

## 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: Wednesday, May 9, 2012  
9 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 3137  
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 "Live Meetings – Listen or 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  
Senator Valerie Wiener, Chair

II. Public Comment  
(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

*For  
Possible  
Action*

III. Approval of Minutes of the Meeting Held on April 4, 2012, in Las Vegas, Nevada

*For  
Possible  
Action*

IV. Presentation Concerning the Recommendations of the Statewide Committee on Juvenile Justice Reform  
The Honorable Nancy M. Saitta, Chief Justice, Nevada Supreme Court  
The Honorable James W. Hardesty, Associate Justice, Nevada Supreme Court

*For  
Possible  
Action*

V. Overview of Nevada's Court Improvement Program  
The Honorable Nancy M. Saitta, Chief Justice, Nevada Supreme Court

*For  
Possible  
Action*

VI. Presentation Concerning Disproportionate Minority Contact in Nevada's Juvenile Justice System

Cheri Ely, Program Manager, Juvenile and Family Law Department,  
National Council of Juvenile and Family Court Judges

Steve McBride, Acting Deputy Administrator, Juvenile Services,  
Division of Child and Family Services (DCFS), Department of Health  
and Human Services (DHHS)

Fritz Reese, Director, Department of Juvenile Justice Services,  
Clark County

Pauline Salla, Social Services Chief I, DCFS, DHHS

Carey Stewart, Director, Department of Juvenile Services,  
Second Judicial District Court of Nevada, Washoe County

*For  
Possible  
Action*

VII. Presentation Concerning Programs to Address Risk Factors for Youth

A. Homelessness

Arash Ghafoori, Executive Director, Nevada Partnership for  
Homeless Youth

B. Food Safety

Paula Berkley, Representative, Food Bank of Northern Nevada

Jodi Tyson, M.P.H., Research and Public Policy Manager, Three Square  
Food Bank

*For  
Possible  
Action*

VIII. Work Session—Discussion and Possible Action Relating to:

A. Child Care Facility Background Checks

B. Domestic Sex Trafficking of Minors, Child Prostitution, and Prosecution  
of Persons Accused of Pandering and Soliciting Children

C. Crimes Against Children

D. Placing Graffiti On or Otherwise Defacing Property

E. Incarceration and Prosecution of Juveniles

F. Juveniles Certified as Adults

G. Criminal Acts Committed by Juveniles

H. Use of Restraints on Juveniles

I. Laws Governing the Protection of Children

J. Child Abuse and Neglect

K. Bullying, Cyber-Bullying, Harassment and Intimidation, and School Discipline

L. Child Support Enforcement

M. Disproportionate Minority Contact in Child Welfare and Juvenile  
Justice Systems

N. Children's Mental Health

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 Kelly S. Gregory, Senior Research Analyst,  
Research Division, Legislative Counsel Bureau, at (775) 684-6825.

IX. Public Comment

**(Because of time considerations, the period for public comment by each speaker may be  
limited, and speakers are urged to avoid repetition of comments made by previous  
speakers.)**

X. Adjournment

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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 Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call the Research Division at (775) 684-6825 as soon as possible.

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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 and 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](http://www.leg.state.nv.us).

# **Legislative Committee on Child Welfare and Juvenile Justice**

*(Nevada Revised Statutes 218E.705)*

## **WORK SESSION DOCUMENT**



**May 9, 2012**

Prepared by the Research Division  
Legislative Counsel Bureau



## **WORK SESSION DOCUMENT**

Legislative Committee on Child Welfare and Juvenile Justice  
(*Nevada Revised Statutes* [NRS] 218E.705)

**May 9, 2012**

The following “Work Session Document” was prepared by the staff of the Legislative Committee on Child Welfare and Juvenile Justice (NRS 218E.705) at the direction of the Chair of the Committee. The document contains a list of recommendations that were either submitted in writing or presented during the Committee’s previous hearings on January 18, February 22, and April 4, 2012. It is designed to assist the Committee members in making decisions concerning recommendations to be forwarded to the 2013 Session of the Nevada Legislature.

