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DEPARTMENT OF HEALTH AND HUMAN SERVICES

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Cindy Pitlock, DNP
Administrator

Nevada Children's Commission Full Commission Draft Meeting Minutes

DATE: Friday, June 16, 2023

TIME: 10:30 A.M. - Adjournment

VIDEO CONFERENCE:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YmZkNWQ3YzAtN2NiNy00NGI0LTllYzMtNDQ1OWZhOTI3N2Y2%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: 949 094 821#

1. **Call to Order** – Justice Nancy Saitta, Justice Elissa Cadish, Dr. Cindy Pitlock
The meeting was called to order at 10:31 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, Nancy Brune (joined after roll call), Judge Paige Dollinger (joined after roll call), Brigid Duffy, Judge David Gibson, Ryan Gustafson (for Amber Howell), Zaide Martinez, Megan Miller, Judge Michael Montero, Shelia Parks, Dr. Tiffany Tyler-Garner, Janice Wolf

Members Absent: Judge Sunny Bailey, Dr. Jesus Jara, Assemblywoman Daniele Monroe-Moreno, Assemblywoman Erica Mosca, Kimberly Palma-Ortega, Senator Keith Pickard, Judge Egan Walker

DCFS Staff: Dr. Kathryn Roose (contractor), Kathryn Martin, Elvira Saldana

Public: Holly Welborn, John McCormick, Gwynneth Smith, Jane Saint, Liz Florez, Kim Abbott, Carissa Pearce, Linda Anderson, Jennifer Spencer

3. **Public Comment and Discussion**

Jane Saint stated she is from Nevada CASA Association.

Liz Florez stated she is the Director of Washoe County Juvenile Services.

John McCormick stated he is the Assistant Court Administrator at the Administrative Office of the Courts.

Gwynneth Smith stated she is a Clark County District Attorney and Chair of the Behavioral Health subcommittee.

Holly Welborn stated she is the Executive Director of the Children's Advocacy Alliance.

Kim Abbott stated she is with the Children's Attorneys Project and member of the Behavioral Health subcommittee.

Dr. Kathryn Roose stated she is a contractor at DCFS.

Linda Anderson stated she is with the Nevada Public Health Foundation.

4. **For Possible Action:** Meeting Minutes March 17, 2023 – Justice Nancy Saitta
Justice Elissa Cadish asked if there was any input or corrections on the minutes.

No recommendations were made.

Action: A motion was made by Dr. Cindy Pitlock to approve the minutes, seconded by Brigid Duffy, and carried to approve the minutes of March 17, 2023.

5. **For Information:** Legislative Session Update – Dr. Kathryn Roose, DCFS Contractor; Holly Welborn, Children's Advocacy Alliance of Nevada; Zaide Martinez and John McCormick, Nevada Supreme Court- Administrative Office of the Courts

- Provide an update on legislative session bills

Dr. Kathryn Roose stated Assembly Bill 68 revises the way China Spring and Aurora Pine are funded. Previously the funding was an assessment on all the counties except Clark County and it was based entirely on the student population of the county. The new funding formula is one half is based on the student population of the county and the other half is based on bed days. Dr. Kathryn Roose asked Liz Florez if she would like to add anything.

Liz Florez confirmed there was a working group with NACOs coordination where all the counties were provided an opportunity to bring forward their voice. It was a fairly democratic process where all parties weighed in and agreed upon by all, to be the fairest option.

Dr. Kathryn Roose stated there were two bills this session relating to Qualified Residential Treatment Programs (QRTPs). Assembly Bill 136 was to set up the licensing structure under Child Care Licensing. It requires operators of QRTPs to obtain a license from Child Care Licensing. It will allow Nevada to receive federal reimbursement for a portion of the cost of placing children in QRTPs. Assembly Bill 148 is the other bill relating to QRTPs. It adopts the federal definition of a QRTP, and it outlines the court review process for the appropriateness for placement in a QRTP. It is all required within the federal guidelines around QRTP placement and reimbursement with federal funds. John McCormick will go into more detail.

John McCormick stated Assembly Bill 148 is the bill that came out of their CIP Select Committee Legislative Subcommittee. In its initial version, it changed the statutory term "master" for an appointed judicial officer to "magistrate." It was removed due to there being concerns brought up by several judicial districts regarding potential confusion due to magistrate being a common term in the criminal chapters. They were unable to land on a term amenable to all parties. The sections were amended, and they committed to get a better group together in the

next interim to come up with a better term. The bill adopts the definition of QRTP, sets up a procedure that a guardian ad litem can be appointed in certain cases, and sets up a procedure for emergency and long-term admission of children in mental health crisis in facilities. John McCormick asked Gwynneth Smith if she would like to comment on the locked facility aspect.

