

Minutes of Meeting - HEALTH AND WELFARE COMMITTEE - 56th  
ASSEMBLY SESSION - March 15, 1971

Present: Smalley, Prince, Wilson, Swallow, Poggione, Glaser  
Valentine, and Homer

Absent: Mrs. White

Guests: Shirley Richards, Washoe County Welfare Department;  
Ned B. Solomon, Clark County Juvenile Court; Gloria  
Handley, Welfare Division; W.J. LaBadie, Welfare  
Division; William Hadley, Washoe County District  
Attorney's Office; Orville Wahrenbrock, Health,  
Welfare, and Rehabilitation Department; Gill Blonsley,  
Las Vegas District Health Department; John Aber-  
arturo, Nevada State Children's Home.

Meeting was convened by Chairman Wilson at 3:05 P.M.

A.B. 447: Establishes cost-sharing program for county welfare  
services.

Ned Solomon, Clark County Juvenile Court, gave a statement of  
the position of the State-County Responsibility for Protective  
Services. (Attachment 1)

Gloria Handley, Welfare Division, stated she requested an opin-  
ion for A.B. 447 from the Regional Office of the Department of  
Health Education and Welfare in San Francisco. (Attachment 2)

William Hadley, Washoe County District Attorney's Office, stated  
the reason for this bill is to keep the welfare children under  
the county with the state paying part of the cost. When the  
state takes the children they have to be moved to new homes and  
it upsets the children. The state pays 2/3 of the cost and the  
county pays 1/3. He suggested an amendment to this bill saying  
that Page 2, Section 6, Line 32, delete "may" and insert "shall".

William Labadie, Welfare Division, stated he felt this bill  
would jeopardize the federal funding.

Mr. Hadley felt the only reason the Welfare Division was against  
this bill was because of form. He felt form is something that  
has to go. He also felt that the Welfare Division explained  
this when they sent for their opinion and that is why they feel  
it will jeopardize the federal funding.

Mr. Wilson asked if he had checked with the Health Education  
and Welfare Department in San Francisco himself.

Mr. Solomon said they had not but would do so and report back  
to this Committee.

Discussion followed. It was decided this bill would be held  
until Mr. Solomon reported back to the Committee with more  
information.

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A.B. 500: Amends various provisions relating to orphans  
and dependent children.

John Abertarturo, Nevada State Children's Home Supervisor, stated the purpose of this bill is just to bring the statues up to date. He wanted to have clarification of who pays the \$50 per month for support of each of the orphans. He stated they have had no trouble in the past getting the money, nor are they having any trouble now, but he had gotten an opinion from the Attorney General's Office stating he felt this should be spelled out. He also felt it should be spelled out that if a child wanted to be admitted to one of these homes, they could go on a waiting list. The Carson City Home accommodates 70 children, and at the moment, this home is at its capacity. If children want to be admitted, this will clarify that they could, just as soon as there is room.

Smalley made a motion for A.B. 500 a Do Pass; Swallow seconded; motion carried unanimosuly.

Meeting adjourned.

ASSEMBLY

AGENDA FOR COMMITTEE ON HEALTH AND WELFARE

Date March 15 Time P.M. Recess Room 328

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
<u>A.B. 447</u>	<u>Establishes cost-sharing program for county welfare services.</u>	<u></u>
<u>A.B. 500</u>	<u>Amends various provisions relating to orphans and dependent children.</u>	<u></u>
<u>400</u>	<u></u>	<u></u>
<u>402</u>	<u></u>	<u></u>
<u>323</u>	<u></u>	<u></u>
<u>360</u>	<u></u>	<u></u>
<u>487</u>	<u></u>	<u></u>
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\*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
Subject \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
Subject \_\_\_\_\_

STATE-COUNTY RESPONSIBILITY FOR PROTECTIVE SERVICES:

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STATEMENT OF POSITION

It is the position of the Clark County Probation Committee, the Clark County Child Welfare Advisory Board, and the administration of the Clark County Juvenile Court that:

- I. It is necessary that unified child welfare protective services be provided to all children in the State of Nevada.
- II. The State Welfare Division be charged with the responsibility for seeing that these services are provided and are funded accordingly.
- III. It is in the best interest of any service program to be administered by individuals who are directly responsible to the community to which the service is being provided.

