

Steve Sisolak
Governor



Richard Whitley, MS
Director

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
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Ross Armstrong
Administrator

Nevada Children's Commission Full Commission Meeting Minutes

DATE: Friday, June 18, 2021

TIME: 10:30 AM - Adjournment

LOCATION:

Division of Child and Family Services
3rd Floor Large Conference Room
4126 Technology Way
Carson City, NV 89706

VIDEO CONFERENCE: <https://call.lifesizecloud.com/9326899>

TELECONFERENCE LINE: 1-312-584-2401

EXTENSION: 9326899

1. Call to order- Justice Nancy Saitta, Justice Elissa Cadish, Ross Armstrong

The meeting was called to order at 10:33 a.m. by Ross Armstrong.

2. Welcome and Introductions (Roll Call)- DCFS Staff

Members Present: Justice Nancy Saitta, Justice Elissa Cadish, Ross Armstrong, Judge Rebecca Burton, Judge Paige Dollinger, Brigid Duffy, Shannon Gildea, Megan Miller, Judge Michael Montero, Shelia Parks, Dr. Tiffany Tyler-Garner, Janice Wolf, Jill Marano (for Tim Burch)

Members Absent: Nancy Brune, Margaret Crowley, Senator Marilyn Dondero-Loop, Amber Howell, Dr. Jesus Jara, Assemblywoman Daniele Monroe-Moreno, Kimberly Palma-Ortega, Senator Keith Pickard, Judge William Voy, Judge Egan Walker, Assemblyman Steve Yeager

DCFS Staff: Susie Miller, Salwa Philips, Elvira Saldana

Public: Cynthia Carstairs, Dr. Norozian, Gwynneth Smith, Jim Berchtold, Wanda Pena, Jay Fisher, Sydney Banks, Linda Anderson, Zaide Martinez, Chief Justice James Hardesty, Jane Saint, Monique Harris

Roll call was taken, and it was determined a quorum of the Nevada Children's Commission was present.

Justice Nancy Saitta reminded Commission members to ensure their cameras are on.

Ross Armstrong added members of the public body must remain with their cameras on and observable throughout the meeting.

Justice Saitta welcomed Chief Justice Hardesty.

3. Public Comment and Discussion:

There was no public comment.

4. For Information: Children's Commission Membership - Justice Nancy Saitta

Justice Saitta stated Judge Rebecca Burton is the Presiding Family Division District Court Judge and has many years of experience. Judge Rebecca Burton's addition to the Commission will be extraordinarily important.

Judge Rebecca Burton stated she hopes she can live up to the introduction and she will try her hardest.

Justice Saitta stated the other new member is Judge Paige Dollinger from the Second Judicial District. The expertise she will bring to the Commission is something the Commission looks forward to.

Judge Paige Dollinger thanked the Commission for inviting her to be a member, she looks forward to being a part of it and working with everyone. Over the course of her career, she has worked with children for the bulk of it.

5. For Possible Action: Meeting Minutes from March 19, 2021- Justice Nancy Saitta

Justice Saitta asked if there were any additions or corrections to the minutes.

No recommendations were made.

Judge Rebecca Burton and Shannon Gildea abstained.

Action: A motion was made by Judge Michael Montero to approve the minutes, seconded by Jill Marano, and carried to approve the minutes of March 19, 2021.

6. For Information: Overview of Residential Treatment Options- Susie Miller

Susie Miller stated the two types of residential treatment settings are acute and residential treatment center/psychiatric treatment facility. The acute setting provides inpatient mental health services in a psychiatric hospital or general hospital with a psychiatric unit and is for youth with severe clinical issues requiring immediate attention and experienced a current ICD (International Classification for Diseases) psychiatric diagnosis. The acute facilities are a secure, structured environment with 24-hour observation and supervision with a multi-disciplinary approach. The objective in the acute stay is to reduce the symptoms to a level where they can step down and either go home or go to a less restrictive level of care. An estimate for a stay in an acute setting is 3 to 10 days. Residential Treatment Centers/Psychiatric Residential Treatment Facilities are inpatient, longer term services in psychiatric, medical-model facilities. It is for youth who no longer meet the acute criteria, would benefit from additional services, and who meet medical necessity and admission criteria. The objective is to provide similar services as in the acute level however for a longer term and discharged to outpatient services. The average stay in residential treatment centers is 3 to 9 months. In Southern Nevada there are a total of 163 acute beds and 290 residential treatment center/psychiatric residential treatment facility beds. When services or a bed are not available for a youth, out of state care is sought. The four areas they struggle to find placement for in the South are youth with developmental or intellectual disabilities coupled with aggression or mental health issues, youth with autism with severe behavioral issues, highly aggressive youth, and youth under age 11. Currently there are 56 youth through the juvenile justice and child welfare systems out of state.