Gwynneth Smith stated for those who work with this statutory section in child welfare, the main thing to understand is it seeks to maintain what was already in the statute, the basic process, the protections for children, and the court oversight. One of the main things they did was break out the process for the emergency admissions. There were also other minor revisions made such as expanding the definition of professionals who can opine on a level of care for a child to include psychiatric nurse practitioners. Gwynneth Smith stated she is grateful to her colleagues across the state for the work on the bill.

John McCormick stated the specific NCRP provisions are rule 16.23 and rule 17.

Judge David Gibson stated the concern that came up is the guardian ad litem not being able to either relinquish on behalf or consent to adoption. The question that came up is if they can try a person who is incapacitated under the definitions; and if not, if they are denying permanency for the child.

John McCormick stated he is not well versed enough in this issue to answer, however he would be happy to reach out to Buffy Okuma. During the subcommittee discussions on the bill, there was a concern since the guardian ad litem is not quite to the same extent as a 159 guardian that they could not have the individual relinquishing rights on behalf of the person.

Judge David Gibson stated he understands the worry about having the guardian ad litem sign off on it. It has been routinely done in the past in some of these specific cases. Judge David Gibson would like to see how it touches the past cases and what the opinion is on whether they can try them or not.

Brigid Duffy stated they have case law on point on that very issue and would be happy to share it with Judge David Gibson. It came out of their jurisdiction regarding incompetency, parents, and TPR. Magistrate Okezie and Kelly from the Carson District Attorney's office put a lot of effort into tackling the "master" issue. Brigid Duffy stated when they talk about getting a better group of people to take on the issue, she hopes it will be judicial leadership.

John McCormick stated in his discussions with various parties everyone acknowledged that "master" is not an appropriate term. John McCormick's intent over the interim is to get judges to tell him what term they will accept.

Brigid Duffy stated if that is who derailed the bill because they did not like the term, then they need to come up with the appropriate term.

Judge David Gibson stated the judges in the Eighth Judicial District were talking about what the word should be and there were different opinions.

Brigid Duffy stated it needs to be changed statutorily.

Judge David Gibson stated they all agreed "master" was bad.

Brigid Duffy stated in her opinion since it is the judicial term, the judges need to figure it out.

John McCormick stated hopefully they will be able to come up with something that is minimally viable for everybody for the next session.

Justice Nancy Saitta requested Justice Elissa Cadish join her to present an ask for it to be placed on the agenda of one of the judicial meetings. Justice Nancy Saitta asked Elvira Saldana to request the Administrative Office of the Courts allow them to make a presentation.

John McCormick stated he could reach out to the Presidents of both associations to make sure it remains on their radar.

Dr. Kathryn Roose stated they appreciate the group who worked on the bill.

John McCormick stated Ms. Martinez and he met with the Chair of the Assembly Committee on Ways and Means and raised the issue of the need for the QRTP to continue to be in federal compliance.

Dr. Kathryn Roose stated AB 183 relates to screening for commercial sexual exploitation of children. It requires certain entities to screen for commercial sexual exploitation including state and local detention facilities and facilities for treatment and rehabilitation. It requires reporting to child welfare agencies if there is a suspicion of sexual exploitation based on the screening and requires child welfare agencies to act upon the reports. The screening tool must be reliable and valid. Dr. Kathryn Roose asked Brigid Duffy if she would like to add anything.

Brigid Duffy stated this was one of two bills. The other one did not get a hearing. There were concerns with training people and multidisciplinary teams being in statute.

Dr. Kathryn Roose stated AB 193 has not been signed yet. It prohibits a peace officer or other person authorized to conduct a custodial interrogation of a child from knowingly making false statements about evidence or making certain or implied promises of leniency to get certain information out of the child. The bill also creates a presumption that statements made by a child in violation of the bill are involuntary and inadmissible in a proceeding. There is an exemption for situations in which the peace officer or other person conducting an interrogation reasonably believes that the information they are seeking is necessary to protect life or property from imminent threat, and the questions using false statements or promises of leniency are reasonably necessary to obtain information related to the imminent threat. This bill is on the Governor's desk. Dr. Kathryn Roose asked if anyone had anything to say about the bill.

