

Joe Lombardo
Governor



Richard Whitley, MS
Director

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
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Cindy Pitlock, DNP
Administrator

Nevada Children's Commission Full Commission Draft Meeting Minutes

DATE: Friday, March 17, 2023

TIME: 10:30 A.M. - Adjournment

VIDEO CONFERENCE:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MGQ2Yjk3Y2UtY2E2My00NDAzLWI2YmUtYWQvYjFIZjg5NjRk%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22be58909a-421c-4f56-857e-c5f7d4ef6f7f%22%7d

TELECONFERENCE LINE: 775-321-6111

CONFERENCE ID: 467 567 730#

1. **Call to Order** – Justice Nancy Saitta, Justice Elissa Cadish, Dr. Cindy Pitlock
The meeting was called to order at 10:33 a.m. by Justice Nancy Saitta.

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

Members present by Video: Justice Nancy Saitta, Justice Elissa Cadish, Dr. Cindy Pitlock, Judge Sunny Bailey, Nancy Brune (joined after roll call), Brigid Duffy, Judge David Gibson, Zaide Martinez, Megan Miller, Judge Michael Montero, Kimberly Palma-Ortega, Shelia Parks, Senator Keith Pickard, Dr. Tiffany Tyler-Garner, Janice Wolf

Members Absent: Judge Paige Dollinger, Amber Howell, Dr. Jesus Jara, Assemblywoman Daniele Monroe-Moreno, Judge Egan Walker, Assemblyman Steve Yeager

DCFS Staff: Sharon Anderson, Elvira Saldana

Public: Linda Anderson, Gwynneth Smith, Hana Fahmi, Ron Murphy, Holly Welborn, Jane Saint, Kim Abbott, Jennifer Spencer

3. **Public Comment and Discussion**

There was no public comment.

4. **For Possible Action:** Meeting Minutes January 20, 2023- Justice Nancy Saitta
Justice Nancy Saitta asked if there were any additions or corrections.

No recommendations were made.

Action: A motion was made by Judge Michael Montero to approve the minutes, seconded by Keith Pickard, and carried to approve the minutes of January 20, 2023.

5. **For Information:** Juvenile Justice Youth with Mental Health Needs and Length of Stay Project Update-Sharon Anderson, Division of Child and Family Services

- Provide an update on juvenile justice youth with mental health needs
- Provide an update on the length of stay project in youth correctional facilities

Sharon Anderson stated they are seeing an increase in acuity of the committed juvenile justice youth. They are youth who need intensive mental health services and have been assessed as needing a higher level of care. They are not appropriate for the state juvenile justice facilities. There are several barriers to getting youth what they need. There is a lack of community-based resources, residential treatment placement options, step up and step-down placement options, specialized foster homes, and programs which work with youth who are involved in the juvenile justice system. There have been some successes with managing the youth who have been committed to DCFS. DCFS has seen a significant amount of youth who are diverted and placed at the Desert Willow Treatment Center or at one of their PRTFs. The psychiatrists over the programs have begun interviewing the youth prior to making the decision to accept or deny the youth. The biggest challenge lies with the youth who are not accepted to any state facilities or out of state. The Division is working on growing their workforce and is partnering with local colleges for internships. The Division is also working with the Skillbridge program. The Skillbridge program is an opportunity for active service members to gain valuable civilian work experience through different areas of interest. They get to serve as interns during the last 180 days of their service.

Justice Nancy Saitta asked what the current length of stay is for kids out of state in out of state placement.

Sharon Anderson stated she does not have the information; however, she can look into it and provide it.

Justice Nancy Saitta asked Judge David Gibson if he had an answer.

Judge David Gibson stated he does not have an answer. Anecdotally, Judge David Gibson has seen it be at least 6 months to 1 year, however, has seen kids be out for longer. The findings for commitment are services do not exist in the community or have already been utilized. They have heard there are not sufficient residential treatment centers in Nevada. When they do try to send dual involved youth out of state they are rejected. Judge David Gibson asked how they can get more and better services in the communities in Nevada, so they do not have to send them out of state. They need to figure out a way to get providers in the state to be willing to work with the youth. From the Eighth Judicial District's experience with the facility in Hawthorne, all but 1 youth has been rejected.