To this end, the following proposal is seen as insuring that all three of the above conditions are met.

It is proposed that there be developed a unified program of Child Welfare Services under the administrative control of the Nevada Division of Welfare. This would include responsibility for setting standards of service in (1) Protective Services, (2) Foster Care, (3) Adoptions, (4) Child Care Centers, (5) Services for Unmarried Mothers, and (6) A.F.D.C. Program.

It would also be the responsibility of the Welfare Division to either (1) contract with local agencies to provide these services or (2) provide the services. Both alternatives must remain open if there is going to be the possibility of locally-administered agencies providing the services to their communities. The State Plan must encourage local agencies to provide the service. To this end, the enabling legislation and the Plan should require the County or local agency to make the decision whether or not to provide the service. If the County agency chooses to provide the service, they should be permitted to do so.

Our review of the Guides on Federal Regulations Governing Service Programs for Families and Children: Title IV, Parts A and B, Social Security Act, as well as our acquaintance with the California system of providing these services, would indicate that:

1. It is permissible to so administer the Child Welfare Program;
2. We would have available to the State and/or local community additional dollars to use for funding these programs--which are not available now because of the absence of a State Plan for Child Welfare Services.

Section 220.1 of the Regulations indicates, in part, that:

"Single Organizational Units (State Welfare) may arrange for the provision of services outside the State or local agency through contracts or other methods. However, the unit must retain responsibility for policy-setting and review of program implementation."

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Section 220.62, "Federal Financial Participation - CWS" states:

"This section indicates the expenditures for which Federal financial participation is available under Title IV, Part B. Those expenditures may be made for the purposes which follow:

1. Personnel Services. Expenditures for salary, employee benefit costs, contractual fees, and official travel of personnel employed by or otherwise responsible to the public welfare services, including day care services in (a) directing, improving, promoting, and developing child welfare services, such as consultation relating to licensing and improvement of standards of child welfare services, research and supervision, (b) providing social services to families and children receiving child welfare services, and (c) engaging in community child welfare organization and planning with other public and voluntary agencies. (See other provisions for merit system standards governing employment of personnel, for employee benefit systems and Emergency Welfare Preparedness.)
2. Professional education...
3. Institutes, conferences, and short-term courses...
4. Foster Care of Children...
5. Care of Unmarried Mothers...
6. Day Care of Children...
7. Purchase of Homemaker Services...
8. Specialized Services...
9. Return of Runaway Children...
10. Research and Special Facilitative Services...
11. Merit System Costs...
12. Advisory Committees...
13. Membership Fees...
14. Supplies, Equipment and Communication...
15. Occupancy and Maintenance of Space...

Section 220.3, "Mandatory Provisions: Full-time Staff for Services," states, in part, that

"Federal Financial Participation, at the rate of 85% for fiscal year 1969 and 75% for subsequent fiscal years, is applicable to individual staff and to units of staff performing service functions only."

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It would be our recommendation that the State and County share in those costs not covered by federal assistance.

Example

The <sup>proposed</sup> current budget for Clark County Protective Services Department for July 2, 1970, through July 1, 1971, is:

\$548,066.00	Total
437,566.00	Salaries
110,500.00	Operating, Capital

If 75% of the service salaries can be provided by federal funds:

Clark County would receive:

\$328,174.50	Federal
72,927.67	State

and would provide 36,463.83 out of County funds.