John McCormick stated it was a fascinating hearing to watch. The bill was delivered May 31st, according to LCB, and technically according to the constitution it should be law. If a bill is delivered during the session, the Governor has 5 days to sign it, not including the day of delivery or Sundays.

Dr. Kathryn Roose thanked John McCormick for the information. AB 201 has not been signed yet. It would require the Department of Health and Human Services (DHHS) to track spending of federal and state money on children's behavioral health System of Care, use a method to quantify and track costs avoided through these expenditures, and make recommendations concerning the

reinvestment of the money saved. It also requires the regional behavioral health policy boards to advise DCFS on children's behavioral health and the policy boards and children's mental health consortia submit annual reports to DPBH and DCFS. Dr. Kathryn Roose asked if there were any questions or comments on the bill.

There were no questions or comments.

Dr. Kathryn Roose stated another bill not signed is AB 255. It relates to adoption subsidies. When a child is adopted, a subsidy can be received from the state to support the child. Currently, adoption subsidies end when the child reaches age 18, becomes self-supporting, is emancipated, or dies. This bill would change the age to 19 if the child is enrolled in school or when the child graduates from high school if they are 18 years old. Dr. Kathryn Roose asked if there were any comments on the bill.

There were no comments.

Dr. Kathryn Roose stated another bill on the Governor's desk is AB 389. It relates to Medicaid for incarcerated persons. Current law requires DHHS to authorize enrollment in Medicaid for an incarcerated person up to 6 months before they are scheduled to be released and is effective immediately upon release. The bill requires Medicaid to apply for a waiver to provide coverage for certain services for incarcerated youth and adults with certain health conditions for not more than 90 days before their scheduled release date. The services include case management, consultations, labs, radiology, prescriptions including a medication assisted treatment, and the services of a community health worker. All youth under the age of 18 would be eligible. In addition, anyone diagnosed with a mental illness, substance use disorder, chronic disease, intellectual disability, developmental disability, traumatic brain injury, HIV, pregnant or postpartum would be eligible. AB 444, the Indian Child Welfare Act (ICWA) bill has been signed by the Governor. The bill requires biennial reporting on ICWA cases (number, duration in custody, foster care placements with Native and non-Native families, adoptions, availability of tribal foster families). SB 8 was DCFS's only bill. It authorizes DCFS to employ a category II peace officer to serve as the Division's Prison Rape Elimination Act (PREA) Investigator. DCFS tried to bring the bill forward in the last legislative session and it did not get a hearing. SB 380 builds on AB 150 from 2019 and SB 397 in 2021, laying the foundation for Nevada to opt into the federal extended foster care program. This bill pushes out the implementation date from January 1, 2024, to July 1, 2025, to give the state more time to make sure everything is in place to submit a plan to the federal government and to get approval to implement.

Dr. Cindy Pitlock thanked Dr. Kathryn Roose for keeping track of the bills for the Division throughout the legislative session.

Holly Welborn, Executive Director of the Children's Advocacy Alliance (CAA), stated CAA is an independent voice for Nevada's children. They receive funding from foundation grants and private donations. They do not accept government funds. They build consensus around priorities and leverage their collective strength to advance real changes in policy and practice, and to ensure that every child has a chance to thrive. Their areas of focus are health, child education, child safety, and economic well-being. In the area of health, one of the major bills CAA focused on this legislative session was the expansion of Medicaid coverage from 60 days to 12 months for postpartum healthcare (Senate Bill 232). CAA supported the budget line item in the Governor's budget that expanded eligibility to pregnant persons from 138% of the Federal

