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**Public Workshop
Proposing the Adoption of Regulations NAC 62H
November 10th, 2022**

Meeting Minutes

Call to Order: 9:02 AM

Meeting Minutes:

Leslie Bittleston: OK, good morning, everybody. It's 9:02 am. So, we'll go ahead and get started. I don't see anybody else trying to log in, so good morning, everybody. This meeting is the public hearing; the intent to act upon the regulations of NAC Nevada Administrative Code 62 age. It is Thursday, November 10th, 2022, at 9:00 AM. I am Leslie Bittleston. I will be presenting the overview of the NAC that the division of Child and Family Services intends to adopt today. I would also like to introduce the administrator of the division, Doctor, Cindy Pitlock. Good morning, doctor Pitlock. Would you like to say anything or move on?

Cindy Pitlock: And good morning. Thank you, Leslie, for facilitating and welcome everyone.

Leslie Bittleston: And for the record, I would like to indicate that. Those on the call today include me, Leslie Bittleston, Doctor Cindy Pitlock. Liz Flores from Washoe County, Jennifer Spencer from the deputy attorney general's office, Jennifer Simeo from the Division of Child and Family Services. Linda Lawler, from Carson City. Mike Whelihan from Clark County, Josias from Washoe County, and Vanessa Dunn. Is there anybody that I missed?

Leslie Bittleston: Great. Thank you.

Leslie Bittleston: Moving on to agenda item number three, public comment, is there any public comment at this time? Hearing none, I will move on to agenda item number 4, the background and timeline of NAC 62H. NAC 62H is attachment R024 20RP1. For those interested in in looking at that as I go through the background and timeline. NAC 62H is the code utilized establish a standard system for collecting and

analyzing data for within the juvenile justice system. It outlines specific information to be collected from local juvenile probation departments and the Youth Parole Bureau on an annual basis. This code was last codified on July 19th, 1996. Therefore, this this current knack is very outdated. In 2017, the Nevada Legislature passed a B472, which is a juvenile justice reform bill which added new requirements to the juvenile justice system, including data requirements. The data elements of this bill were eventually added to Nevada revised Statute 62. 100 and Nevada revised statute 62H210 and required the state agency, the Division of Child and Family Services, to create regulations.

The following is a timeline of this regulation, the first public workshop for this regulation was held on August 8th, 2019.

Cindy Pitlock: Leslie, let me stop you. You froze up a little bit. Can you just back up just a little bit just to make sure that everything appears on record? You were indicating when public workshop number one was presented. If you could just repeat that. So, it's clear on the record. Thank you.

Leslie Bittleston: Yes. Thank you for letting me know. So, the following is a timeline of the regulation from start to where we are today. The first public workshop was held on August 8th, 2019. The second public workshop was held on October 2nd, 2019. The regulation was sent to the Legislative Council Bureau for drafting on December 21st of 2020. And the reason there was a gap between the October 2nd, 2019, and the date the reg was sent to the LCB on 2020 is because this is a large regulation and it was a complete rewrite. So, the state DCFS did its due diligence to ensure that the information from the public comments were addressed and all the elements of a AB472 were addressed.

Moving on, the first public hearing to adopt these regulations was held or was scheduled for August 13th of 2021. However, that public hearing was cancelled due to some unforeseen technical problems. Therefore, that public hearing was rescheduled for October 5th of 2021 in the public hearing was held at that time. At that time there was a public comment and some requested language changes. The DCFS administrator at that time was Ross Armstrong. He approved the regulations with the revisions. At that time, however, DCFS staff did not know the process for submitting revisions to a NAC from a public hearing, so the process included sending the knack back to the Legislative Council Bureau for redrafting.

So that was done on October 25th of 2021. The revised regulation was received by DCFS on October 18th. At that time, the Legislative Council Bureau informed the division that another public hearing would be required to adopt the redrafted regulations as they stand now. Also, regulations do have a two-year lifespan from the time that you open the regulation until the regulation is adopted. This current regulation is over the two-year lifespan and doctor Pitlock did present a request or did make a request with the legislature to approve an extension for this regulation. And that extension was approved. On September 27th of 2022. So that is the background and timeline of this regulation and that was a lot of information. So, I will stop there and ask if there are any questions from anybody at this time.

OK, hearing no questions, I'm going to move on to agenda item number 5, which is a presentation of the regulation. Again, it is attachment R024-20RP1. So under agenda item number 5, I did identify some of the major changes that were completed per the request of the public hearing that was held on October 5th of 2021. Section 4 changed adult to person 21 years and older.

- In Section 5 LF. 51F. Excuse me, 51F removed successfully before completed 51 GNH combined the old GNH into one revised statement.
- Deleted 51J.
- Added referral based on new arrests, citation, and technical advice violation to 51K.
- Changed the request from the division to the Commission in section 5/3.
- In Section 5, four removed, committed to the division, section 55 removed the old section 55 and added a definition of a technical violation. The technical violation definition is important because in the previous draft we referred to a technical violation as administrative charges, so we wanted to clarify that an administrative charge is a technical violation, and we did add A definition to that.
- Section 6. Changed charge to detain
- Restored section 11.
- Moved language from the old section 14 to section 13.
- Added language regarding the sealing and expungement of records.