Justice Nancy Saitta stated she thinks the answer is what it is going to take to find out why it is happening. Justice Nancy Saitta asked Judge David Gibson if he would join Justice Nancy Saitta in tackling the issue.

Judge David Gibson stated he supports Justice Nancy Saitta.

Justice Nancy Saitta asked how much longer they will hear the same problem. Justice Nancy Saitta suggested any of the subject matter experts interested to get together, start talking and figure it out. Justice Nancy Saitta stated she would like to convene something before the next meeting with Judge David Gibson.

Sharon Anderson commented that Judge David Gibson reiterated finely what the issue is. Sharon Anderson stated she is grateful for having the opportunity to share from the Division's perspective.

Justice Nancy Saitta stated she would follow up with Judge David Gibson after the meeting. Justice Saitta stated Kimberly Palma-Ortega commented "count me in" and Kim Abbott commented "happy to be part of that work discussion" in the meeting chat.

Dr. Cindy Pitlock stated Medicaid gathered data on length of stay for youth who are in Psychiatric Residential Treatment Facilities (PRTF) and residential treatment, and they found Medicaid youth stay on average out of state at least an additional 30 days than youth who are placed in state. A lot of the youth out of state are at Texas Neuro or similar places which have services the state does not have.

Justice Elissa Cadish asked if they had to apply for some sort of licensing from the state to have the facility and does the application process not require them to say what type of youth they intend to accept and treat, and are they doing something inconsistent with what they represented in the application.

Dr. Cindy Pitlock stated being a private entity they can pick and choose who they feel is appropriate for their therapeutic milieu based on their staffing and appropriateness for the milieu. They are accepting youth appropriate for PRFT services who have the assessment which justifies the level of need.

Justice Elissa Cadish asked to get licensed as a facility if they do not necessarily need to be that specific about exactly what type of circumstances are or are not acceptable to them.

Dr. Cindy Pitlock acknowledged with a nod and stated she agreed.

Janice Wolf echoed what Judge David Gibson and Dr. Pitlock said about their experience with the Aurora facility. Their clients with mental and behavioral health disabilities have gone to the facility, were rejected within 3 days of arrival, and the police were called. In general, from their experience with clients with disabilities, any time there is a disruption or rejection it goes onto the child. It goes onto their record, therefore the next time a new placement is needed the child gets rejected based on history. To some extent, the placing of inappropriate facilities is going to force their hands. The state was the subject of a Department of Justice investigation into the inappropriate use of residential facilities and the lack of community-based facilities. Janice Wolf stated it is a wonderful idea to convene the group Justice Saitta talked about to get ahead of the Department of Justice investigation. Another issue is the Medicaid reimbursement which limits the ability to attract services to the community. Janice Wolf offered any resources the Children's Attorneys Project has to the effort to bring change to the situation.

Keith Pickard stated in the 2019 session they discussed the limitations on the facilities that were available. The common comment they received was it was impossible to get the licensing required to open a facility. Keith Pickard's recollection is it took 5 to 6 years minimum to license a facility.

There has not been someone in the legislature in a position to look at it holistically to address the licensing regulations and funding for facilities. The holistic approach is what needs to be done.

Justice Nancy Saitta asked who the people in the legislature are who get money, i.e., gaming, mining, and if they have a holistic approach.

Keith Pickard stated they do not get the money; they are paying it. The question is, should they be paying more. The majority leadership needs to be on board and to get them to say it is a priority. They need to then work with their committee chairs to say they need to address the licensing regulations for facilities, licensing regulations for professionals coming in, and the Capital Improvement Projects (CIP) funding for facilities. There are different avenues, however it starts with the legislative leadership. They need to find someone to get them on board and get this as a priority.

Justice Nancy Saitta rephrased her question. The more appropriate question is who has the ear of the people who can make those types of decisions.

Dr. Cindy Pitlock stated other industries get incentivized to come. Dr. Cindy Pitlock asked why they are not doubling down on incentivizing some other areas.