Poverty Level to 200%. AB 137 was a priority in the areas of safety, child welfare and juvenile justice. It changes the definition of fetal alcohol syndrome to fetal alcohol spectrum disorder. Based on the definition, it places it in a behavioral health category which will help children suffering from fetal alcohol spectrum disorder access more services and more appropriate care. CAA followed DCFS budget line 3250 to maintain the pandemic-era investments in the Transition from Foster Care budget account. CAA has a lot of focus and emphasis in the early childhood space. AB 113 was a bill which would have established the Governor's Office of Early Childhood Systems; however, it did not pass. They will be spending time during the next interim educating on the importance of establishing a permanent office. AB 114 passed. It expands and diversifies the Early Childhood Advisory Council. The council currently is very early childhood focused. With the passage of the bill, it brings more parents, those impacted by the early childhood systems, mental health professionals, and the full spectrum of service providers who work within Nevada's early childhood systems. Two bills CAA opposed were AB 285 and AB 330. Some child mental health bills were SB 435, AB 445, and AB 265. SB 435 was signed and will allow to use money generated assessments imposed on hospitals to provide additional behavioral health services for Medicaid recipients. AB 445 did not make it out of the second money committee. It would have provided tax abatements to attract more private service providers to create more community-based services. AB 265, the statewide mental health consortium bill, discussed earlier was vetoed. In the area of childcare, SB 278 did not make it out of the second money committee. It was a tax abatement bill. Childcare funds were switched from Temporary Assistance for Needy Families (TANF) into the Child Care Development Fund (CCDF). There were no new investments in childcare. In the area of juvenile justice, CAA kept a close eye on and supported AB 193. CAA will release a legislative report. The Kids Count Data Book has been released. A Kids Count rural tour will be conducted to educate people and receive feedback on children's issues. CAA will also monitor the implementation of bills and regulatory advocacy.

Justice Cadish asked if there were any questions, comments, or follow up on any of the legislative session presentations.

Brigid Duffy commented there are two education bills (285 and 330) and recommends the education committee get on top of those. Brigid Duffy thinks they will have a significant impact on jurisdictions. There is some data collection in the bills. The education committee should be asking for the data, studying it, and seeing how it impacts kids.

Janice Wolf stated she is on it and agrees. One of the things the education committee would like to focus on is the school to delinquency pipeline. The education committee will be prepared to take it on.

Brigid Duffy stated AB 113, the early childhood systems bill, did not pass. There was testimony on the two school discipline bills with the teachers wanting to talk about the monster elementary school kids who are 6 and 7 years old, their behaviors, and them being able to be kicked out of school. If they can get in early, intervene early, and get the kids services early they may be able to maintain going to school. A conversation is needed to say it will prevent the monster elementary students if early childhood services are provided earlier.

Justice Elissa Cadish asked if anyone else wished to comment on the legislative session issues.

There were no comments.

Justice Elissa Cadish asked Elvira Saldana if she made a note of the request for the education committee.

Elvira Saldana stated she did and noted Judge Dollinger joined after roll call and Nancy Brune as well, by phone.

Justice Elissa Cadish informed Justice Nancy Saitta had to leave the meeting.

Kim Abbott commented there was a bill through ADSD, where they were able to secure authority to use any unspent ARPA funds and other federal grants to launch a pilot program to bring additional treatment modalities for FASD the state does not have. It is going to be modeled after the program ADSD has through ATAP. The behavioral health committee has talked about the unmet needs of FASD kids. Kim Abbott stated she thinks it is important to note for the Commission since it has huge potential to serve the unmet needs for families with children with FASD.

Justice Elissa Cadish stated the Commission had some discussion about the bill that was proposed creating by the legislature a Children's Commission. The bill did not move forward, however, an issue the Commission can continue to talk about is streamlining the various committees and commissions that exist.

Janice Wolf commented she will ask the education committee to look into the intersection of federal law of the two education bills.

6. For Information: Court Improvement Program Update – Zaide Martinez

- Provide updates on the Court Improvement Program

Zaide Martinez stated the Court Improvement Program (CIP) has been working on AB 148 with the CIP legislative subcommittee. CIP has been working on the judicial court and attorney measures of performance which is JCAMP. They have developed a leadership team and are now meeting regularly. They have moved to the data portion of data collection method so they can identify priority measures and how the data can be collected. JCAMP is a measurement tool the Children's Bureau and the ABA center have requested the dependency systems across the state use to measure their progress. CIP applied to be an implementation site and they have been receiving technical assistance from the Children's Bureau and ABA. CIP consistently meets with the 11 judicial districts across the state. In the meetings they work on local barriers in their jurisdiction and the action plan they developed in their annual community improvement council. CIP is there to assist them with any questions or resources they need. The juvenile dependency mediation training for mediators was held on May 19th. Currently, CIP is working on the annual self-assessment which is due June 30th. CIP is also working on the annual Community Improvement Council where all the 11 judicial district CIC teams meet, collaborate, and learn about new methods, practices, and evidence-based approaches to improve dependency.

Justice Elissa Cadish asked if there were any questions.

There were no questions.

