MEMBERS PRESENT: Chairman Stewart
Vice Chairman Sader
Mr. Thompson
Miss Foley
Mr. Price
Mr. Chaney
Mr. Malone
Mrs. Ham
Mr. Banner

MEMBERS ABSENT: Mr. Beyer (excused)
Mrs. Cafferata (excused)

GUESTS PRESENT: Frank Carmen, Youth Services Division
Bob Evans, UNR Intern
Colleen Dolan, UNR Intern
Mary Lee, State Welfare
Gloria Handley, State Welfare
W. LaBadie, State Welfare
Bill Lewis, Carson City Juvenile Probation
Frank Sullivan, Washoe County Probation
John Mendoza, Clark County Judge
Ned Solomon, Clark County Juvenile Court
Robert March, Clark County Juvenile Court

Chairman Stewart called the meeting to order at 8:07 a.m. and asked for testimony on AB 453.

AB 453: Permits court to inspect sealed records of juvenile offenders under certain circumstances.

Helen Foley, Assembly District 9, stated that AB 453 would allow the opening of sealed records of juveniles after convicted of a crime as an adult for purposes of sentencing. She passed out EXHIBIT A, an example of a rap sheet, which occurred recently in Clark County. She referred to the lines which read "data record type not authorized for this terminal" which means that offenses occurred while the individual was under the age of 18. It would therefore appear that he had no prior offenses. The lower portion of the exhibit shows the entire criminal record.

Miss Foley understood the arguments that a kid should get a break and felt it a good idea, but if by the time they reach 18 they are still committing offenses, they should not have the opportunity to start with a clean record.

Judge Donald Mosley stated that repeatedly in his court witnesses such as police officers approach him and state that he has just fined someone $175 on a petit larceny, typical of a first offense, who has quite a long record, including burglary.

It is currently inappropriate to utilize a juvenile record for the purpose of sentencing as an adult. The computer terminals authorized to give this information are within the juvenile court system and juvenile detective bureau, but the judge's terminal is not authorized. It was Judge Mosley's request that for the purpose of sentencing, he and other judges be privy to these records. He agreed to some extent with the rationale that a juvenile should be given another chance as an adult for the purpose of employment, etc. However, he did not see the reasoning behind allowing them to repeat offenses as adults and have them count as first offenses. He gave several examples of juveniles with extensive records who repeated the offenses as adults and had them count as first offenses. One example was of a young man, 17 years old, 10 charges in less than one year, and currently being wanted for attempted murder. If he commits a crime after he turns 18, his record will appear spotless.

To questions from Mrs. Ham, Judge Mosley stated that the information would be available only to him, his clerk and the bailiff and would not be a part of any trial proceeding, but used only for reference by the judge when sentencing after a conviction. Miss Foley explained that the judge's terminal would be authorized to receive the information where other terminals are not. The information would not become public.

To a question from Mr. Price, it was explained that once a juvenile is certified as an adult for the purposes of a criminal trial, all other offenses committed still remain sealed records.

Miss Foley commented that she would like this information available to the judge in making all courtroom determinations, such as setting bail, etc. Judge Mosley agreed. Mr. Malone commented on the frustrations of the police officers as a result of the current practices. Judge Mendoza commented that once a juvenile is certified as an adult, his repeat offenses generally achieve the same certification.

To comments and questions from Mr. Chaney, Judge Mosley stated that people come into his court at 18 years of old with the idea that they have a clean record and have another chance to commit two or three more offenses without being dealt with seriously. He added that as an example with petit larceny, he will offer the individual a chance to go to a court counseling program. If the program is successful, in many cases the case is dismissed. A prior record as a juvenile would be a determining factor in that they may have gone through a similar program as a juvenile. If the program didn't do any good as a juvenile, it probably wouldn't be successful after he turned 18. In some cases, if the information were available to the judge, these individuals would be dealt with more harshly.

There was discussion concerning the confidentiality of the information obtained over a computer terminal. Judge Mosley assured the committee that the information would be greatly safeguarded. Mr. Malone commented that currently, there is no way that the officers who book a juvenile can gain access to his records at the time of booking and that will continue.

Judge John Mendoza, District Judge, Juvenile Division, Las Vegas, stated that he does not oppose the bill as it reads but does have problems with the methodology of securing the subject information. One problem considered in 1975 when the Juvenile Code was revamped was the issue of building in the safeguards on juvenile confidentiality. They received information at that time on sheriffs releasing information to employers and friends. Judge Mendoza stated that these abuses are rampant. Juvenile records are sealed because it is believed that children can be rehabilitated. If they do not become involved in any other criminal activity after 3 years, they may have the privilege of having their records sealed. It is an incentive to keep them out of trouble. This bill would remove the incentive from the statute.

It was Judge Mendoza's feeling that if these records are accessed through computer terminals, everyone is going to know everything about families, children, friends, etc. in that jurisdiction. Reno may not have terminals and hard copies will then be available. He agreed that judges have a problem in the sentencing phase. If they need that information, there is a way to access it. If the request were for some salutory reason, the juvenile office would make the information available to the judges. With regard to requests by businessmen, a petition can be filed through the district attorney's office if there is a legitimate reason such as a lawsuit by a victim.