Keith Pickard stated Dr. Cindy Pitlock raised an excellent point. In one of the legislative sessions, they talked about how the providers have difficulty getting licensed. It is an immediate obstacle for the providers and part of the problem. Keith Pickard suggested convincing the private sector to fund capital improvement, for example, like what they see with the charter schools. They do not receive any CIP dollars; they go out and get private funding for their facilities and it is paid over time. That may work. Creating a mechanism for an expedited review for facilities to get up and running immediately would take a legislative change. Keith Pickard believes Governor Joe Lombardo would be on board with it. They need to start by getting the legislative leaders to recognize it is a priority and impacting the future of the state.

Justice Nancy Saitta stated she would get on it.

Justice Elissa Cadish stated these are the sort of things that affect kids across the board and the Commission membership. It is good to have the conversation, however, it must go beyond the members talking to each other to solve the problem.

Kim Abbott stated when their group in Clark County began advocating around the children's mental health crisis, the crisis of Oasis possibly closing is what brought them together. One of the solutions that came out of the discussions with the state was a deal was made to lease two buildings the state kept control of, to the county to use and repurpose for other things. One of the buildings ended up being repurposed as an intermediate care facility (ICF) specifically for youth with intellectual and developmental disabilities. The project was made possible by ARPA dollars, which were used to stand it up and fund it initially. The county contracted with Silver State. It has been one of the most positive things they have been able to do collaboratively. The six youth in the program are doing amazingly well. Ways to replicate and build other similar specific programs must be figured out.

Gwynneth Smith stated many of the kids were dually involved and neither system was able to stabilize them. There can be a feeling of despair sometimes with some of the cases that it is

impossible to stabilize and serve them. The ICF demonstrates it is not the case. When there is an appropriate setting with the appropriate level of services, the children can be safely stabilized. It can be done; they just have to overcome the barriers everyone has mentioned.

Justice Nancy Saitta stated they will call them bumps instead of barriers. Justice Nancy stated Gwynneth Smith and Kim Abbott have encouraged her to think they may be onto something and suggested moving ahead.

6. For Information: Overview of Children’s Mental Health and Specialized Foster Care- Dr. Cindy Pitlock

- Provide an overview of current projects

Dr. Cindy Pitlock stated going into December 31, 2022, there were some specialized foster entities which were not going to renew their contracts with the Division due to rates not being conducive to them. Through ARPA funding for Clark and Washoe County and an internal funds transfer, the Division was able to increase the specialized foster rates by \$20 a day. In the budgeting process, noting the foster rates across the board had not been raised since 2008, a contractor was engaged to evaluate all foster rates and provide recommendations. The recommendations have been included in the proposed budget. If the budget is passed, the new rates will be effective July 1st. Another win is the Request for Proposal for the care management entity is now live. It is for the community-based services which were awarded through ARPA for wraparound and intensive care coordination, emergency and planned respite, intensive in home services, and peer support. The Division anticipates a contract start to the awarded entity the middle of July. It will help build out the community-based services. Part of the contract is for the entity to provide robust data on youth being served, the levels of need, assessment levels, and step-down opportunities.

7. For Information: Specialized Foster Care Listening Session Update- Dr. Cindy Pitlock

- Provide an update on the listening session regarding specialized foster care

Dr. Cindy Pitlock stated at the last meeting the increase in specialized foster rates was discussed and what the barriers were to get to yes. It was agreed Dr. Cindy Pitlock would have a listening session and report to the group. On February 2nd a great listening session took place with FFTA to discuss regulations which may be considered overburdensome for families who wish to participate in providing specialized foster services. The goal they all had was to determine what were unreasonable barriers, how to break them down, normalize the process of foster care and family environment while not jeopardizing the safety of the youth and families. A list was created of items the group could get a movement on. The next step will be to meet with Washoe County, Clark County, and the rurals to determine what they can all agree on. It was brought to the Division’s attention that a lot of families do not philosophically align with the flu shot requirement for everyone in the home or medical reasons someone cannot receive the flu shot. Dr. Cindy Pitlock waived the flu vaccine requirement with the exception of youth who are considered medically fragile. Hopefully it will move along some of the families who wish to foster youth. Clark County has stepped up their recruitment efforts.

Justice Nancy Saitta asked if there were any questions.

There were no questions from the Commission members.

Dr. Cindy Pitlock stated the safety of youth will not be compromised, however there are some things in the regulations which are overly burdensome. All the jurisdictions are coming together, and they are excited to do so.

