

MEETING NOTICE AND AGENDA

Name of Organization: Legislative Committee on Child Welfare and Juvenile Justice
(*Nevada Revised Statutes* 218E.705)

Date and Time of Meeting: Friday, July 18, 2014
9 a.m.

Place of Meeting: Grant Sawyer State Office Building, Room 4401
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 or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "[Calendar of Meetings/View](#)."

Note: Minutes of this meeting will be produced in summary format. 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.

Note: Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

I. Opening Remarks
Assemblyman Jason M. Frierson, Chair

II. Public Comment
(Because of time considerations, speakers are urged to avoid repetition of comments made by previous speakers. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during or after the meeting.)

*For
Possible
Action*

III. Approval of Minutes of the Meeting Held on June 20, 2014, in Las Vegas, Nevada

*For
Possible
Action*

IV. Work Session—Discussion and Action Relating to:

A. Proposals Made by the Legislative Committee on Child Welfare and Juvenile Justice's Task Force to Study Juvenile Justice Issues
Direct File Jurisdiction
Offender Housing
Topics for Further Study

- B. Proposals Made by The Supreme Court of Nevada’s Commission on Statewide Juvenile Justice Reform
 - Juvenile Competency Statute
 - School Discipline

- C. Proposal Made by The Honorable Dorothy Nash Holmes, Municipal Judge, Department 3, Washoe County
 - Best Interest of the Child

- D. Proposals Made by Lisa Ruiz-Lee, Director, Clark County Department of Family Services
 - Rehoming of Adopted Children
 - Caregivers of Foster Children
 - Funding for Voluntary Extended Court Jurisdiction Over Certain Foster Youth
 - Funding for Specialized Foster Care
 - Parental Notification of Proceedings
 - Burden of Proof

- E. Proposals Made by Marc A. Levin, Director, Center for Effective Justice, Texas Public Policy Foundation, and Policy Director, Right On Crime
 - Risk and Needs Assessment
 - Supervision
 - Performance Measures
 - Incarceration
 - Diversion and Mediation
 - School Discipline

- F. Proposal Offered During Public Comment of the June 20, 2014, Meeting of the Legislative Committee on Child Welfare and Juvenile Justice by Denise Tanata Ashby, Executive Director, Children’s Advocacy Alliance
 - Interviewing Standards for Victims of Sexual Abuse

- G. Proposals Made During This Meeting, Not Previously Discussed

The “Work Session Document” is attached below and contains proposed recommendations. The document is also available on the Committee’s webpage, [Legislative Committee on Child Welfare and Juvenile Justice](#), or a written copy may be obtained by contacting Patrick Guinan, Principal Research Analyst, Research Division, LCB, at (775) 684-6825.

- V. Public Comment

(Because of time considerations, speakers are urged to avoid repetition of comments made by previous speakers. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during or after the meeting.)

VI. Adjournment

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 North Stewart Street. Notice of this meeting was faxed or e-mailed for posting to the following Las Vegas, Nevada, locations: Clark County Government Center, 500 South Grand Central Parkway; and Capitol Police, 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.

Supporting public material provided to Committee members for this meeting may be requested from Janet Coons, Committee Secretary, Research Division of the Legislative Counsel Bureau at (775) 684-6825 and is/will be available at the following locations: Meeting locations and the Nevada Legislature’s website at www.leg.state.nv.us.



WORK SESSION DOCUMENT

**LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE
(NEVADA REVISED STATUTES 218E.705)**

July 18, 2014

The following "Work Session Document" has been prepared by the staff of the Legislative Committee on Child Welfare and Juvenile Justice (CWJJ) (*Nevada Revised Statutes* [NRS] 218E.705). Pursuant to NRS 218D.160, the Committee is limited to ten legislative measures and must submit its bill draft requests (BDRs) for drafting by September 1, 2014, unless the Legislative Commission authorizes submission of a request after that date. (The deadline is extended to September 2, 2014, since September 1 falls on a holiday.)