Judge Mendoza suggested a great deal of caution be taken before changing a system which has worked well for a great many years. His major concern was the damage to families as a result of this information becoming available. He was very much opposed to the judges being allowed access to their terminals but was agreeable to supplying that information to the judge upon a reasonable request and with sufficient identification. He suggested that the language of the bill not allow computer terminals to be accessed, but that it allow that a request may be made to the juvenile court for the information requested. He cited NRS 62.270 as the authority for securing information where it states, ". . . The records shall be open to inspection only by order of the court to persons having legitimate interests therein." To Mr. Malone's question, Judge Mendoza assumed that it would take a day or two to supply the information to the judge requesting it.

Miss Foley commented that the issue is that once a juvenile is 18 and is still committing crimes, the information should be made available to the judges in order to sentence accordingly.

Judge Mosley responded to Judge Mendoza's testimony by stating that he does not oppose the incentive program, but until the juvenile has been trouble free for 3 years, the court should be privy to the information. To ask the juvenile court in each case for juvenile records would require that each matter be continued a week. Of the 30 to 50 people sentenced each day, at least half are under 22 years of age. He agreed with the concern over the security of the records, but felt they would be as secure as possible if coming directly to the courtroom. He commented that the computer terminal would be on the bench to supply these records and would therefore not require a print-out.

Frank Sullivan, Chief Probation Officer, Washoe County, suggested a money bill be tacked onto AB 453 since passage would require compiling the records by hand at least in his office.

AB 481: Makes various administrative changes to law regulating juvenile correctional institutions.

Frank Carmen, Administrator of Youth Services, stated that AB 481 is primarily a housecleaning bill to rectify the minor language changes within the institutional statutes, as well as to clarify the other aspects of the superintendent's responsibilities.

The first major change is allowing the superintendent to enter into contracts with qualified employees for their services as athletic coaches. What is presently taking place at the NYTC is that the superintendent currently pays $10.35 for football, basketball and track coaches, who are usually academic teachers or his own staff. What is needed is a contract which requires a maximum of 40 hours at the rate and cannot be broken without any kind of notice or recourse and setting a maximum of 40 hours or a salary so that there is no problem with demands for overtime.

Page 2, Section 6, was a recommendation by the Legislative Auditors which allows the superintendent to apply for and receive money from the U.S. Department of Education to treat and train inmates. Mr. Carmen stated that this is already done and has been done for the last 15 years, illegally according to the auditors.

Mr. Sader asked if there would be any objection to changing the Department of Education specification to simply "federal government". There was no objection. Mr. Carmen stated that the applications to the federal government are made through the State Department of Education.

Section 2 of NRS 210.180 deals with collecting payments ordered by the court for the care and custody of the juveniles while in the institution. This was a recommendation by the Governor's Management Task Force as a result of an audit which showed there was no collection program. About 75% or 80% of the parents ordered to pay child support do not make their payments. There has been a token effort on the State's part to collect those payments by writing to the parents and have then dropped it at that. For the past 8 months, letters have been sent from the institution, letters are then sent by the local district attorney, and finally a letter is sent by the attorney general's office which is somewhat threatening. The problem arises when people still do not respond to the AG's letters and it is not feasible for him to sue for $100 or $500. It is being requested that the collection responsibility then go back to the court of commitment. The judge should then have either his juvenile court people pursue collection on the order or make an arrangement with the local district attorney.

To a question by Mr. Malone, Mr. Carmen stated that there are provisions in NRS 62 which allow for either the county or juvenile court to pursue collection. By statute this is the responsibility of the local jurisdiction and not the attorney general.

The attached EXHIBIT B was given to Chairman Stewart by Mr. Carmen. To Mr. Sader's question, Mr. Carmen stated that the total owed to the Nevada boys' training center was upwards of $20,000, with the amount to the girls' training center being a little less. To date there has been collected about 50% of the requests sent out. Some of these individual debts run $700 or $800 with some being $1,500. The majority run $200 or $300 if caught early. The court ordered payments by parents are usually token amounts which are dependent upon the ability to pay, running around $50 or $100 a month.

At page 3, Section 4 of NRS 210.250, the change is to bring the statutes into compliance with what was previously done by the Legislature when a separate youth parole division was created. Prior to that, youth parole for the state was handled by the institutions. This simply provides that the youth parole bureau will cover any costs associated with detaining juveniles on parole.

Section 5 of NRS 210.580 refers to the girls' training center with the changes previously discussed.

Frank Sullivan testified stating that he is opposed to being a bill collector for the state as a chief probation officer.

Ned Solomon commented to the collecting of funds that these are funds ordered by the court to be paid to the superintendents of the boys' and girls' schools. He referred to the language which

reads ". . . shall collect all delinquent payments," stating that would be impossible to do. There is a dollar amount cut-off since it is not worth the cost to collect small amounts. He commented that this collection is a state responsibility since once collected, the juvenile court would return the money to the state. He added that not all courts in the state order parents to pay child support while the children are in institutions. If sent to local institutions, the local juvenile court will pursue collection of the funds, but if sent to a state facility, the state should collect the funds.

To Mr. Malone's question, Mr. Solomon stated that the money for state institutions is sent to the State Treasury for credit to the general fund, with the local people receiving no benefit.

