

Senate

JUDICIARY COMMITTEEMINUTES OF MEETING HELDMARCH 20, 1967

A meeting of the Judiciary Committee was held at 2:55 P.M., Monday, March 20, 1967, in Committee Room 56, State Capitol, Chairman Monroe presiding.

Members Present:

Warren L. Monroe, Chairman
 V. L. Bunker
 M. J. Christensen
 Carl F. Dodge
 Procter R. Hug
 Coe Swobe
 C. Clifton Young

Also Present:

Senator Fisher
 Wm. Hadley, Deputy Distr. Attorney, Washoe
 Bob Canfield, Asst. Dep. Distr. Attny.
 Shirley Richards
 Doris Carpenter
 Mr. Schlesinger, St. Dept. Welfare
 Mr. Samuelson
 Joe Jackson, Nevada State Journal

Chairman Monroe stated that he had invited the representatives of both the County of Washoe Welfare Department and the State Department of Welfare to be present for a discussion of Senate Bills 226, 359 and 358.

S.B. 226 "Provides for licensing of foster homes by certain counties and prohibits Welfare Division from refusing to license county-licensed foster homes."

Mrs. Richards stated that the Washoe County Welfare Department had been licensing both foster homes and day care homes since 1959 when the County Commissioners adopted Ordinance No. 73. These foster homes are not only used by the children under the Department's care but also as day care homes for working parents. Since 1959 we have used regulations that have been very close to the State's, sometimes we have been more strict and sometimes the State has. Our current regulations, passed December 6, 1965, are on file with the State Department of Welfare. We feel the County is doing an adequate job and should be continued rather than placing more burden on the State. Mrs. Richards continued and covered the same areas of testimony offered by Mr. Hadley on March 14, 1967.

Chairman Monroe asked Mr. Schlesinger, what is the problem with the State and County not being able to license the same home. Mr. Schlesinger replied, a great variety of things, that the welfare of children involved not only the child but the family, the community, and social problems. Washoe County licenses about 70% of the County licensed homes in the State, it is the only County interested in this responsibility. In Washoe County, the County licenses approximately 1/4 and the State 3/4 so it is a small percentage. We are talking about a State Bill for the whole State.

He pointed out that the State receives from the Federal Government matching funds that pick up about 25% of their salaries, and that President Johnson proposes to amend the Act to give the States 75% in matching funds for salaries. He also mentioned the low rate paid presently for foster homes and wondered if Washoe County was prepared to increase their staff without reimbursement from the State or matching funds. In the community, we hope the child will find the next best thing to his own home which involves not only working with the parents but with the foster parents. After many years of attempting to operate jointly we found in a recent study, which points up very specifically that one agency should do this job because in the community there is confusion as to who is which and who is what. Mr. Schlesinger then cited cases to substantiate his position.

Senator Dodge said, Section 3 does not say that you can not use your judgment, you simply cannot refuse to license because it is County licensed -- it is not mandatory. Mr. Schlesinger stated, if there is a County license we will not license it. He also said, we believe it is difficult enough for foster families to work with one agency let alone with two; if County and State does this together there is no control over placing the child properly. Mr. Hadley said that a simple solution, grant a State license to a County licensed home so it would qualify for FELCO. Mr. Schlesinger retorted, that what he was saying was that you want your cake and eat it too. Senator Swobe asked if FELCO funds were available to the Counties in California. Mr. Schlesinger replied that he did not know. Senator Swobe asked if the funds could be transferred. Mr. Schlesinger replied that as far as he knew they could not be transferred. Senator Bunker read a telegram opposing the Bill he had received from the Foster Parents of Nevada. Senator Monroe told Mr. Schlesinger that he wanted to see his authorization that says he cannot license a County licensed foster home. Mr. Schlesinger replied that it was not a matter of law -- the County is right, up to September 1966, we did license homes and we both placed children in these homes and when they were transferred to us they remained in these homes, but, the system resulted in hardship for the children and created confusion, so as a matter of policy I sent a letter advising the County advising them of the change. After a rather angry exchange of charges and statistics between Messrs. Hadley and Schlesinger, Mr. Schlesinger stated that he felt his integrity was being attacked and advised that he had received his M.A. in Social Work from Tulane University in 1958 and had been a professional social worker since that time.