If 50% of the operating funds would be provided (the percentage was not indicated):

\$110,500.00	Total
55,250.00	Federal
36,833.33	State
18,416.67	County

Therefore, if the state were to establish the program as proposed, there would be a total of \$383,424.50 federal money available.

If the State were to acquire the entire program, it would cost them approximately \$54,880.50 more than by having the County administer the program and share in the non-federal cost. We therefore are convinced that this concept has merit as it is a substantial savings to both the State and the County and still provides for:

1. Uniform Protective Services that are checked by the State Welfare Division;
2. Allowing local agencies to administer the program and requiring them to answer to the people they serve.

In order to clearly understand the extent of the problem in Clark County, the following is provided for your review.

CHILD REFERRALS  
TO  
PROTECTIVE SERVICES

1969-1970

Child Haven	801
Counseling Only	<u>717</u>
Total	1,518

Budget	\$425,485
Spent	\$360,160

Placements:

Foster Care	41 or 2.7%
Relatives or Other	<u>90 or 5.9%</u>
Outside Own Home	131 or 8.6%

## JUVENILE PROTECTIVE SERVICES DEPARTMENT

I. LOCATION:

A. The Juvenile Protective Services Department consists of two (2) basic facilities, both at 3401 East Bonanza Road, Las Vegas, Nevada. These divisions are the professional offices, located in William R. H. Fortye Hall, and Child Haven, the temporary care facility for abandoned, abused and neglected children, located in Velta Shay Hall.

B. The hours of operation are:

1. Professional services office; 8:30 A.M. until 5:00 P.M., Monday through Friday, September 1 through May 31, 8:00 A.M. until 4:30 P.M., Monday through Friday, June 1 through August 31.
2. Child Haven is staffed 24 hours per day, seven (7) days per week, with entry available only through the professional services office or, for emergency placement of children, after authorization from a "Duty Officer" from the professional services office. (Duty Officer authorization is waived when the children are brought in by officers of a law enforcement agency.)

II. SERVICES PERFORMED OR PROVIDED:

The Juvenile Protective Services Department furnishes protective custody in Child Haven for children who must be removed from their own home for the protection of their health and welfare, investigates allegations of child neglect and abuse; counsels parents and children, makes referrals to other appropriate agencies, sets up plans and supervises families needing this service and brings cases of gross neglect to the attention of the Juvenile Court. The basic purpose of this department is to furnish service and protection for neglected, abandoned --



### III. REFERRALS:

A. Referrals can be made by writing, telephone or personal<sup>142</sup> visit to the Juvenile Protective Services Department. These referrals may be made by any competent person who has reason to believe a child or children are neglected, abandoned or abused.

B. The Juvenile Protective Services Department consists of three (3) divisions:

1. Intake Division, which screens all incoming complaints and placements of children into Child Haven, makes preliminary investigations and takes matters to Court for Plea and Contested hearings.
2. Supervisory Division, supervises and counsels families within their own homes, makes detailed investigations, and takes Dispositional matters to the Juvenile Court.
3. Child Haven, which furnishes temporary care and supervision for children who must be removed from their own homes.

### IV. STAFF:

The Juvenile Protective Services Department is headed by an Associate Director, who is charged with the responsibility of all investigations, dispositions and supervision of cases and the care and supervision of all children in protective custody. Under this Associate Director are the three (3) divisions. The Intake Division is headed by a Division Supervisor, who has working under him three (3) Intake Investigators. The Supervisory Division is directly under the Superintendent and consists of three (3) Supervisory (Field) Investigators and one (1) District Court Investigator. Child Haven is headed by an Administrative Services Supervisor, who directs two (2) Senior Child Supervisors and nineteen (19) Child Supervisors.

Attached is an Organizational chart showing this chain of command.