Mr. Solomon added that this bill would have a fiscal impact on Clark County in the collection of additional funds. It is something which must be continually monitored and takes a great deal of effort.

Bill Lewis of Carson City Juvenile Probation stated that he is also opposed to this section, commenting that in the rural areas of Nevada, there are from 1 to 3 probation officers who are already frustrated by seeking alternatives to present to the court. He agreed with Mr. Solomon's testimony.

Ned Solomon suggested changing the words "chief probation officer" in this portion of the bill to "district attorney". He added in response to comments by Chairman Stewart, that in Clark County bookkeepers keep track of the county funds required to be paid monthly by people. If delinquent, a letter is sent by the business office, then sent by the probation or parole officer assigned to the case, and finally through the district attorney. If no response was received at that point, an action would be filed in small claims court. He pointed out that not all the rural counties have this kind of staffing.

Mr. Sullivan stated that Washoe County has about $80,000 that it cannot collect, with that money including detention fees, foster home payments, traffic tickets, etc. He added that he collects about $100,000 a year and is still $80,000 in arrears. Mr. Lewis added that there is also a lot of time spent collecting restitution for the victims which should not be sacrificed as a result of this.

AB 531: Requires semiannual judiciary hearings after placement of foster child.

John Mendoza, District Judge of the Eighth Judicial District Court, Clark County, assigned to the Juvenile Division, stated that he is presently President-Elect of the National Council of Juvenile and Family Court Judges of the United States and has been involved in the area of children in out-of-home placement for the past 7 years. He added that he has served on every national committee of the National Council and other committees assigned by the federal government and other agencies to study the problem of children in placement. AB 531 was not drafted in accordance with Judge Mendoza's request. He submitted the attached EXHIBIT C as amendments which bring the bill into the form it should have been in, with the approval of several other judges.

As background on the issue, Judge Mendoza stated that in 1975 he proposed to the Legislature, in concurrence with the then Director of State Welfare, a study of all children in placement. It was the feeling that children in foster or out-of-home care should be reviewed by the court semi-annually in order to see what services were being provided to the child and what was happening to the child. At the end of the 6 month period there would be a review of the child's progress. This system has been in effect for some 6 years. The proposed bill is a refinement of that process. The reason being that it conforms with federal legislation and the high state of the art. Federal legislation adopted the Child Welfare Act of 1980 which requires every state to adopt similar provisions. Not all provisions of this bill are required by the federal law, but the required provisions of the federal law are within the bill. Judge Mendoza stated that if these provisions are not adopted, foster care will lose about $900,000.

There is an entire change in the philosophy of the handling of children in foster care, being that children should not be kept in foster care for any longer than necessary and they should probably be in their own homes. It is felt that the services should be provided to the children and their families before they get into the system.

There are in the United States about 700,000 children who are in out-of-home placement or foster care. Mandatory review statutes have been passed in over 20 states. As a result of the federal legislation there will be 50 mandatory review statutes in the United States in order to participate in foster care dollars on the federal level.

The problems that studies have shown is that while there is a great ongoing purpose of doing something for the best interests of the child, judges throughout the country have seen children who have been in foster care for 10 to 17 years and have not been seen by the judges who originally ordered them into the care for that period of time or longer. Someone must speak for the children -- children without fault and not delinquent and who are abused and neglected, abandoned, etc. Judge Mendoza referred to publications which indicate that children are being taken to the child haven and just left. As a result, parents are being charged for care on a day to day basis. Those parents and children should be brought into court with conditions imposed upon the family to take care of the child or to terminate and place the child up for adoption.

Judge Mendoza continued by saying that the problem he found in coming back to the juvenile court after an absence of 4 years was that many of the social workers are overworked. There was a 140% personnel turn-over in Clark County's division in a two year period. The entire theory of care is that the child's problem is known. The constant problem with new workers was that they had not familiarized themselves with the file and had only casenotes of the previous workers, some legible and others not. There was no caseplan for that child that could be picked up midstream by a new worker. As a result, the juvenile court and the Director of Welfare in Clark County worked out a treatment plan concept (caseplan concept) which is setting forth a court report with the information needed by the judge in making a determination for the child. The court report is already required by law under NRS 62.225(2)(a), which requires that a written report be filed by that person who has custody of the child. It does not, however, state what should be contained in that particular report. This bill would accomplish that.

To the possible question of whether this would be cost effective, Judge Mendoza stated that this was done on an experimental basis in Clark County for one year prior to 1975 and the program has been run since January 1, 1980 to the present, the second experimental period. There has been no increase in personnel as a result now or in 1975. The judge in Carson City has been doing this as a referee for the past 4 years.

AB 531 will provide children with a chance (1) to be adopted; (2) to be given permanent care; (3) to have them given what is promised to them. When children are taken from a home or abandoned, this bill will allow the court to hold the parents accountable, to see that the child has necessary care, and to be able to review in court these cases. In the areas where it has been used, this has not impacted the courts at all.