The recommendations contained in this document are listed in no particular order and do not necessarily have the support of the Committee Chair or members. The source of each recommendation is noted in parentheses. The recommendations are organized by topic so that the members may review them to decide if they should be adopted, modified, rejected, or further considered. Though 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 Committee proclamation; (3) draft a Committee letter; or (4) include a statement in the final report. Pursuant to NRS 218D.160, the Committee is limited to not more than ten bill draft requests.

## RECOMMENDATIONS FOR LEGISLATIVE MEASURES

### ***CHILD CARE FACILITY BACKGROUND CHECKS***

**Recommendation No. 1**—Draft a bill to require child care facilities to notify the Health Division, Department of Health and Human Services (DHHS), when a child care facility hires a new employee, has a new resident who is over the age of 18 years, or has a new participant in an outdoor youth program who is over the age of 18 years; to ensure background checks are completed on all employees, residents, and outdoor youth program participants within the current statutory time frame outlined in NRS 432A.170.

*(Recommended by Marla McDade Williams, B.A., M.P.A.,  
Deputy Administrator, Health Division, DHHS)*

### ***DOMESTIC SEX TRAFFICKING OF MINORS, CHILD PROSTITUTION, AND THE PROSECUTION OF PERSONS ACCUSED OF PANDERING AND SOLICITING CHILDREN***

**Recommendation No. 2**—Draft a bill to provide a definition of “sexually exploited child” in Chapter 62A (“General Provisions” related to juvenile justice) of NRS. A sexually exploited child, under this proposal, would be defined as a child under the age of 18 years who is engaged or attempting to engage in prostitution.

*(Recommended by Susan Roske, Chief Deputy Public Defender, Juvenile Division,  
Clark County Public Defender’s Office)*

If Recommendation No. 2 is adopted, the following recommendations may also be considered:

**Recommendation No. 2(a)**—Draft a bill to amend statutes related to a child in need of supervision (NRS 62B.320) to include a sexually exploited child.

**Recommendation No. 2(b)**—Draft a bill to amend statutes related to the release of a child alleged to be in need of supervision (NRS 62C.050) to include an exception for a sexually exploited child.

**Recommendation No. 2(c)**—Draft a bill to amend statutes related to the initial admonition and referral of a child in need of supervision (NRS 62E.410) to include an exception for a sexually exploited child so that such a child is not subject to the initial admonition of the court.

**Recommendation No. 3**—Draft a bill to establish the crime of sex trafficking of a minor similar to statutes involving involuntary servitude, but without any requirement of proof of forced labor or services. The new crime must identify children who are commercially sexually exploited as sex trafficking victims.

*(Recommended by Teresa Lowry, Assistant District Attorney,  
Family Support, Juvenile and Child Welfare Divisions,  
Clark County District Attorney’s Office)*

If Recommendation No. 3 is adopted, the following recommendations may also be considered:

**Recommendation No. 3(a)**—Draft a bill to revise the definition of “victim” for purposes of determining eligibility for aid to certain victims of crime (NRS 217.070) to make victims of sex trafficking of a minor eligible for such aid.

**Recommendation No. 3(b)**—Draft a bill to include victims of sex trafficking of a minor in existing rape shield provisions (NRS 50.090).

**Recommendation No. 3(c)**—Draft a bill to provide the same statute of limitations for victims of sex trafficking of a minor, as is provided for victims of sexual assault or sexual abuse, and to provide for the same removal of the statute of limitation or extension as provided for those crimes pursuant to NRS 171.083 and 171.095.

### ***CRIMES AGAINST CHILDREN***

**Recommendation No. 4**—Draft a bill to prohibit a person from willfully capturing and transmitting the image of a violent crime committed in this State by or against a child under the age of 18 years using an electronic communication device or other device with the intent to encourage, further, or promote such a crime.

*(Recommended by Senator Valerie Wiener, Chair, Legislative Committee  
on Child Welfare and Juvenile Justice)*

### ***PLACING GRAFFITI ON OR OTHERWISE DEFACING PROPERTY***

**Recommendation No. 5**—Draft a bill to add any property, symbol, structure, or sign listed with the Nevada State Register of Historic Places or the National Register of Historic Places to the definition of “Protected site” in NRS 206.330.