Based on the historical data of out of state placements for calendar years 2015-2020, there has been a decline. As of April 30, 2021, 75% of out of state placements are males and 25% are females; 67.9% are from juvenile justice and 32.1% from child welfare. When a youth enters the emergency room for a mental health crisis, an assessment is completed to determine the level of care needed. If a higher level of care is needed, referrals are made to local facilities. If the youth is denied by local facilities, referrals are made to out of state facilities. If youth is denied by out of state facilities, contact is made with the CEOs to see if there is a service agreement that can be made. While waiting for a response, the youth remains in the emergency room. Some ideas for addressing challenges are crisis stabilization centers, enhanced Managed Care Organization responsibility for children's outcomes, non-residential solutions such as quality in home services, and Building Bridges Initiative and High-Fidelity Wraparound.

Dr. Tiffany Tyler-Garner asked what the average length of time is once placed out of state.

Susie Miller replied anywhere between 6 months to 1 ½ years.

Dr. Tiffany Tyler-Garner asked how to make sense of the finding of two thirds of the out of state referrals are individuals in the juvenile justice system.

Susie Miller replied in the juvenile justice system, some of their kids are hitting the aggression level and they may have tried local facilities. The juvenile justice system works quickly to access services to prevent youth with aggression from escalating.

Dr. Tiffany Tyler-Garner clarified it would say it is not the case there are individuals entering the juvenile justice system that have unmet mental health needs.

Susie Miller replied juvenile justice efforts, prevention programs, and early intervention services are being put into place to identify those youth before they make it to court or make it to the point where they are considering residential treatment placement.

Ross Armstrong stated the percentage of juvenile justice youth being the vast majority of out of state placements is a change in trend. There are youth with unmet mental health needs which their entry point into mental health care is through the juvenile justice system.

Judge Paige Dollinger stated she agreed with it, having sat as Court Master presiding in juvenile delinquency cases, it was a significant issue for Washoe County.

Dr. Tiffany Tyler-Garner asked what the ability is to build capacity in state in the four areas noted in service gaps.

Susie Miller stated any providers coming in, they are meeting with to discuss service gaps. If there are private providers who are unable to develop programs, the state would be looking at serving that population to fill the service gaps.

Dr. Tiffany Tyler-Garner stated there might be an opportunity to partner with other departments to attract businesses and to respond to some of the community challenges.

Susie Miller replied it is an excellent idea.

Janice Wolf stated in response to Dr. Tiffany Tyler Garner's first question, part of the reason is procedural. On the 432B side, if a child needs a residential treatment center it requires a petition to be filed.

Ross Armstrong stated DCFS is working on a public facing dashboard for out of state placements. In previous years the number of Washoe youth going out of state has been approximately the same as the number of Clark County youth.