The Assistant Director of the Las Vegas Division of State Welfare provided information on adoptions as a result of this program. From the ages of 1 to 3 in 1979 there were 16 children adopted and in 1980 there were 29, an increase of 81%. There had been no such percentage increase in years past. From ages 3 to 6, there were 8 adoptions in 1979 and 27 adoptions in 1980, an increase of 237%. From ages 6 to 10, there were 12 adoptions in 1979 and 16 in 1980, an increase of 33%. From ages 10 to 18, there were 6 adoptions in 1979 and 22 adoptions in 1980, an increase of 236%. To the difficult to place, siblings where there are 2 or 3 in a family, in 1979 there were 7 sibling groups (14 children) adopted; in 1980 there were 13 sibling groups (26 children), an increase of almost 100%.

Until Judge Mendoza declared it unconstitutional, there was a provision in every foster parent's contract with the State of Nevada that they could not adopt children who were their wards. After reading a contract as a result of a case raised by a foster parent, Judge Mendoza declared that provision of the contract as unconstitutional and non-binding, allowing that person to adopt. As a result, adoptions went up from foster parents 100%.

Special needs children, such as blind children and those with mental and physical infirmities were, 2 to 3 years ago, unheard of being adopted. There were 37 adopted in 1979 and in 1980, 76 adopted, an increase of more than 100%. This is all as a result of the review process which asks and requires State Welfare, Mental Health, Mental Retardation, school officials and other treaters of children to be present. That child's individual needs are focused on.

As a result of the legislative study on foster care and child abuse and neglect, it was found that in some jurisdictions a computer print-out is being received with a list of the children in foster homes and a notation "doing well". The review process has brought these children into focus as human beings who have problems and are entitled to families. As a result of the review process, the Attorney General's Office has instituted aggressive termination of parental rights cases. In 1979 there 43 cases terminated; in 1980 there were 62 terminated. The Attorney General projects at his present rate that he will terminate around 124 so that these children will be free for adoption.

The cost of maintaining a child in foster care is $250+ a month, depending upon the type of placement. If in an institution, the bed may cost $15,000 or less. This program says that foster care should be temporary and not permanent and further, that the parents have the responsibility of raising children - not the State or the court.

Judge Mendoza next addressed the increases in adoptions in other areas of the state. In Reno there was no increase; Elko increased by 12; Carson City decreased. With the exception of Elko and Las Vegas, there was no increase in adoptions anywhere else in the state. It was felt that these increases resulted from this program.

To the impact of this program on state agencies, Judge Mendoza stated that in Las Vegas the State Welfare Division has set up an adoption council for the freeing of children. He felt thousands of dollars have been saved for the state by removing children from foster care into permanent care.

At this point, Judge Mendoza referred to EXHIBIT C and explained the amendments as follows. At line 19 of the amendment, page 1, the language "The written report shall cover the following areas:" is added. At page 2, line 14 of the amendment, Sections 10, 11 and 12 are added. At page 2, line 26 of the amendment, Judge Mendoza further amended it as follows: "3. The (judge or master shall notify the) following persons shall be notified of the hearing and they shall participate:". He stated that the method of notification is very simple. When the case comes before the court at the dispositional hearing, the judge will then set a date certain (line 4, page 4, EXHIBIT C) for the next review hearing. This is to insure that the case does not get lost.

To Mr. Sader's question, Judge Mendoza stated that parents, agencies, etc. are required to be present at the hearing. Mr. Sader asked if there could be an objection raised at a hearing if someone does not show. Judge Mendoza stated that the court has the power to proceed with the hearing whether they appear or not. The authorized agency charged with the care and custody of the child is also being required to appear under this amendment.

At page 3, line 16 of the amendment, Judge Mendoza explained that the language is being deleted since transcripts of every hearing are not ordered since it is a discretionary act. It is required that the hearing be informal, recorded and the rules of evidence do not apply. It is recorded because the juvenile court is a court of record and is required to keep a record of those proceedings. The Juvenile Court in Las Vegas no longer uses court reporters but instead uses court recorders. He stated that with that system the county will be saved approximately $50,000.

At line 17, page 3 of the amendment the new language is inserted in fairness to parents and guardians to advise them that if they do not comply with the caseplan, they run the risk of losing their children. In the past, they were never told. This authority already exists, but the amendment puts them on notice and is included in the report to the parents and the court.

To the new language at line 30 of page 3, Judge Mendoza stated that in the event a child is adopted and the family cannot keep the child, it is being required that a new caseplan be sent back to the court within 30 days rather than wait 6 months.

Judge Mendoza felt the remainder of the provisions are self-explanatory as in the original bill. The court is currently receiving the requested information generally. The federal legislation requires that a child be placed in the least restrictive setting. The highest restrictive settings in Nevada will be the children's homes, St. Jude's and the other institutions. Group homes and foster homes would be the next least restrictive in that order.

The report further requires a showing of the cooperation received from the parents, how much support made by the parents, the extent of the communication allowed between parent and child, the nature of services given to the family during foster care, the necessity of additional services, and have the parties complied with the caseplan. There is a further showing of the extent of the progress of alleviating the existing problems and getting the child back into the home if possible.

To the portion of the bill which requires the judge to order within 10 days that (1) the child be returned, (2) remain in custody outside the home, or (3) wherever appropriate, Judge Mendoza stated this is to insure that a decision is made.