*(Recommended by Scott Black, Detective, Gang Crimes Bureau,  
Las Vegas Metropolitan Police Department)*

## ***INCARCERATION AND PROSECUTION OF JUVENILES***

### ***Juveniles Certified as Adults***

**Recommendation No. 6**—Draft a bill to amend statutes related to conditions and limitations on detaining a child in certain facilities (NRS 62C.030) to allow juveniles who are transferred to adult court for criminal proceedings to petition the court for temporary placement in a juvenile detention facility pending the outcome of the proceedings.

*(Recommended by Susan Roske, Chief Deputy Public Defender, Juvenile Division,  
Clark County Public Defender's Office, and Esther Brown, Founder and  
Executive Director, The Embracing Project)*

**Recommendation No. 7**—Draft a bill to require any child under the age of 18 years who is sentenced as an adult to a term of imprisonment for committing a crime to serve the term in a juvenile detention facility until the child reaches the age of 18 years, unless dangerous to another juvenile.

*(Recommended by Esther Brown, Founder and Executive Director,  
The Embracing Project)*

**Recommendation No. 8**—Draft a bill to amend statutes related to direct filing of charges against a juvenile for criminal proceedings as an adult (NRS 62B.330) so that direct filing may only occur if the crime charged is murder or attempted murder and the child is at least 16 years of age.

*(Recommended by Susan Roske, Chief Deputy Public Defender, Juvenile Division,  
Clark County Public Defender's Office, and Esther Brown, Founder and  
Executive Director, The Embracing Project)*

**Recommendation No. 9**—Draft a bill to amend statutes related to direct filing of charges against a juvenile for criminal proceedings as an adult (subsection 3(f) of NRS 62B.330) to remove the provision requiring a juvenile who was previously convicted of a criminal offense as an adult to be treated as an adult if charged with another offense in the future.

*(Recommended by Rebecca S. Gasca, Legislative and Policy Director,  
American Civil Liberties Union [ACLU] of Nevada)*

**Recommendation No. 10**—Draft a bill to amend statutes related to discretionary certification of a juvenile for criminal proceedings as an adult (NRS 62B.390) to: (a) increase the age of a juvenile for purposes of determining when a court may exercise the discretion whether to certify the juvenile for adult criminal proceedings from 14 years to 16 years (subsection 1(a) of NRS 62B.390); and (b) eliminate presumptive certification (subsection 2 and subsection 3 of NRS 62B.390).

*(Recommended by Esther Brown, Founder and Executive Director,  
The Embracing Project)*

**Recommendation No. 11**—Draft a bill to amend statutes related to a child who is charged as an adult for the commission of a crime to:

- (a) Allow the court to remand the case back to juvenile court if the charge for which the child was transferred for adult proceedings is dismissed or otherwise dropped;  
*(Recommended by Esther Brown, Founder and Executive Director,  
The Embracing Project)*

- OR -

- (b) Allow the case to be remanded back to juvenile court when the judge deems that to be appropriate.  
*(Recommended by Rebecca S. Gasca, Legislative and Policy Director,  
ACLU of Nevada)*

**Recommendation No. 12**—Draft a bill to amend statutes related to a child who escapes or attempts to escape from a facility for detention of juveniles (NRS 62B.400) to: (a) increase from 14 years to 16 years the minimum age at which a child may be charged as an adult under this statute; and (b) make the decision discretionary, rather than mandatory, whether to charge the juvenile as an adult for any other related offenses.

*(Recommended by Esther Brown, Founder and Executive Director,  
The Embracing Project)*

**Recommendation No. 13**—Draft a bill to make certain juvenile offenders who are sentenced to terms of imprisonment as an adult eligible for parole after a certain number of years.

*(Recommended by Susan Roske, Chief Deputy Public Defender, Juvenile Division,  
Clark County Public Defender's Office)*

### ***Use of Restraints on Juveniles***

**Recommendation No. 14**—Draft a bill to provide that restraints such as handcuffs, waist belts, and leg irons may not be used on a juvenile during a court proceeding unless certain requirements are met.