This document contains a summary of proposed BDRs and other actions that have been presented during public hearings, through communication with individual Committee members, or through correspondence or communications submitted to the Committee. It is designed to assist the Committee members in making decisions during the work session. The Committee may accept, reject, modify, or take no action on any of the proposals. The concepts contained within this document are arranged under broad topics to allow members to review related issues. Actions available to the Committee members include: legislation to amend the NRS; transitory sections that do not amend the statutes; resolutions; statements in the Committee's final report; and letters of recommendation or support.

Committee members should be advised that Legislative Counsel Bureau staff may, at the direction of the Chair, coordinate with interested parties to obtain additional information for drafting purposes or for information to be included in the final report. The recommendations may have been modified by being combined with similar proposals or by the addition of necessary legal or fiscal information. It should also be noted that some of the recommendations may contain an unknown fiscal impact.

Additional recommendations may be considered based on discussions held and presentations made at the July 18, 2014, hearing. Approved recommendations for legislation resulting from these deliberations will be prepared as BDRs and submitted for introduction as a bill to the 2015 Legislature.

RECOMMENDATIONS

A. PROPOSALS MADE BY THE LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE'S TASK FORCE TO STUDY JUVENILE JUSTICE ISSUES (Assembly Bill 202 [Chapter 483, *Statutes of Nevada 2013*])

Direct File Jurisdiction

1. **Amend NRS** to provide that if a juvenile is direct-filed to district court on one charge, but is then acquitted of that charge and convicted of a lesser included charge, the district court will have discretion to send the case to juvenile court.

Offender Housing

2. **Draft a letter** to the members of the Supreme Court of Nevada’s Commission on Statewide Juvenile Justice Reform urging the Commission’s support for the development of a Memorandum of Understanding (MOU) between the Department of Corrections (DOC) and the various juvenile offender facilities in Nevada, which would provide for the transfer of youthful offenders from DOC facilities to juvenile facilities.

Topics for Further Study

3. **Draft a letter** to the members of the Supreme Court of Nevada’s Commission on Statewide Juvenile Justice Reform urging the Commission to review the following items and make recommendations to the Legislature based on its findings:
 - a. Consider requesting legislation mandating the transfer of youthful offenders under the age of 18 to juvenile facilities;
 - b. Conduct fact-finding visits to co-located facilities, MOU-based facilities, and facilities under statutory juvenile series management in other states;
 - c. Conduct further study prior to moving forward with a Capital Improvement Program for the building of a co-located facility in Nevada;
 - d. Consider requesting legislation to amend subsection 4 of NRS 62C.030 to make housing a juvenile in a juvenile detention facility the 'default' regardless of the charge and require the State to petition the court to transfer the juvenile to an adult facility pending the upcoming court process if the State so chooses; and
 - e. Support the conduct of a “trial period” housing youths from the Nevada Youth Training Center at the Jan Evans Juvenile Justice Center.

B. PROPOSALS MADE BY THE SUPREME COURT OF NEVADA’S COMMISSION ON STATEWIDE JUVENILE JUSTICE REFORM

Juvenile Competency Statute

4. **Draft** a new juvenile competency statute as a new chapter of NRS under Title 5—Juvenile Justice. The attached draft juvenile competency statute outlines the process of determining competency in juvenile proceedings including the appointment of experts, competency evaluations, hearings on competency, and findings and orders of the court.

School Discipline

5. **Amend** subsections 1 and 3 of NRS 392.466 to allow the superintendent of schools the discretion to allow a modification to the expulsion requirement for:
 - a. Battery;
 - b. Sale or distribution of a controlled substance; and
 - c. Status as a habitual disciplinary problem.

Current statute does allow the superintendent of schools the discretion to allow a modification to the expulsion requirement if any pupil is found in possession of a firearm or a dangerous weapon while on public school property. Current statute reads, “The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.”

6. **Amend** NRS 392.910 by removing language from subsection 1, which makes the use of vile or indecent language within the school a misdemeanor. The amendment would also insert references to the definition for “assault,” “maliciously,” and “school employee.”