To the section providing that ". . . (c) the proceedings be initiated for termination of parental rights and the child be placed for adoption. . .", Judge Mendoza commented that there are certain cases which should proceed immediately towards a termination. He recited the case of a young girl who was stabbed 22 times by her mother, where the division did not file for termination for 9 months. That should have immediately proceeded towards a termination. In cases where parents have attempted to kill, mutilate or sexually abused their children, a termination should be proceeded to immediately. In these proceedings, the case is filed in a court other than the juvenile court and the parents are entitled to an attorney. This merely gives the court the prerogative to indicate that a termination proceeding should be instituted.

To Mr. Sader's question, Judge Mendoza stated that the only objections raised by other judges were the requirement to notify the necessary individuals and the requirement of a transcript for the judge. In all other districts, referees hear these cases and Judge Mendoza hears them only as a preference.

Chairman Stewart asked what the specific requirements of the federal act are. Judge Mendoza stated that the federal act requires that a caseplan be devised and read the description as follows: "The caseplan means a written document which includes at least the following: (1) a description of the type of home or institution in which a child is to be placed; (2) including discussion of the appropriateness of the placement; (3) and how the agency which is responsible for the child's plans to carry out the judicial determination made with respect to the child in accordance with Section . . . a plan for assuring that the child receives proper care and that the services are provided to the parents, child and foster parents in order to improve the condition of the parents' home, facilitate return of the child to its own home, or the permanent placement of the child; and address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided to the child under the section. . ." He felt all of the provisions in this bill address the general concern of a caseplan.

The federal act continues to state, ". . . that the continuing necessity for and appropriateness of the placement, the extent of compliance with the caseplan, and the extent of the progress has been made towards alleviating or mitigating the cases necessitating the placement of foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship. . .".

To comments by Mrs. Ham, Judge Mendoza responded that the drift of the new federal legislation is to start cutting down foster and institutionalized care and to start putting the resources into planning for pre-foster care services. Foster care cannot be increased once this goes into effect.

To the staffing problem, Judge Mendoza stated he had talked to the Interim Finance Committee about securing additional help for Welfare. One problem is that state employees are underpaid in comparison to county employees. In the Clark County Protective Services Division where neglect and child abuse cases are worked, they have hired away the good staff from State Welfare. The caseplan system addresses that problem so that new employees can proceed from the documentation in the file.

Bill LaBadie of State Welfare stated that he had no objection to the concept used in Clark County, but the smaller counties do not feel that they have the time or money to conduct a formal hearing. He was not sure that it is always necessary to have a formal hearing.

Gloria Handley of State Welfare stated the Child Welfare Act of 1980 requires three things to insure that children do not remain indefinitely in the foster care system and a caseplan is one of the requirements. The caseplan is not a judicial requirement, but a requirement imposed upon the Welfare Division as the agency that is administering the program. The next requirement is that there be a "periodic" review, either a 6 month judicial review or 6 month administrative review. The third requirement is that when a child has been in foster or institutional care 18 months, there must be a dispositional hearing or some kind of administrative review. She referred to a bill introduced in the Senate that would take care of the requirement as it relates to the 18 month judicial review.

It was Ms. Handley's position that there are other methods of meeting the federal requirements other than as contained in AB 531.

To Chairman Stewart's question, Ms. Handley stated that the Child Welfare Act was actually signed by President Carter on June 17, 1980. The first mandatory provisions become a requirement on October 1, 1982, based on the periodic reviews. Chairman Stewart asked if the Welfare Department had instituted periodic reviews. Ms. Handley stated that Welfare had established foster care review teams in each of the district offices except Ely and Winnemucca. The review teams consist of at least two community persons in no way connected with the Welfare Division. There are usually 5 people sitting on a review team, including someone from the district office level and someone from the central office staff. To insure that children are moving through the system, the most difficult cases to review are selected for mandatory review and have been in care 18 months or longer, those which have had four or more placements.

Mary Lee of State Welfare stated that Welfare has had to add additional staff to the Clark County offices in the areas of Child Welfare because Judge Mendoza's requirements for the hearings have been time consuming. It was her opinion that if the hearing requirement is added for the rest of the state, two additional social workers would be needed to meet the requirements for the hearings. The time involved includes preparation for the hearings, travel time to attend the hearings, and participation in the hearings. In addition, there would be costs involved in transporting the children to the hearings, unless the court orders that they do not need to appear. Some children are in out-of-state institutions. EXHIBIT D depicts some of the costs involved to the Welfare Division.

Judge Mendoza commented that there have been no children brought from out-of-state institutions to attend review hearings.

Chairman Stewart asked Ms. Lee if she had figures on the savings to the State because of the increased adoptions of children. Ms. Handley responded that those figures were not available but that the regular foster care rate per child is approximately $250 per month. Institutional placement could be anywhere from $600 to $2,000 per month. To Miss Foley's questions, she responded that children are placed in institutions for a variety of reasons, including being extremely destructive, aggressive, is having difficulty in the public school system, lying, bizarre behavior, bed wetting, etc.

Mr. LaBadie felt that the increase in teenage adoptions was due to the fact that there are no infants available for adoption and not necessarily as a result of a judicial review. He further did not feel that every child should have parental rights terminated since it deprives them of potential income. If there is a potential for placement, fine, but to terminate the rights of teenagers does not make sense since somewhere in the future he may be eligible for veteran's benefits or social security.