7. For Information: Needed Resources for Complex Youth- Dr. Jay Fisher

Dr. Jay Fisher stated he has been the Medical Director in Pediatric Emergency Medicine at the University Medical Center (UMC) Children's Hospital for the last 15 years. Mental health is a national emergency for children. They have reached the point where it is a tipping point. The government is working hard to get services for children in crisis. In his role as a Pediatric Emergency Medicine Director, Dr. Jay Fisher speaks with people all over the country and there are some towns who are worse off than our situation. There are areas where the job has been done optimally. Nevada is one of the 5 fastest growing states in the country. Population growth has dramatic implications for pediatric health parameters. There is an increased number of children with autism and developmental disability that are being underserved. There have been inflection points in mental health surge. The first one observed was in 2008 with the rise of social media and loss of natural 'protective barriers' for vulnerable children. A rise in mental health emergencies was seen and it was compounded by the financial crisis which occurred with the bank implosion at that time. There was a dramatic rise in suicides and visits to the Emergency Departments. In response, the Las Vegas Pediatric Mental Health Task Force was developed. The 2020 COVID pandemic caused an increase in mental health crisis. Since 2019, UMC has seen a 65% increase in behavioral health volume and a 17% increase in behavioral health length of stay. There are dozens of children with mental health/behavioral disorders being classified as 'off limits' to mental health facilities. The children are under 10 years of age who come in with behavioral crisis and families with crisis and children with mental health disorders with concomitant autism, developmental disorders, and extreme violence. In their inpatient pediatrics unit, they are caring for children with autism for 6-9 months and children with eating disorders for 6 months. Based on CDC data, autism/developmental disability accounts for up to 10% of the children in the community. In summation, the pediatric mental health crisis has worsened due to COVID. The system for the "average" mental health crisis is quite good however there has been a marked expansion of 'dual diagnosis/complex' mental health patients and the system for those children is inadequate. It has major implications, not only for those patients and families but for the pediatric health care system in general. Some solutions are expansion of current facilities to care for dual diagnosis/complex mental health, increase resources to provide care of increased complexity, and reinvest the money spent on care of children out of state in the community and build something here.

Judge Rebecca Burton stated in the South they have day court which is a detention alternative for autistic youth. One difficult problem delinquency judges are facing is fetal alcohol syndrome since there are no programs to divert to. Judge Rebecca Burton has noticed, as her caseload is primarily custody, a significant increase in cutting and suicidal ideation.

Jill Marano stated the dilemma they end up facing is they do not want to institutionalize children and they do not want to talk like they want to institutionalize children, however there is a challenge because they do want to ensure the kid's needs are met. They do not see the needs being met right now. They are missing the middle level of care between psychiatric hospital and foster care. They have been working on trying to identify places where the county can develop an interim level of care. Another thing that needs to be done is to engage the Health Care Quality and Compliance in the discussion. There are several different things to look into such as what supports can be put for providers who are willing to take the kids and what supports can be used to develop providers.

Ross Armstrong stated there are no pediatric acute mental health beds in Northern Nevada and workforce is a huge issue.

Gwynneth Smith, Clark County Chief Deputy District Attorney, stated in her role she has seen all the issues raised today. It has been a simmering resource problem. The child welfare and juvenile justice systems are the repositories where children in crisis end up when their needs are not met in the community. There needs to be a discussion about workforce development in this area and what they are doing as a community and a state to develop the professionals to run facilities to provide the services. How to address the immediate crisis needs to be discussed as well. Developing the workforce to meet the needs and having it be an explicit part of the plan is important.

Ross Armstrong stated the workplan focuses on racial and ethnic disparities and children's mental health.

Agenda item #9, For Information: Court-related Issues Regarding Cases Involving Children, was taken out of order and Chief Justice James Hardesty presented before agenda item #8, For Information: Evictions Update.

8. For Information: Evictions Update- Jim Berchtold

Jim Berchtold, Directing Attorney for the Consumer Rights Project of Legal Aid Center of Southern Nevada, stated there have been moratoriums in place to protect tenants during the COVID-19 pandemic. The state level moratorium in place expired at the end of May. The federal moratorium, which was pursuant to a CDC order, is extended through the end of this month. Given the expiration of the moratoriums, what they are seeing is currently we are at the bottom of what is going to be a curve. The slope of the curve is a huge question mark. As many as 182,000 households in Nevada could be facing eviction. The Guinn Center thinks it will happen in phases. It could extend to the end of the year. There is currently a large amount of rental assistance available from the federal COVID relief bills. Nevada has access to an excess of 300 million dollars of rental assistance. It is currently going to tenants and landlords. In Southern Nevada, Clark County Social Services is administering the CHAP program which is processing the rental assistance applications. To date, they assisted over 25,000 households and have distributed over 82 million dollars in rental assistance and 21 million dollars in utility assistance. There are 10,000 applications waiting to be processed. Clark County has been working with a working group led by Justice Hardesty which includes the justice courts, Home Means Nevada, Legal Aid Center, and Clark County Social Services. Through the working group, Clark County Social Services has committed to process at least 500 tenant applications for rental assistance per week when the tenants find themselves in the court process. AB 486 was signed into law last week by the Governor and is effective immediately. The goal of the bill is to marry the eviction process with the rental assistance process. The concept of the bill relies heavily on the eviction mediation program already established under the Nevada Supreme Court. The working group and all the parties have come together to try to make it work. The goal of The Legal Aid Center is to reach out to the community and educate tenants about the need for them to file an answer with the court in response to an eviction notice if they receive one. They have had events at various community locations to assist tenants in filing their answers with the court, expanded the operation of Civil Law Self-Help Center at the courthouse and partnered with the Boyd School of Law in which law students assist tenants prepare their answer and file with the court. Clark County has also allocated some of the CARES Act money to rehousing and they are trying to beef up their ability to rehouse a tenant should a tenant be evicted. Also, in the legislature, the passage of AB 141 will automatically seal the eviction of a tenant if the eviction was for nonpayment and occurred during the COVID emergency.