V. METHODOLOGY:

The Intake Division of the Juvenile Protective Services Department<sup>143</sup> could be primarily considered an investigative unit. Whenever complaints of child neglect, etc., are received, the home is visited and family members interviewed. Neighbors, relatives, friends, etc. are frequently contacted and interviewed. Schools, police agencies and other agencies are contacted and information solicited. At times, limited counseling is attempted before an evaluation of the matter is made, and a decision as to whether to close the matter, take it before the Juvenile Court or transfer it to the Field Division for further service.

The Field Division's primary responsibility is counseling and supervision of children and their families within their own home, as well as individual and family counseling in the office. The Field Division also handles the Dispositional portion of court cases.

Referrals to other helping services agencies, such as Nevada State Welfare Division, Mental Health Division, Family Counseling, etc. are frequently used to assist the family.

Psychological evaluations are available through the Juvenile Court Psychological Department. If further services (Psychiatric or Neurological) become necessary for children in this program, they are obtained from community resources or private physicians.

Parent-Group Counseling is the latest addition to the services offered by the department. This program is new and it is hoped that many of the family problems encountered may be identified and alleviated through these groups.

If it is impossible to modify the family environment and the child must be removed, the matter is taken before the Juvenile Court, usually resulting in placement of the children either with relatives or with Nevada State Welfare Division for foster home placement.

VI. SPECIAL SERVICES OFFERED:

While the Juvenile Protective Services Department is not adequately staffed for extensive services outside the ones previously mentioned, some community services are available, such as speaking to civic groups, etc.

Crises counseling for children being held in Child Haven is available, at least on a limited basis, from two (2) counselors in Zenoff Hall (Detention).

Assistance in arts and crafts, child supervision, limited office work, etc., is obtained from members of the Southern Nevada Childrens' Guild. This organization also assists by fund raising campaigns, etc., which funds are used for purchase of arts and crafts material, improvements in the physical structure, landscaping, etc.

## MEMO

March 15, 1971

TO: Wm. LaBadie, Assistant Administrator  
FROM: G. Handley, Chief, Family & Children's Services  
SUBJECT: AB447 - Established Cost Sharing Program for County Welfare Services

This legislation would provide for a county to establish a child welfare and protective services program.

In receiving this proposed legislation, we assumed, neither the state or county, desires to lose federal matching funds. Therefore, we addressed ourselves to the question of what effect, if any, this legislation would have on federal funding.

An opinion of AB447 was requested of the Regional Office of the Department of Health, Education and Welfare, a copy of this opinion is attached. In effect, the opinion states that AB447 does not conform with certain requirements of the Social Security Act. Therefore, passage of this bill would result in the State of Nevada losing the federal money which is currently being received for administering a child welfare service program.

The Social Security Act requires that a single state agency administer or supervise a program of services to families and children. A program of services to families and children includes services to families receiving ADC and child welfare services. The Social Security Act makes provision for only two types of public welfare administration. One type is a state administered program. Nevada has such a program. The other type is a county administered and a state supervised program. California is an example of the second type of program. Therefore, as far as Nevada is concerned, the Welfare Division is the single state agency and must administer all services to families and children.

Federal regulations, 205.100 (c) (1) provide that, "The State agency will not delegate to other than its own officials its authority for exercising administrative discretion in the administration of supervision of the plan, including the issuance of policies, rules, and regulations on program matters".

As the letter from HEW points out, AB447 provides only for the State agency to develop minimum standards. The Welfare Division cannot delegate responsibility for the administration of the program to another agency nor can another agency substitute their judgment as to application of policies, rules and regulations.

Since AB447, does not meet the single state agency requirement, we explored the possibility of entering into a "purchase of service" agreement with a county child welfare agency, utilizing federal funds. As the attached letter from HEW indicates a "purchase of service" agreement also does not meet the requirements of the Social Security Act.

The provisions relating to purchase of service as contained in the Social Security Act have as their primary purpose to extend and expand the services which are presently being provided by the Welfare Division. In other words, the purpose is not to substitute for services which are already being provided and which the Welfare Division is "able and willing" to provide. The Welfare Division is already providing child welfare services and is able and willing to continue to provide these services.