Justice Nancy Saitta asked Dr. Pitlock if she heard a sense of optimism.

Dr. Cindy Pitlock stated yes, the 22.9 million in the community-based services array is a huge infusion. The entity, whomever it is, will be tasked with helping build out provider capacity and build out the network. There were many who worked hard on the project, and they are seeing it hitting the streets.

Justice Nancy Saitta asked if there were any other questions.

There were no questions from Commission members.

8. For Information: Legislative Session Overview- Dr. Cindy Pitlock, Justice Nancy Saitta, Justice Elissa Cadish

- Review bills the Division of Child and Family Services is tracking
- Provide an update on the Children's Commission Bill Draft Request (BDR)

Justice Nancy Saitta stated AB 492 has moved into the Speaker's bill draft queue. Justice Elissa Cadish and Justice Nancy Saitta have had conversations with the Speaker over the last couple of months. Now that it is in the queue, Justice Nancy Saitta asked Commission members to watch when the draft comes out. The goal is to create the Commission as the umbrella organization. They do not intend to disengage any current working/functioning subcommittees, task forces, or the like. The bill draft, if it goes like they anticipate, will put the Juvenile Justice Oversight Commission (JJOC) under the umbrella of the Children's Commission. The JJOC will maintain its complete autonomy, statutory directive. It is designed to be a well-balanced 3 branch entity being informed by every constituency that deals with children and families, including the juvenile justice arm.

Dr. Cindy Pitlock stated she wants to ensure there is clarity when the session is discussed, and bills are reviewed since she represents the Executive Branch of government, and she does not provide opinions on bills. Dr. Cindy Pitlock stated there is a big focus on CSEC and human trafficking. Other bills on Dr. Cindy Pitlock's radar are SB 263, AB 113, AB 114, and AB 183. Dr. Cindy Pitlock asked the Co-Chairs how much discussion they would like for there to be on the individual bills.

Justice Elissa Cadish stated if there are major issues before the legislature as it relates to the Commission's areas of interest, maybe highlights can be provided or ask if anyone has questions.

Brigid Duffy stated she can provide a few areas of interest. As Dr. Cindy Pitlock mentioned there are a couple of bills from the statewide CSEC Coalition which have been heard. They involve mandatory training, statutorily required Mandatory Disciplinary Teams (MDTs), and screening tools to be used in child welfare and juvenile justice. The bills are pending work sessions. There are some education bills which Brigid Duffy believes will have some serious impact on children. Two were heard yesterday where they are going back into 2019 and changing the restorative justice practices which have been put in place, not yet implemented in Clark County. There is a little bit of concern since it would allow for permanent expulsion of elementary aged students for certain behaviors. There are no alternative or behavioral schools for elementary students. Several representatives of the Children's Advocacy Alliance and the Coalition of Legal Service providers

testified in opposition to the bills. In juvenile justice, there is a deception bill which would not allow police to use deception in interrogation practices for juveniles. There is also a bill coming out which will impact community service with regard to kids. If anyone is interested in the bill numbers, Commission members can email Brigid Duffy.

Justice Nancy Saitta asked Brigid Duffy to send a list of bill numbers to Elvira Saldana.

Dr. Cindy Pitlock stated she can send a list of bills DCFS is watching and monitoring.

Brigid Duffy stated there was a bill heard earlier in the week which would expand adoption subsidies to children who are still in high school. There were very few people from the committee who showed up to support the CSEC bills.

Justice Nancy Saitta stated it is important to communicate with the representatives and not wait until the day the bill is set for a hearing. Justice Nancy Saitta encouraged Commission members not to follow what Brigid Duffy described relating to CSEC.

9. For Information: Court Improvement Program Update- Zaide Martinez

- Provide updates on the Court Improvement Program
Justice Nancy Saitta stated she would like to make a note regarding Senator Keith Pickard talking about CIP repeatedly. It is not the court improvement. It is capital improvement.