S.B. 359 "Authorizes county welfare departments and juvenile agencies to assume duties of Welfare Division of Department of Health and Welfare relating to child abuse."

Senator Dodge asked what they did in Clark County about this if they did not have a County facility. Mrs. Richards said that they have a "Child Haven" where children that need care are placed. Senator Dodge asked if this wasn't quasi-criminal. Mrs. Richards explained that in Clark County if placement is necessary they are placed in Child Haven through the local law enforcement agencies

then if foster home placement is needed the State Department is so advised. Senator Dodge asked Mrs. Richards if Washoe County used this system. Mrs. Richards replied, no, they do not have a receiving home, they use foster homes, they have worked out an "on call" basis with twenty-four hour operation. Senator Dodge asked Mr. Schlesinger if they did away with the County system would he be ready to take over the protection of the children. Mr. Schlesinger replied that they would be, but as Mrs. Richards related they have been taking care of that. Senator Christensen asked if the State could do the same thing in Washoe County. Mr. Schlesinger replied, yes, they could and it would be better for the child. Mr. Hadley advised that the County, in the last year, has handled 99% of the child abuse and neglect cases, ten became serious contested cases and required the use of evidentiary testimony, five serious child beating cases and others of child neglect. Senator Monroe asked if these weren't criminal matters. Mr. Hadley replied that the rules were different but they used rules of evidence. Senator Dodge said that in the light of some of the financial problems he wondered why the County Commissioners want to be involved in it. He then asked if this had been reviewed with the County Commissioners lately. Mrs. Richards replied that she had discussed it with them recently when she went over her budget; they have not discussed it in depth this year but they did a few years ago. She said, their department had 377 child neglect complaints last year and court action was required in 42 of them. Mr. Schlesinger stated that in the area of child abuse the finances are similar in some ways as the foster home situation, the money from the Federal Government is 75% through our central office, we are charged with compiling a Central Register of all child abuse cases reported in the whole State for use at national level, and we request the information so we can identify the families that move from community to community and repeat their neglect. He also said, they make it a County matter and Washoe may have a good system but the other Counties may not have one; this is an over-all family welfare problem, they need counselling and so forth. He stated emphatically "I do not think this is a good Bill." Mr. Hadley stated, "Well, we are going ahead and to it whether this Bill is passed or not."

S.B. 358 "Provides for effective enforcement of parent's duty to support dependent child."

Mr. Hadley went over the changes in policy since September, 1966, which he covered in a previous meeting with the Committee. He also read the provisions for investigation of A.D.C. cases, and, he pointed out the success his office had previously had in collecting from non-supporting parents.

Mr. Schlesinger again stated his philosophy of family counselling being more important than the pursuit of money to support the family.

It was agreed to consult with the Washoe County Commissioners on the three preceding Bills. The meeting will be set for Monday, March 27th, if possible

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It was announced that Spike Wilson would appear to testify on the Court Reporter Bills on Wednesday, March 22, 1966.

S.B. 66 "Provides for issuance by county clerks of certificates of permission to perform marriages."

Chairman Monroe read the amendments that had been requested by Senator Gibson. It was agreed that Senator Gibson should be requested to appear and explain his reasons for the amendments.

Disposition: Held Over.

S.B. 383 "Authorizes mortgages and deeds of trust of leasehold interests."

Senator Swobe read the amendment that he had prepared.

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was unanimously agreed to "Do Pass as Amended S.B. 383."

S.B. 438 "Provides for written traffic citations."

Senator Dodge explained that this was in consonance with the Uniform Code. He mentioned that it provided for the citation to be a complaint in misdemeanor cases only, the District Attorney would file the complaint on felony cases. Senator Swobe also pointed out that in Section 16, Subparagraph (3) it sets forth what constitutes a misdemeanor.

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was unanimously agreed to "Do Pass S.B. 438."

S.B. 431 "Amends 1967 statute requiring regional street and highway commissions in counties with less than 25,000 population to submit certain reports."

It was pointed out that they had passed a Bill that was defective in that it did not say "...to the Nevada Tax Commission..." where it should be, but rather than recall it we prepared a new Bill to correct the omission.

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was unanimously agreed to "Do Pass S.B. 431."

The Committee agreed unanimously to introduce a Bill requested by Senator Dodge to correct a deficiency in the parole bill.

The meeting was adjourned.