**C. PROPOSALS MADE BY THE HONORABLE DOROTHY NASH HOLMES,
MUNICIPAL JUDGE, DEPARTMENT 3, WASHOE COUNTY**

Best Interest of the Child

7. **Amend** subsection 4(f) of NRS 125.480 regarding the mental health of parents in determining the “best interests of the child” such that the subsection would include the following italicized language: The mental and physical health of the parents, *including the abuse of alcohol, prescription medications and other legal or illegal substances. The court may require independent corroboration of an allegation that a parent is habitually or continually using controlled substances or illegal drugs.*

**D. PROPOSALS MADE BY LISA RUIZ-LEE, DIRECTOR, CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES**

Rehoming of Adopted Children

8. **Amend** NRS 432B and/or NRS 127 in order to define the words “rehoming,” “advertise,” “adoption disruption,” and “adoption dissolution,” and address the delegation of parental responsibility through power of attorney or guardianship for the purposes of rehoming.

Caregivers of Foster Children

9. **Amend** NRS 432B to adequately reflect a wide of range of “entities,” beyond just a “person,” that may be responsible for negligent treatment, maltreatment, abuse, or neglect of a child.
10. **Amend** NRS 424 to provide statutory authority for background checks to be conducted on persons who are routinely found within in a foster home environment.

Funding for Voluntary Extended Court Jurisdiction Over Certain Foster Youth

11. **Draft** a statute similar to NRS 432B to create a categorical grant to fund a program for youth who voluntarily remain under court jurisdiction until the age of 21. (If beyond the scope of this Committee, this recommendation may take the form of a letter of support for this concept addressed to the money committees.)

Funding for Specialized Foster Care

12. **Draft** a statute similar to NRS 432B to create a categorical grant to fund a higher level of care for the most challenging youth in both welfare and juvenile justice systems. (If beyond the scope of this Committee, this recommendation may take the form of a letter of support for this concept addressed to the money committees.)

Parental Notification of Proceedings

13. **Amend** NRS 432B to provide that the manner of serving a summons after a petition that a child is in need of protection has been filed with a court is the same as the manner of giving notice of an initial hearing after removal of the child from his or her home.

Burden of Proof

14. **Amend** NRS 432B.393 with NRS 128.105 to align burdens of proof regarding reasonable efforts to preserve and reunify a family and termination of parental rights.
15. **Clarify** that in Indian child welfare cases the burden of proof is “beyond a reasonable doubt.”

E. PROPOSALS MADE BY MARC A. LEVIN, DIRECTOR, CENTER FOR EFFECTIVE JUSTICE, TEXAS PUBLIC POLICY FOUNDATION, AND POLICY DIRECTOR, RIGHT ON CRIME

Risk and Needs Assessment

16. Utilize valid risk and needs assessments throughout the entire juvenile justice system;

Supervision

17. Ensure the right level of ongoing supervision;

Performance Measures

18. Utilize strong performance measures to indicate the success of programs;

Incarceration

19. Limit incarceration to status offenders and find alternatives to detainment for runaways or minors possessing alcohol;

Diversion and Mediation

20. Incorporate police diversion with victim-offender mediation when possible; and

School Discipline

21. Investigate the tier-disciplinary model regarding school discipline and “zero-tolerance” policies.

* Given that these are not general recommendations, the Committee may want to request via a letter that the Supreme Court’s Commission look at these issues going forward and report back to the Committee or the full Legislature.

F. PROPOSALS OFFERED DURING PUBLIC COMMENT OF THE JUNE 20, 2014, MEETING OF THE LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE BY DENISE TANATA ASHBY, EXECUTIVE DIRECTOR, CHILDREN’S ADVOCACY ALLIANCE

Interviewing Standards for Victims of Sexual Abuse

22. Improve interviewing standards for child victims of sexual abuse.

G. PROPOSALS MADE DURING THIS MEETING, NOT PREVIOUSLY DISCUSSED