stakeholder's advisory committee be created to strengthen and unify stakeholders. Included in the BDR should be language emphasizing the inclusion of all parties interested in participating in the advisory committee.**
- **Ensure accountability by creating a mechanism within the BDR requiring an annual report of the stakeholder's advisory committee to the Director of the Legislative Counsel Bureau to be provided to the chairs of the Assembly Health and Human Services and Senate Human Resources and Education Committees.**

Additional actions:

- Instruct DCFS to identify all stakeholder groups, define the extent of child welfare system linkages, and map current coalitions.
- Specify that the stakeholder's advisory committee work with Clark County Department of Family Services (DFS), DCFS, and Washoe County Department of Social Services (WCDSS) to reduce the number of children in foster care.
- Strengthen connections between specialty courts (e.g. Drug Court) and the child welfare system and where possible increase their use to prevent placement or reduce length of stay in care.

5. Develop and provide an array of relevant family support services to safely maintain children in their own homes and prevent removal.

Possible methods:

- **Issue a letter of intent to the child welfare agencies instructing that actions be taken to support collaboration with service providers to ensure that services are in place to keep children safely in their homes.**

Additional actions:

- Propose legislation to develop a mechanism (e.g. website, information phone line, directory, etc) for creating a single resource providing access to a centralized listing of community-based, family-centered support services within the state of Nevada. The resource should be accessible to all public and private agency staff, service providers, clients, community members, etc. The types of services that should be included are homemaker services, in-home parent aids, emergency assistance, priority access to child care, housing assistance, counseling (family and individual), and evidence-based parent training directly applicable to maltreating parents.
- Issue a letter of intent to DCFS to improve utilization of and access to existing resources identifying available services (e.g. 211), create and/or support a process for identifying gaps in the service array and determine a course of action for filling them.
- Instruct the child welfare agencies to identify where youth are entering care from and whether or not that matches where services are provided and

available through the lens of disproportionality and disparate outcomes for children of color.

Related actions:

- In addition to around-the-clock emergency response teams, the child welfare agencies need the around-the-clock availability of emergency services. (Recommended by Leroy H. Pelton, PhD., Professor, University of Nevada, Las Vegas (UNLV) School of Social Work, March 20, 2008.)
- Child welfare agencies' focus should be on the funding and provision of appropriate preventative and supportive services. (Recommended by Leroy H. Pelton, PhD., Professor, UNLV School of Social Work, March 20, 2008.)
- The Clark County DFS should come up with additional funding for preventative services. (Recommended by Leroy H. Pelton, PhD., Professor, UNLV School of Social Work, March 20, 2008.)

6. Initiate, maintain and increase community-based treatment services for mental health and drug/alcohol abuse.

Possible methods:

- **Propose legislation that creates mechanism for prioritizing access to services for families involved in the child welfare system.**

Additional actions:

- Increase the ability for child welfare agencies to purchase mental health and substance abuse services to support reasonable efforts.
- Issue a letter to the Nevada Department of Health and Human Services (DHHS) to investigate a strategy that utilizes TANF dollars to pay for mental health and substance abuse services for eligible child welfare involved participants.
- Issue a letter to the child welfare agencies instructing them to develop ways to expand dependency drug court capacity/involvement with families receiving child welfare services.

Related actions:

- Fund whole family care which would allow the child to accompany the parent into substance abuse treatment or into a residential parenting program so that the family is not separated. (Recommended by Steve Christian, Program Director, NCSL, on January 31, 2008.)
- Issue a letter to the Nevada Department of Health and Human Services (DHHS) requesting that it increase access to substance abuse and mental health treatment services by families involved in the child welfare system. (Recommended in Casey Family Programs Financing Summary, May, 15, 2008.)
- Propose legislation to require that families involved with child welfare be given priority for substance abuse and mental health services. (Recommended in Casey Family Programs Financing Summary, May, 15, 2008.)
- Issue a letter to the Division of Welfare and Supportive Services requesting that it allocate a small amount of TANF funds to substance abuse treatment for

such families. (Recommended in Casey Family Programs Financing Summary, May, 15, 2008.)

- Issue a letter to the Division of Welfare and Supportive Services requesting that it provide that a portion of increased maintenance of effort (MOE) funding required to receive federal substance abuse block grant funds be dedicated to fund services for child welfare-involved families. (Recommended in Casey Family Programs Financing Summary, May, 15, 2008.)

7. Increase use of relatives as placement resources and in decision making.

Possible methods:

- **Propose legislation to support policy change to expand the relative definition in NRS 432B.480 and 432B.550 from the third degree of consanguinity to the fifth degree of consanguinity.**
- **Propose legislation to increase funding of relative guardianship if analysis shows a reduction in foster care placement and an overall cost savings.**

Additional actions:

- Issue a letter to the child welfare agencies instructing them to continue the use of family team decision making and look at increased use within the context of 'Family Safety Team Meetings' to include relatives, neighbors and others who can support the family within 48 to 72 hours of removal or in anticipation of possible removal during an investigation which identifies significant safety factors which may lead to removal.

Related actions:

- Improve real-time oversight of out-of-home placement decisions by child welfare agencies to ensure that a number of people are reviewing the decision to place a child in foster care, not just the social worker and supervisor. (Recommended by Steve Christian, Program Director, NCSL, on January 31, 2008.)

RECOMMENDATIONS FROM CASEY FAMILY PROGRAMS FINANCING SUMMARY, MAY 15, 2008

- ## **8. Analyze the maximization of federal funding sources, possibly with the assistance of a consultant with appropriate expertise in this area.**
- (Recommended in Casey Family Programs Financing Summary, May, 15, 2008.)

Possible methods:

- **Propose legislation to fund a consultant contract to analyze the maximization of federal funding sources.** (Proposed for the committee's consideration by the committee's staff.)

9. Promote collaboration between the state's child welfare and TANF agencies.

Possible methods:

- Propose legislation to make structural changes at the state level, including merging DCFS and the Division of Welfare and Supportive Services.
- Propose legislation to transfer to Clark and Washoe Counties the authority to administer their own TANF programs.
- Propose legislation to require the establishment of child welfare/TANF collaborative pilot projects in Clark County, Washoe County, or both.
- Propose a legislative resolution encouraging greater child welfare/TANF collaboration and mandate a task force to examine barriers to collaboration and recommend policies to address such barriers.

(Recommended in Casey Family Programs Financing Summary, May, 15, 2008.)

RECOMMENDATIONS FROM OTHER PRESENTATIONS

10. Utilize alternative/differential response. (Recommended by Paul Buehler, Senior Director of Strategic Consulting, Casey Family Programs on January 31, 2008.)

Possible methods:

- Issue letter of intent to instruct DCFS to provide a status report to the Director of the Legislative Counsel Bureau for distribution to committee members of the evaluation of the state/county differential response pilot program, when available but no later than September 2008. (Recommended by Chairman Horsford on May 15, 2008.)

Related actions:

- Authorize an alternative response system which allows the child welfare agency to assess the needs and strengths of families, to allow for the provision of services prior to the removal of a child from its home. (Recommended by Steve Christian, Program Director, NCSL, on January 31, 2008.)

NOTE:

- The Legislative Commission's Subcommittee on the Placement of Children in Foster Care may make additional recommendations based on discussions held and presentations made at its meeting on July 25, 2008. Please see meeting agenda for discussion topics.
- The Chairman of the committee may choose to raise related issues for discussion or committee action during the work session.
- Committee staff may need to seek additional details or clarification on approved recommendations from committee members and others prior to drafting BDRs or committee letters/statements.