Ms. Handley stated that even though adoptions have increased, foster and institutional care is still continuing to rise. She commented that there was an 18% increase statewide from January, 1980 to 1981. She added that there was a 20% decrease in the number of children placed from birth to age 1 due to the decrease in the number of infants available for adoption. The emphasis has therefore changed from placing infants to placing foster children who cannot be returned home.

Bill Sprinkel of the Attorney General's Office, assigned to the Welfare Division, stated that he has been working in Welfare for 8 years and is quite familiar with the juvenile functions in the counties outside of Clark County. Under the current law a 6 month periodic review is required which was part of the Juvenile Court Act of 1975. Those reviews are being conducted in the other counties as required by law.

Mr. Sprinkel continued by saying that AB 531 applies not only to the Welfare Division when it has legal custody of the child, but also to any probation officer, welfare worker, other guardian or custodian of the child. These people must all follow the provisions of this chapter.

Mr. Sprinkel stated that the written review in Washoe County is a two page form with spaces for comments regarding status of parents, their involvement, and in many cases addenda to the reports.

The procedure followed in Washoe County is that the written report is made and submitted to the Juvenile Master. The Juvenile Master reviews the report and makes a recommendation to the juvenile judge. If he recommends a hearing, one is held. If he recommends further inquiry into the report, the juvenile judge will not sign an order approving the report. This is done on the 6 month anniversary of every child in the custody of the juvenile court of Washoe County. A hearing, however, is not required in every case. This bill requires a hearing on every case.

Miss Foley commented that if a hearing is not required at the time a review, a child could be in foster care for 6 years without ever appearing before the court. Mr. Sprinkel stated that if the report indicates that appropriate efforts are not being made to free a child for adoption, return it to its family, or remove it from foster care, a hearing will be called. Miss Foley felt it highly possible that children can get lost in the paperwork.

Ms. Handley stated that SB 578 would probably resolve some of Miss Foley's fears in that it requires dispositional hearings after 18 months of care and annually thereafter. Mr. LaBadie stated that statistics show that Nevada does not lose children in foster care as is done in other states. Ms. Lee stated that 42% of the children in care have been in care less than 1 year. 31% have been in care from 1 to 2 years. 12% have been in care from 2 to 3 years and 15% longer than that.

Mr. Sprinkel stated that the cost of recording these hearings would be a court impact that does not presently exist, but did not have those figures. Chairman Stewart commented that most of the JP courts have recording equipment. Mr. Sprinkel felt that there would be a cost impact when there are 400 more cases per year that must be recorded. The bill does not specify where that cost will attach. Miss Foley commented that the only cost would be the cost of the cassette.

Mr. Sprinkel next covered the portions of AB 531 which extend beyond the federal requirements and disagreed with them as previously outlined. He felt that the majority of them raised the question of a separation of powers. The others he felt unnecessary.

Judge Mendoza responded to the comments made by Welfare by saying that there must be legislation on the books opting either for judicial review or administrative review. The federal law requires that it be a hearing, whether administrative or judicial.

To the separation of powers issue, Judge Mendoza felt it a false issue. In about half the states in the country, the judge sitting on the case for review in juvenile or family courts has the power to terminate parental rights.

To the other issue raised of the fact that in Washoe County State Welfare does not handle child abuse and neglect cases. Those are all handled by the Washoe County Welfare Department. That massive caseload would be handled by the county, not the State.

To the comments about review teams, Judge Mendoza understood that the team reviews 5 cases per month. He reviews from 120 to 150 cases per month. To the 400 cases per year mentioned by Welfare, Judge Mendoza stated that amounts to about 26 cases per county. Welfare stated that the length of time in foster care is down to which Judge Mendoza stated that Clark County has handled 65% of all the children in out-of-home placement. Including Clark County's figures for the last year and a half, the figure has naturally come down.

To the comments about paper reviews, Judge Mendoza stated that it was found in Michigan that workers were submitting reports when they had never seen kids. They were reworking reports. This was found upon asking to see a child and Mario turned out to be Maria.

Up to 5 years ago, the hard to place child in Nevada State Welfare's terminology was any child over the age of 5. In Clark County, no child is hard to place because of the changes through the review mechanism and foster care adoptions.

Judge Mendoza concluded by saying that this bill addresses problems raised by Terry Marren, the State Attorney for Welfare. His concern was the termination of parental rights when appearing before district judges with no caseplan requirements. Mr. Marren has approved the amendments to form and believes it to be legally sound.

Frank Carmen of Youth Services emphasized that this bill has an impact on Youth Services in the sense that about 95% of the children placed in the Northern Nevada Children's Home are from Clark County, unless there is some mechanism set up where the child is referred from Clark County that jurisdiction is transferred to Carson City. Judge Mendoza stated that had been worked out with the Judge in Carson City who agreed to review those cases here. He added that the power to transfer cases already exists within the statutes. It was also indicated that the caseload would not be increased here.

Chairman Stewart adjourned the meeting at 10:50 a.m.

Respectfully submitted,

Jor Jan M. Martin
Committee Stenographer.