Dr. Tiffany Tyler-Garner asked if there is currently a waitlist, what the average time for processing assistance is, or if there is a way of determining if there are some transition age system impacted youth that may find themselves in need of this assistance and if clinics can be provided to support them.

Jim Berchtold replied in Clark County there are 10,000 applications in the queue right now waiting to be processed. The wait time is not known. Clark County has hired 300 additional contract workers to process applications and they will be at full capacity at the end of the month. Outreach to transition age system youth has not been discussed, however they are trying to reach out to the community as much as possible.

Ross Armstrong commented as an agency works with families, when a notice of eviction is received, they will need to file an answer to trigger assistance. The Division keeps track of Children's Mobile Crisis line calls and financial issues such as housing accounts for 1 in 5 calls.

Jane Saint asked if there is a way to get numbers for the North and the rural areas.

Ross Armstrong stated statewide numbers can be brought to the next meeting.

9. For Information: Court-related Issues Regarding Cases Involving Children- Chief Justice James Hardesty
Chief Justice James Hardesty stated the weakness in Nevada in almost every area is the absence of a plan. By the time we are focusing on any kind of a plan, we are trying to deal with a crisis and there is no planning taking place. The hope for Chief Justice James Hardesty for the Commission when it began, what it was for by the Supreme Court, and remains today, is that a working plan can be identified. As an example, the legislature will be conducting a special session for the purpose of assessing an allocation of the American Rescue Plan dollars. The state will receive over 2.7 billion dollars. Chief Justice James Hardesty asked the Commission if they have a plan they could offer to the legislature which would put the importance of children before them and make it a priority. Chief Justice James Hardesty stated he did not think so, he does not like the fact we are not prepared to be able to advance that, and hopes it becomes a priority of the Commission. The workplan the Commission is working on should be further discussed and probably refined. It needs to be a priority and have more urgency. Chief Justice James Hardesty informed the Conference of Chief Justices Committee will be meeting on Monday. They will be discussing a national mental health task force update and a proposed resolution recommending the new child welfare mapping, national consortium. The program provides an opportunity to help expand on the Family First Prevention Services Act and creates funding opportunities to be able to address blueprinting for these challenges. Some guidance can come here if Nevada could become a consortium state. There could be some funding opportunities through the National Center and from the State Justice Institute to help support the kinds of research and efforts required, and data collection necessary for it to be accomplished. Chief Justice James Hardesty is happy to help the Commission and Chairs if there is an interest to seek participation in the blueprint if the resolution passes. Another item the Conference of Chief Justices Committee will be discussing is the Cady Initiative for Family Justice Reform. The initiative has created a tremendous educational program used by the National Center and National Conference, which includes areas of training judges and others could take advantage of. At the local level, in 2019 a study was conducted of the Family Division of the court system. The purpose of the study was to ascertain whether Nevada's family court system was meeting the legislative goals and objectives established when the family court system began. The report was published before the pandemic. The recommendations contained in the report were not able to be worked on due to the pandemic. Chief Justice James Hardesty's goal is to revisit the recommendations generated by the report and hopes the Commission will take the time to look at the report and the recommendations. There are a couple of recommendations in the report which provide great evidence of the inadequacies of facilities and resources in the family court area. It is important to take advantage of the contents of the report and help develop a statewide plan for purposes of expanding. In comparison with other jurisdictions, Nevada is deficient in resources and judicial resources. Another issue coming up in front of the Conference of Chief Justices Committee is the question of virtual advocacy in the family court system. The administrative docket petition to appoint a statewide commission to study and seek input on virtual hearings will be heard on June 28th. Chief Justice James Hardesty solicits the Commission's participation in the process as the continued use of virtual hearings in the family court and juvenile context is looked at. Legal Aid Center of Southern Nevada is in the