Zaide Martinez reported listening sessions were hosted for Nevada dependency stakeholders. In the listening sessions, the dependency stakeholders are helping identify priority measures for quality hearings and representation which will flow in and complement their JCAMP efforts. It will allow them to measure their practice over time. The Court Improvement Program awarded 7 Community Improvement Councils (CICs) Timely Permanency and Termination of Parental Rights subgrants. The funds must be spent by September 30, 2023. They also sponsored a Race and Equity virtual training series held by the National Association of Counsel for Children March 1-3, 2023. The Court Improvement Program is working on the Juvenile Dependency Mediation Program's annual training. The Court Improvement Program Legislative Subcommittee's bill, AB 148 was introduced on February 13th. It is scheduled to be heard March 21st. Assemblywoman Marzola graciously agreed to sponsor the bill for them. There were some amendments to reflect the language the committee agreed on. The bill is intended to add provisions to clarify procedures for the appointment of Guardians Ad Litem for incapacitated parents and minor parents in child welfare and related to termination of parental rights. It also adds provisions for the admission of children in child welfare cases and facilities and to qualified residential treatment programs for children in child welfare cases. It changes the term "master" to magistrate. They believe they will be finished amending the bill today. Zaide Martinez asked for the Commission's support on Tuesday, March 21st at 8:00 a.m.

Justice Nancy Saitta asked Zaide Martinez if there is any other way the Children's Commission can help support.

Zaide Martinez stated probably just listening in or attending the hearing.

Justice Nancy Saitta stated she will make it a point to sign on to the hearing.

Justice Elissa Cadish asked if the folks who were involved in the drafting are planning to attend and present.

Zaide Martinez stated she believes so, Buffy Okuma for sure. Zaide Martinez is hoping the workgroup lead and the Chair will attend.

Justice Elissa Cadish stated she would not be able attend the hearing.

Justice Nancy Saitta stated she would attend virtually.

Dr. Cindy Pitlock stated for the group's general awareness, if they wish to support or not support a bill, written comments can be submitted to the legislature. The legislators read all the comments.

Senator Keith Pickard stated the comments on the legislative website are reviewed, however usually committee staff are going to look at them more than the legislators. The legislators will look at the statistics, how many for and how many against. Senator Keith Pickard advised Commission members to not think it is a good replacement/substitute for in person testimony. If anyone is employed by a state agency or agency that does not have anything other than a neutral position, people are still allowed to express their personal opinions as long as they make it clear from the start, they are not representing anyone but themselves. In person testimony is the most powerful.

10. For Information: Updates from Committees

- Behavioral Health Committee- Gwynneth Smith

Gwynneth Smith stated the committee had a meeting on February 28th and all members were in attendance. The experts from DCFS and Clark County involved in the UNITY upgrade process were invited to present on the process. The committee wants the ability to give feedback as they are in the early stages of developing the upgrade. The committee would like to contribute some of their requests and needs for data tracking related to behavioral health. Tracey Reuck and Holly Vetter presented what the vision of the UNITY upgrade will be. Although the timeline will be 4 to 5 years, it is an opportunity for the Commission and the committees to contribute to the process. A commitment was obtained that tracking behavioral health variables will be a priority. If any of the Commission members have questions relating to data on the child welfare population, Gwynneth Smith is happy to be the conduit to the two great resources the committee has. The behavioral health committee will be one of the stakeholders the UNITY upgrade group will be engaging with when they conduct the needs analysis. Other committees may also want to engage in the process.

Justice Nancy Saitta thanked the behavioral health committee members for being proactive and being engaged.

- Child Welfare Committee- Megan Miller

Megan Miller stated the last committee meeting took place before the last full Commission meeting, with a focus on placement. The Clark County placement team participated. The UNITY system has been a frequent topic of the committee's conversations. Going forward, the committee will be happy to start participating in the discussions.

- Education Committee- Janice Wolf

Justice Elissa Cadish reported Janice Wolf informed through the chat she had to leave the meeting and would provide a written report.

11. For Possible Action: Discuss and Decide Upon Next Steps– Justice Nancy Saitta

- Assign Tasks to Committee Members (if needed)
Tasks were not assigned.
- Specify Agenda Items for the Next Meeting
No recommendations were made.
- Confirm Next Meeting Date/Time
 - i. Friday, June 16, 2023 at 10:30 a.m.

12. Public Comment and Discussion

There was no public comment.

13. Adjourn

The meeting adjourned at 12:14 p.m.

DRAFT