ASSEMBLY JUDICIARY COMMITTEE

GUEST LIST

DATE: 4/30/81

1076

PLEASE PRINT YOUR NAME	PLEASE PRINT WHO YOU REPRESENT	I WISH TO SPEAK FOR	AGAINST	BILL NO.
FRANK CARMEN	Youth Services	✓		AB481
Bob EVANS	Intern - Bob Rusk			
Colleen Dolan	Intern - Colleen Dolan			
Mary Lee	State Welfare		✓	AB531
Gloria Handley	State Welfare		✓	AB531
W Jaboda	"		✓	"
Bill Lewis	Carson City Juvenile Probation		✓	AB481
FRANK SULLIVAN	Washoe County Probation		✓	AB481
JOHN MENDOZA				
Ned Solomon	Clark County Juv. Ct			
Robert March	" " " "			

NM-[redacted] [redacted] SID-01598947 000 SS-
CS-611669 BD-031463 RC-M SX-M HT-501 WT-140 HR-BLK EY-BRO
FI-19 L 3 U
F2- I S U-*R SPC
BP-LOS ANGELES, CA FR- CI- 01- 02-
A1-VAN PATTEN MOTEL FIVE, RM#5, LVN 032881 #2 SHEET 03288

AR253 MPD 002 041281	VAG PROWL	81-41340	ROR	041281MPD
AR254 MPD 005 032881	BURG	81-37956	NCF	032881MPD
AR255 MPD 004 032881	POSS CONT SUB	81-37942	NCF	032881MPD

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BP-LOS ANGELES, CA FR- CI- 01- 02-
A1-VAN PATTEN MOTEL FIVE, RM#5, LVN 032881 *2 SHEET 032881

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AR254 MPD 005 032881	BURG	81-37956	NCF	032881MPD
AR255 MPD 004 032881	POSS CONT SUB	81-37942	NCF	032881MPD
AJ253 MPD 003 022181	POSS CONT SUB	81-28282		
AJ254 MPD 002 022181	POSS ZILN PROP	81-28282		
AJ255 MPD 001 022181	RUNAWAY OJ	81-28282		

EXHIBIT A

1677

Recommendations

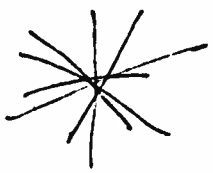
The division is operating efficiently and economically. However, increased alternative placement funding would improve housing and related programs. Budgeting for data processing functions also requires modification.

116. Increase funding for alternative placement programs.

The monthly cost of housing juveniles at Caliente and Elko was approximately $1,000 and $1,800 respectively for fiscal 1980. In comparison, the expenditure for community-level placements averaged about $400 per month for the same period. During that time, the Youth Services Division was able to place an average of 19 girls or boys in community facilities each month. If funds were available, an additional 20 juveniles could qualify for alternative placements.

In addition to the advantages of community contact, this approach would help relieve the current overcrowding at the training centers and abate acquisition of an additional facility which would increase annual expenses in excess of $400,000. The net annual cost is estimated at $160,000. To increase program flexibility, all funds for alternative placement should be consolidated into a single account.

117. Implement collection procedures for court-order support payments.



Under state law, courts can require support payments from parents, guardians or other legally liable individuals to help defray the cost of housing juveniles at the Elko and Caliente training schools. However, the Youth Services Division has no collection procedures to ensure such payments are made on a timely basis. The uncollected support payments, as of January 1, 1980, amounted to more than $14,000. The annual amount of court-ordered payments for fiscal year 1980 is estimated at $48,000.

By implementing effective collection procedures, the state should be able to collect 35% of the current outstanding support payments for a one-time income of $5,000. An on-going, timely collection effort should capture 80% of court-ordered payment for an annual income of approximately $38,000.

118. Redesign forms and printouts used for information retrieval.

A computer program was placed in operation a year ago to develop data on service programs, juvenile recidivism and other types of information needed for management decisions. As of July 1, 1980, no usable reports had been produced because input forms are difficult to work with and the entry data are not reliable. Therefore, both the forms and printouts should be redesigned to ensure accurate data recording, more efficient key entry operations and usable report formats. The one-time cost is estimated at $600.

119. Improve data processing budgeting techniques.

The current backlog of data processing plus the number of new cases estimated for the coming fiscal year will require a greater expenditure for data processing than has been budgeted. When the current allocation is exhausted, a supplementary appropriation will have to be requested from the Interim Finance Committee. To prevent this situation from arising in the future, statistics on backlogs and average monthly work loads should be utilized in developing initial budget requests. This approach would eliminate possible interruptions in the data processing work flow due to funding insufficiencies.

EXHIBIT C

PROPOSED AMENDMENT TO

AB 531

SECTION 1. NRS 62.225 is hereby amended to read as follows:

62.225 1. Except as provided in subsection [3,] 7, the placement by the court of a child in a foster home or other similar institution [shall] must be reviewed by a judge or [duly] an appointed master semiannually at a hearing for the purpose of determining[if:]whether:

(a) Continued placement or supervision is in the best interest of the child and the public; and

(b) The child is being treated fairly.