process of formulating a set of rules of professional conduct aimed at governing how lawyers represent children. A draft of the rules is expected to be available in the coming weeks. Chief Justice James Hardesty hopes the Commission would review the rules and offer input, suggestions, and comments concerning the suggestions made. Chief Justice James Hardesty informed when the Commission was formed, one of the requirements within the order establishing the Commission is the expectation of frequent reporting by the Commission of its work and activities, however it has not been fulfilled. Chief Justice James Hardesty requested the Commission's work activities and workplan be provided to the Supreme Court to improve the transparency and take advantage of the opportunity to promote goals and objectives with the rest of the legal community and various funding sources.

Ross Armstrong thanked Chief Justice James Hardesty. The workplan will be refined to include the American Rescue Plan with the understanding it is urgent before the legislature meets. Ross Armstrong asked if the report mentioned is on the Supreme Court website.

Chief Justice James Hardesty replied it is on the Supreme Court's website.

Ross Armstrong stated there is interest in being one of the consortia states for the group of the Conference of Chief Justices. As it moves forward, if there is anything needed from the Commission, Ross Armstrong asked Chief Justice James Hardesty to please let the Commission know.

Chief Justice James Hardesty stated he will learn more about it Monday. A tiered schedule will be developed which identifies the amounts set aside for consortium states. Chief Justice James Hardesty urges the Commission on getting a workplan together which addresses not only facility expansions but also the development of professional personnel. The sooner it can be compiled, the better off everyone will be. Chief Justice James Hardesty stated he is happy to work with the Commission to make it a priority with the legislature. Raising the awareness of the needs of the child welfare system is critical.

10. For Information: Statewide Court Order Implementation Update- Brigid Duffy and Justice Elissa Cadish Judge Rebecca Burton stated she met with Brigid Duffy and Justice Cadish to discuss the new juvenile dependency forms required to be implemented by January 1, 2022. They discussed technology. Judge Rebecca Burton stated they are trying to combine some of the systems. IT is developing a program called Orders in the Court and different programs are being pulled for further efficiency. The issue of the new development of the dependency orders is known and they are working on it.

Ross Armstrong stated the big update for the Commission is the forms have been approved.

Shannon Gildea stated anyone who would like access, the Court Improvement Program (CIP) can grant access. Please reach out to Shannon Gildea, Zaide Martinez or email cip@nvcourts.gov. The documents are in Word and can be modified once they are downloaded. At the CIP Select Meeting in July, they will be discussing how they can assist the Eighth Judicial District.

Judge Paige Dollinger stated in the Second Judicial District they have implemented the new template orders. Washoe County Human Services Agency has also updated their court reports to include the new findings and approved orders. If anyone has questions or would like to reach out to them, they are happy to help.

Ross Armstrong stated the forms will help improve the penetration rate and pull in more federal funding. It is great step forward.

11. For Information: COVID-19 Awareness

Ross Armstrong stated evictions, the surge in mental health needs, and the substantial surge of children in emergency room departments have been discussed. Chief Justice James Hardesty hit on the American Rescue Plan funding which has a substantial amount of money. The Governor has setup a portal for stakeholders and state agencies to submit priorities and identify what priorities in the federal guidance link up to the priorities for spending. Vax Nevada Days was announced this week.