*(Recommended by Susan Roske, Chief Deputy Public Defender, Juvenile Division,  
Clark County Public Defender's Office)*

### ***Criminal Acts Committed by Juveniles***

**Recommendation No. 15**—Draft a bill to amend statutes related to acts which constitute domestic violence (NRS 33.018) to provide that violence by a juvenile toward a sibling or parent is not an act that constitutes domestic violence.

*(Recommended by Susan Roske, Chief Deputy Public Defender, Juvenile Division,  
Clark County Public Defender's Office)*



## ***LAWS GOVERNING THE PROTECTION OF CHILDREN***

**Recommendation No. 16**—Draft a bill to require child welfare agencies to establish procedures to protect children and youth in the child welfare system from identity theft.

*(Recommended by the Working Group on the Revision of Laws  
Governing the Protection of Children)*

**Recommendation No. 17**—Draft a bill to streamline and clarify the process and authority to substantiate abuse and neglect allegations.

*(Recommended by the Working Group on the Revision of Laws  
Governing the Protection of Children)*

**Recommendation No. 18**—Draft a bill to require that all child welfare advisory groups or committees, formed pursuant to law, include parent representatives unless prohibited or limited.

*(Recommended by the Working Group on the Revision of Laws  
Governing the Protection of Children)*

**Recommendation No. 19**—Draft a bill to require that all agency improvement plans be made available to the public and posted on the Internet (NRS 432B.216).

*(Recommended by the Working Group on the Revision of Laws  
Governing the Protection of Children)*

**Recommendation No. 20**—Draft a bill to amend statutes related to action taken by an agency upon receipt of report of possible abuse or neglect (NRS 432B.260) to allow referrals for differential response when the child is under the age of 5 years.

*(Recommended by Jill Marano, Acting Deputy Administrator, Child Welfare Services,  
Division of Child and Family Services [DCFS], DHHS)*

**Recommendation No. 21**—Draft a bill to amend statutes related to the placement of a child in protective custody (NRS 432B.390) to require one of the following parties to obtain a warrant prior to placement: (a) an agent or an officer of a law enforcement agency; (b) an officer of the local juvenile probation department or the local department of juvenile services; or (c) a designee of an agency that provides child welfare service.

*(Recommended by Kevin Schiller, Director, Washoe County  
Department of Social Services)*

**Recommendation No. 22**—Draft a bill to define “reasonable efforts” in Chapter 432B (“Protection of Children From Abuse and Neglect”) of NRS.

*(Recommended by the Working Group on the Revision of Laws  
Governing the Protection of Children)*

**Recommendation No. 23**—Draft a bill to amend statutes related to the preservation and reunification of a family and child (NRS 432B.393) to require a court to make case-specific judicial determinations regarding reasonable efforts.

*(Recommended by Jill Marano, Acting Deputy Administrator,  
Child Welfare Services, DCFS, DHHS)*

**Recommendation No. 24**—Draft a bill to amend statutes related to the preservation and reunification of a family and child (subsection 3 of NRS 432B.393) to more closely align with the federal statutes, which allow for a waiver of reasonable efforts in certain circumstances and clearly state that the courts determine whether the child welfare agencies are required to make reasonable efforts to preserve and reunify a family and child.

*(Recommended by the Working Group on the Revision of Laws  
Governing the Protection of Children)*

**Recommendation No. 25**—Draft a bill to revise statutes related to child death review teams to consolidate the two State-level teams (NRS 432B.408 and 432B.409) into one State-level team and to specifically allow for the use of de-identified, aggregate data for purposes of research or prevention (NRS 432B.407 and 432B.4095).

*(Recommended by the Working Group on the Revision of Laws  
Governing the Protection of Children)*

**Recommendation No. 26**—Draft a bill to amend statutes related to the execution and contents of a petition alleging that a child is in need of protection (subsection 4(b) of NRS 432B.510) to provide that the residence of a child refers to the address where the child resided before being taken into protective custody.