7. For Information: Updates from Committees

- Behavioral Health Committee- Gwynneth Smith

Gwynneth Smith stated the behavioral health committee met on May 17th. All committee members were present as well as the Children's Advocacy Alliance. Raise the Future presented on Trust Based Relational Intervention (TBRI). It is an intervention which focuses on the relationship between children who have experienced trauma and their caregivers and efforts to establish a healthy, safe relationship and maintain children in safe, permanent placements. Meghan Vargo and Gena Segno from Raise the Future provided a brief presentation on what the intervention is. An important part of the intervention is it is focused more on caregivers and educating caregivers around what trauma looks like. There is a big focus on Adverse Childhood Experiences (ACES) and educating caregivers about the impact on the children and how it affects the child's behavior. A unique aspect of the intervention in Clark County is there is an in-home coaching component after the caregiver training. The intervention also focuses on helping caregivers understand their own trauma history and how that impacts their ability to safely parent and care for the child in their home. It is an appropriate intervention for kids with the highest level of need. Some folks in the community have received TBRI training. Gwynneth Smith recommends Raise the Future present at a future meeting.

Justice Elissa Cadish stated it sounds interesting and sounds like it interplays with some of the concerns expressed about the education related bills and getting at the root cause of the problems showing up in behaviors. A note will be made to possibly have a presentation for the full Commission at a future meeting.

- Child Welfare Committee- Megan Miller

Megan Miller stated the committee was able to meet. The focus of the meeting was to look from a higher level at what two to three topics the committee recognizes and sees as emerging in the child welfare field that should be brought to the Commission's attention. The first area identified was placements. Some things discussed were having placement teams from the different departments present to offer their perspective and trends they are seeing and having a roundtable at one of the meetings with foster parents to provide input and resources that could be valuable for them. Another area identified was concerning CSEC youth and the legislative deadline of July 1st. Amy Honodel from Legal Aid raised the topic of looking at independent living services and making sure the population is being adequately supported. The committee has previously discussed having a roundtable with children who have recently aged out of foster care to provide insight into what they have experienced and where they feel they can be better supported.

- Education Committee- Janice Wolf

Janice Wolf stated one of the goals of the education committee is to look at the school to delinquency pipeline and the effect of children with disabilities in the school to delinquency pipeline. At the last committee meeting, Judge Bailey was invited to present on DAAY Court. One of the committee's goals was to make DAAY Court a statewide program. There was pending legislation to make it statewide. The bill did pass, making it permissive instead of mandatory. Other committee priorities are to bring in the other partners in the school to delinquency pipeline who work with kids such as probation officers, parole officers, district attorneys, and public defenders to come up with more effective ways to deal with kids with disabilities other than placing them in detention.

8. **For Information:** Announcements – Justice Nancy Saitta

Justice Elissa Cadish stated at the last meeting Justice Nancy Saitta talked about starting a separate subgroup to look into some of the issues the Commission has talked about regarding mental treatment health facilities. Justice Nancy Saitta did meet with Judge David Gibson and is doing some additional

research and gathering white papers regarding some of the subjects. It will be talked about further at the September meeting. Justice Elissa Cadish asked if there were any other announcements.

Jane Saint stated she will be leaving Nevada CASA and going to Boys Town Nevada as their Director of Community Outreach. Jane Saint looks forward to continuing her involvement with the Commission and other child welfare groups in the state.

Justice Elissa Cadish stated the Commission appreciates her work with Nevada CASA.

9. 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
- Brigid Duffy requested an update on previous meeting agenda items:
- Hawthorne facility, Aurora Center for Healing
 - Intermediate Care Facility in Clark County discussed in March
 - Request for Proposals for Care Management from ARPA funds
 - Foster Care listening sessions
- Confirm Next Meeting Date/Time
 - i. September 22, 2023 at 10:30 a.m.

Kim Abbott asked if on the issue Judge David Gibson brought up around on GALs on TPR cases, and not being able to relinquish, if it is something the child welfare committee can keep an eye on.

Megan Miller stated where she sees the gap in legislation around the issue is there is the case law which states you can proceed with termination of parental rights trial while a parent has been determined to be incompetent, however there is not a mechanism to allow a guardian ad litem or parent's counsel to relinquish on behalf of the parent and enter into the open adoption agreement. It is an issue that has come up in court previously. There is persuasive jurisdiction out of other states about the ability of a guardian ad litem to relinquish on behalf of the parent. Megan Miller will be happy to discuss with the child welfare committee.

10. Public Comment and Discussion

There was no public comment.

11. Adjourn

The meeting adjourned at 12:21 p.m.