12. For Information: Legislative Session Overview- Ross Armstrong

Ross Armstrong stated SB 274 builds a system for commercially sexually and exploited children. DCFS will be able to license receiving centers which will be an alternative to detention or foster care for victims. AB 426 included changes to 432B and other relevant child welfare laws to make things more efficient for families. SB 397 should be kept on the radar; it has tremendous potential impact if the financial resources can be obtained to do it right. There were changes to the current court jurisdiction program, to align with the requirements of the federal extended foster care program. It did not come with the actual needed state funding to implement federal extended foster care, however a budget enhancement unit will be created for decision next session. In children's mental health, effective next year all states are required to have the 9-8-8 phone number for behavioral health crisis response. The Division of Public and Behavioral Health has a task force working closely to figure out what the infrastructure needs to look like when the number gets implemented. In juvenile justice, there continues to be discussion around whether a young person should be served in the juvenile justice or the adult justice system. How the workplan looks towards racial and ethnic disparities, and mental health will be important. SB 108 requires law enforcement officials, attorneys, judges, and others who work with children in the justice system to have training on implicit bias and cultural competency. DCFS will oversee implementing the training requirements. In victim services, there is now statutory language which defines a Children's Advocacy Center. The Children's Advocacy Centers are a model for responding to severe cases of abuse and neglect and sexual abuse. The Pennington Foundation announced a multimillion-dollar grant to Elko County for the establishment of a Child Advocacy Center.

13. For Possible Action: Workplan- Justice Nancy Saitta, Justice Elissa Cadish, Ross Armstrong

Ross Armstrong stated the workplan was adjusted starting in July. The tasks from the administrative order which established the Commission include initiating reforms related to judicial practice, training development, technology and data sharing capability, public awareness, and challenges facing children and families. As Chief Justice James Hardesty noted, he would like to see the American Rescue Plan included. Based on the feedback received, the focus will be on racial and ethnic disparities and children's mental health over the next year. The targets under each of the tasks from the administrative docket focus on those items.

Dr. Tiffany Tyler-Garner asked if there is a formal process for integrating some of those priorities as they learn about the context of the work.

Ross Armstrong replied it is a great question. The workplan creates different committees and serves as the guard rails to ensure we do not try to become a Commission which is on all things, on all topics. The discussions today can be incorporated into the work of the committees as they work within the guard rails of the workplan. Ross Armstrong entertained a motion to adopt the workplan noting there will be an addition of specific planning around American Rescue plan funding to come.

Action: Megan Miller made a motion to adopt the workplan, seconded by Judge Mike Montero. The motion passed unanimously.

14. For Possible Action: Discuss and Decide Upon Next Steps - Justice Nancy Saitta

- Assign Tasks to Committee Members (if needed)
- Specify Agenda Items for the Next Meeting

- i. Ross Armstrong suggested talking about the report about the family division Chief Justice James Hardesty mentioned.
 - ii. Update on any information related to the American Rescue Plan funding, hear what local county governments and the state are doing.
- Confirm Next Meeting Date/Time
 - i. Friday, September 17, 2021 at 10:30 a.m.

15. Public Comment and Discussion:

Ross Armstrong thanked the presenters for making the meeting so rich. A lot of important topics were covered.

Dr. Jay Fisher stated whatever UMC can do to push the matter forward, please reach out to him.

Dr. Tiffany Tyler-Garner asked Dr. Jay Fisher if he can share the model not evolving that was established 25 years ago. It would be helpful to know if there are structural or policy barriers that preclude from evolving to the needs of the youth. It would also be helpful to have some context for the why of the increase in dual diagnosis and what areas of dual diagnosis, where they see comorbidity.

Dr. Jay Fisher stated their CEO has worked hard to take an older facility at UMC and adapt it to the new needs of the community, however it has been a challenge. In terms of the increased numbers in dual diagnosis, autism is a big component. It has to do with the population growth, complexity, and increased recognition of these problems. It is Dr. Jay Fisher's understanding; a lot of their insurance benefits are managed by some other component of the state government and one of the reasons why they are underserved.

Dr. Tiffany Tyler-Garner stated she hopes the group can have a longer conversation about the other systems implicated in it and to fold it into some of the workplan efforts.

Dr. Jay Fisher stated it is an honor to be on the meeting with the Commission. One of his partners, Dr. Norozian is also on the call. They live this each and every day at UMC. Dr. Fisher stated to please let them help the Commission.

Adjourn

A motion was made to adjourn by Megan Miller, seconded by Shannon Gildea, and carried to adjourn the meeting.

The meeting adjourned at 12:40 p.m.