*(Recommended by the Working Group on the Revision of Laws  
Governing the Protection of Children)*

**Recommendation No. 27**—Draft a bill to amend statutes related to the adjudicatory hearing on a petition alleging that a child is in need of protection (NRS 432B.530) to increase the time allowed for the hearing from 30 days to 60 days.

*(Recommended by the Working Group on the Revision of Laws  
Governing the Protection of Children)*

**Recommendation No. 28**—Draft a bill to amend statutes related to the annual and semiannual review by a court of placement of a child (NRS 432B.580 and 432B.590) to revise language requiring that foster parents, preadoptive parents, and biological parents have the right to be heard in court proceedings to match language included in federal law.

*(Recommended by Jill Marano, Acting Deputy Administrator,  
Child Welfare Services, DCFS, DHHS)*

**Recommendation No. 29**—Draft a bill to amend statutes related to the annual hearing on the disposition of a case of a child in need of protection (NRS 432B.590) to require the court to make determinations regarding out-of-state placement and transition services.

*(Recommended by Jill Marano, Acting Deputy Administrator,  
Child Welfare Services, DCFS, DHHS)*

### **OTHER RECOMMENDATIONS**

The following topics were also submitted to the Committee:

**Recommendation No. 30**—Revise certain definitions concerning child abuse and neglect.

*(Recommended by Devon Brooks, private citizen Clark County  
Democratic Black Caucus, Las Vegas)*

**Recommendation No. 31**—Revise certain definitions concerning bullying, cyber-bullying, harassment, and intimidation.

*(Recommended by Carey Stewart, Director,  
Department of Juvenile Services,  
Washoe County)*

**Recommendation No. 32**—Adopt the recommendations contained in the *Nevada Operations of Multi-Automated Data Systems (NOMADS)—Child Support Enforcement Application Assessment Project Assessment Project NOMADS CSE System Maintenance Plan & Modernization Roadmap*, dated October 6, 2011, as prepared by Policy Studies, Inc.

*(Recommended by Teresa Lowry, Assistant District Attorney,  
Family Support, Juvenile and Child Welfare Divisions,  
Clark County District Attorney's Office)*

**Recommendation No. 33**—Adopt the recommendations contained in the Protected Innocence Initiative's Analysis and Recommendations for Nevada, as prepared by Shared Hope International.

*(Recommended by Teresa Lowry, Assistant District Attorney,  
Family Support, Juvenile and Child Welfare Divisions,  
Clark County District Attorney's Office)*

**Recommendation No. 34**—Create a remediation plan, with concern for causes of disproportionality, to include: (a) legislative oversight; (b) policy recommendations; and (c) evidence-based practices, to be utilized by police departments, school officials, service providers, and others interacting with affected populations.

*(Recommended by Rebecca S. Gasca, Legislative and Policy Director,  
ACLU of Nevada)*

**Recommendation No. 35**—Create a pilot program to ensure adequate case management for youth with severe emotional disturbances involved with out-of-community placements.

*(Recommended by Rebecca S. Gasca, Legislative and Policy Director,  
ACLU of Nevada)*

**Recommendation No. 36**—Adopt Positive Behavioral Intervention and Support as a part of standards addressing the behavioral health care needs of children, and develop data systems to track school climate programs and discipline.

*(Recommended by Rebecca S. Gasca, Legislative and Policy Director,  
ACLU of Nevada)*

**Recommendation No. 37**—Require the tracking of point of entry statistics for youth interacting with the juvenile justice system, including status offenses.

*(Recommended by Rebecca S. Gasca, Legislative and Policy Director,  
ACLU of Nevada)*

**Recommendation No. 38**—Consider recommendations that will ensure that instances of expulsion related to “immoral conduct” and bullying are not illegally infringing on the First Amendment rights of students.

*(Recommended by Rebecca S. Gasca, Legislative and Policy Director,  
ACLU of Nevada)*

**Recommendation No. 39**—Create a more comprehensive approach to addressing issues related to school discipline by identifying school-based trends as an inappropriate entrée into the juvenile justice system and create policies that will prevent students from improper introduction into the juvenile justice system through the school to prison pipeline.

*(Recommended by Rebecca S. Gasca, Legislative and Policy Director,  
ACLU of Nevada)*