The concept of purchase of service requires that the single state agency - Welfare Division - has the legal responsibility to provide the service. The determination to purchase service can only be made by the Welfare Division. In making this judgment, the Social Security Act provides that the Welfare Division must consider such factors as whether or not the service can be provided most economically and effectively by its own staff or if the services are reasonably available to individuals in need of them. AB447 does not make provision for the Welfare Division to exercise judgment and discretion in determining whether or not a county child welfare or Welfare Division can more effectively provide the service. In fact, quite to the contrary, AB447 implies that if a county child welfare agency meets minimum standards, the Welfare Division must approve the plan, share in the cost, etc. of the county child welfare agency.

In summary, passage of AB447 would result in the loss of federal money currently being received and the state and county assuming the total cost. Federal funds effected currently total, \$153,267 of Title IV-B funds and approximately \$144,000 for ADC-FC. In addition Nevada could lose up to approximately a million and a half in Title IV-A administrative funds.

Not only would this legislation result in the loss of federal funds, but adds approximately \$792,000 per year to the cost of providing child welfare services. This bill includes provision for a "protective services" program, a service which is not presently provided by the Welfare Division, since legislative authority to provide this service has never been granted to the Division. It is estimated a state wide protective service program would cost \$626,500 annually. Group homes also are not being presently provided in the state. The Division estimates the cost of establishing 4 group homes to care for 40 children would cost \$165,230 annually or approximately \$300.00 per month per child.



## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

REGIONAL OFFICE

50 FULTON STREET

SAN FRANCISCO, CALIFORNIA 94102

SOCIAL AND REHABILITATION  
SERVICE

March 10, 1971

Our Reference: SRS-IX-CSA

Mr. George E. Miller  
State Welfare Administrator  
Department of Health, Welfare and Rehabilitation  
201 S. Fall Street  
Carson City, Nevada 89791

Dear Mr. Miller:

This is to confirm the March 9 telephone conversation among Mrs. Handley, Mrs. Madison, Miss George and Mr. Tuttle regarding your February 26 letter requesting a quick review of Assembly Bill 447.

As mentioned on the telephone by Mr. Tuttle, the bill as written raises a question regarding the Federal single state agency requirement. This requirement for AFDC is found in the Social Security Act, Title IV-A, Section 402(a)(3), "Either provide for the establishment or designation of a single state agency to administer the plan or provide for the establishment or designation of a single state agency to supervise the administration of the plan." Title IV-B, Section 422(a)(1)(A), requires that the State agency designated under Section 402(a)(3) also administer or supervise the administration of the child welfare services plan. The Regional Attorney's office concurs in this question. The bill seems to say that the county would have the authority to decide the scope and type of services and otherwise conduct an independent service program, subject only to certification by the State agency that it meets minimum standards, and this would not be consistent with the single state agency requirement of the Federal act.

Reference was made during the telephone conversation to the purchase of services. Federal policy in this respect is found in Program Regulation 30-2, as well as in the basic general policy governing service programs for families and children. These policies set forth a number of limitations and safeguards which add up to the necessity of meeting single state agency requirements and for the state agency retaining control of the program, even though there can be a number of purchase of services contracts. Your particular attention is called to Federal Regulation Volume 34, No. 18, Part II, Section 220.61(c), which reads in part, "Matching is available...(2) by purchase, contract, or other cooperative arrangements with public or private agencies or individuals,

Mr. Miller  
March 10, 1971  
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provided that such services are not available without cost from such sources" (underscoring supplied). This same clause is also found in Section 220.62 pertaining to Title IV-B. From our review of Assembly Bill 447, we doubt that the requirements of the sections quoted above could be met.

If we can be of further assistance, please do not hesitate to call on us.

Very truly yours,



Dale C. Williamson  
Associate Regional Commissioner  
Community Services Administration