2. In conducting [such review, the court may:] the hearing the judge or master shall:

(a) Require a written report from the child's protective service officer, probation officer, welfare worker or other guardian or custodian of the child which includes but is not limited to an evaluation of the child's progress and recommendations for further supervision, treatment or rehabilitation. The written report shall cover the following areas:

(1) Whether the child has recovered from any emotional problems or physical injuries which were suffered before his placement;

(2) Whether the child has been placed in the least restrictive setting available and in the closest proximity to his parents', guardian's or custodian's home consistent with his best interests;

(3) The degree of cooperation between the parents, guardian or custodian and the person who currently has custody of the child in meeting his current needs;

(4) The extent of care and support which was provided by the child's parents, guardian or custodian;

(5) The extent of current communication between the child and his parents, guardian or custodian;

(6) The nature and current use of any social services which are available to the parents, guardian or custodian to facilitate the return of the child to that person's custody;

(7) Whether any additional social services are needed for the child or for his parents, guardian or custodian;

(8) The extent of compliance with the case plan;

(9) The extent of progress which has been made toward alleviating or mitigating the problem which necessitated the placement of the child in the foster home or other similar institution;

(10) A recommendation and plan for the permanent placement or custody of the child, and methods of achieving this objective. The plan shall be framed in keeping with the best interests of the child, parents, and state;

(11) The projection of a likely date by which the child may be returned to the home or placed for adoption or legal guardianship; and

(12) Any recommendation for termination of parental rights should be stated succinctly.

(b) Request any information or statements it deems necessary for the review.

[(c) Determine specifically:]

3. The [judge or master shall notify the] following persons shall be notified of the hearing and they shall participate:

(a) The child, unless otherwise ordered by the judge or the master;

(b) The parents, guardian or custodian of the child;

(c) The person who currently has custody of the child;

...

(d) The authorized agency charged with the care and custody of the child; and

(e) Any other person whose presence is determined by the judge or master to be necessary.

4. The parents, guardian or custodian of the child or any other interested person may petition the judge or master to consider, or the judge or master on his own motion may consider at the hearing:

(a) A specified change in the child's placement;

(b) A determination as to visitation privileges for the parents, guardian or custodian of the child or of other interested persons; or

(c) Any other matter which may affect the child.

5. A hearing held pursuant to this section must be informal, recorded, and the rules of evidence do not apply. [The judge or master shall order that a transcript of each hearing be prepared.] The parent or legal guardian shall be advised that failure to comply with the case plan may result in a termination of parental rights.

6. Within 10 days after the hearing, the judge or master shall rule on [any] the petition [presented pursuant to subsection 4] and order that:

(a) The child be returned to the custody of his parents, guardian or custodian, with or without conditions;

(b) The child remain in the custody of a person outside the home of his parents, guardian or custodian and that:

(1) The current placement plan is appropriate and to be continued; or

(2) The current placement plan is not appropriate and a new placement plan must be developed. The new plan must be submitted within thirty (30) days for court approval.

...

(c) Proceedings be initiated for the termination of parental rights; or

(d) The child be placed for adoption.

7. When a child is continued in placement, the court shall review the matter again in six (6) months and establish the time and date of the next review hearing.

8. The provisions of this section do not apply to the placement of:

(a) A delinquent child.

(b) A child in the home of the child's parent or parents.

[4.] 9. This section does not limit the power of the court to order a review or similar proceeding other than semiannually.

EXHIBIT D

AB 531

The Welfare Division is opposed to AB 531 primarily on the basis of cost.

Current statute requires a six-month judicial review of a child in foster home or institutional care. A written report to the court is required. In all counties except Clark County the provisions of the current law are met by the submittal of a written report to the court. Hearings are not routinely held.

AB 531 would mandate a hearing and a written report to the court. AB 531 also mandates that the child, unless otherwise ordered by the judge or master, be present at the six-month review.

It is estimated the cost to the Welfare Division of complying with AB 531 would be $96,350. This cost includes two additional social workers for Washoe County and the rural areas. It is estimated 200 cases per year would need to be reviewed, or a total of 400 case reviews per year. It is estimated each review would require eight hours of worker time for preparation of the written report, preparation for the court appearance, travel time and the actual hearing itself. It is estimated at least one additional Deputy Attorney General would need to be employed to represent the Division at the court hearings. The travel cost of the Deputy Attorney General to attend the hearings throughout rural Nevada is estimated at $5,698.

The cost of transporting children to be present at court hearings is estimated at $14,300. This includes the cost of transporting 25 children twice a year from out-of-state institutional facilities to Nevada at an average cost of $150 per child. It also includes the cost of transporting 10 children twice a year at an average cost of $100 per child from Las Vegas facilities to Reno and rural Nevada. Since many of the children could not travel unaccompanied, the cost of workers transporting children from out-of-state facilities to Nevada for hearings is estimated at $4,800.

AB 531 requires that a transcript of every hearing be prepared. The bill does not specify the responsible governmental agency to assume the cost of the transcripts. We estimate 1,732 hearings will be held per year for children in the Division's custody.

We feel that the current law is working satisfactorily. If the law is not changed Clark County can continue to require hearings as they are currently doing. The procedures followed in Washoe and rural counties are also within the requirements of the current law. The current system is working and to comply with AB 531 would be too costly.