Those were the changes that were made based on the public hearing on October 25th of 2021. Are there any questions at this time on agenda item number 5?

Jennifer M. Spencer: Good morning. This is Jennifer Spencer with the attorney general's office. I just wanted to mention for the record that all of these changes and all of these listings are included. Online where the agendas are posted and those locations are contained on the agenda towards the bottom. Thank you.

Leslie Bittleston: Thank you! Any other questions?

Florez, Elizabeth: This is Liz Flores with Washoe County. I'm not sure if this is if this is appropriate to ask now or to wait until public comment. On this section related to so it's Section 5.E. Where it is required to report the poverty level of the children for whom we're reporting. Will there be an annual update provided by the state as to what the federal reporting guidelines are?

Leslie Bittleston: Leslie Bittleston for the record, yes, on the juvenile Justice Programs Office Web page on the Division of Child and Family Services website, there is a link for the poverty level, which is updated and current. I did check it this morning and it was the 2022. So that is that link is available and updated on the programs Office page.

Florez, Elizabeth: Thank you.

Leslie Bittleston: Are there any other questions? OK. Moving on to agenda, item number 6, is there any public comment? Hearing none, moving on to, oh sorry.

Florez, Elizabeth: I apologize. I apologize. I thought somebody else was going to raise this this question. So, this is Liz Flores again. For the record. So, in Section 4 where it defines status events. There, the prior language was related I think indicated. That a status offense means a delinquent act, which would not be

a crime if committed by an adult. And then it was changed to a person at least 21 years of age. But knowing that some status offenses, knowing that AJ 18 is also a shift for some status offenses.

I think we need to clarify that because there are 18-, 19-, and 20-year old's for whom certain charges are no longer a status offense. I did look at just to offer. I did look at the OJJDP definition, which is much broader. It's the behavior that is considered an offense only when committed by a juvenile, and I think they keep it broad without assigning numerical chronological age because they recognize that state by state.

There are variations on ages of jurisdiction, so I'll just submit that for consideration.

Leslie Bittleston: Leslie Bittleston for the record. Thank you for that and I believe this was changed to match the extended age of jurisdiction for juveniles. However, I believe we should be looking at status offenses it based on our state law and another thing that I will say about this regulation. And I did have an e-mail exchange with our Deputy Attorney general. We can open this regulation again for some minor tweaks, and I believe that is one that does need to be tweaked.

For those uh juvenile detention facilities that are holding status offenders. You're already doing. The work and you're already identifying which youth are status offenders.

Florez, Elizabeth: Thank you.

Leslie Bittleston: Is there any other public comment? Mike, I see you.

Michael Whelihan: Yeah, Mike Whelan, for the record, I would like to kind of elaborate on what Miss Flores says. I think there's some charges when you're talking like truancy minor in a gaming establishment curfew that at the age of 18 that those would no longer be status offensive. So, I think the confusion comes from going to report it because it says age 21, which could be some of the alcohol, the new laws related to.

Marijuana and some of those or 21. So they're very specific in our NRS. 18 and 21 are very different, and so reporting it I guess would need some clarity on how to report it.

Leslie Bittleston: Thank you Mike. Any other public comment? Hearing none, moving on to. Agenda item number 7, Doctor Pitlock.

Cindy Pitlock: Good morning. Thank you. For the record, Cindy Pitlock, I serve as the administrator of the Division of Child and Family Services. So, it's my inclination at this time to ask and verify that to everyone's knowledge and input, we've followed all the appropriate processes for the adoption of this regulation to this point to does anyone disagree with that?

OK, hearing none, I would also like to say that I I do think that it would be extremely beneficial to reopen this regulation and have all interested parties be able to contribute to additional conversation through

both the public workshop and hearing process, but it's my inclination at this time to go ahead and adopt as is because this was vetted out through two public workshops with input from.

All interested parties and to regulation hearings that allowed for input from all interested parties. So, at this time, under my authority as the administrator of the Division of Child and Family Services, I would move to adopt this regulation R024-20RP1. We will absolutely entertain formal.

Request to reopen and be able to provide full input for anything that we may need to tweak through the appropriate vetting process. So, there are a lot of people missing at this table that did give input through the 1st 2 workshops and two hearings and so unless anyone sees a reason that I should not, I choose to adopt these as they stand today.

And I'm not hearing anything from my attorney. So, we'll go ahead and adopt today and go ahead. Jennifer, did you have input?

Jennifer M. Spencer: Yes, I just wanted to bring up quick since there was some comment today regarding that one section, one thought would be is if there is a way if there needs to be some wording changes. Can work that out right now. Can we talk about proposed language perhaps or?

I'm not sure how you would like to move forward. I just want to make sure everybody can provide their input today before we end.

Cindy Pitlock: I think the struggle that I'm having is that we've already pushed up against an extension and to fully vet out language. In a change of what we've presented today would probably push us into another extension. Does anyone here today see a barrier? Proceeding forward.

At this time, if we adopt as is and then reopen.

Michael Whelihan: Mike Whelihan, Clark County. For the record, I think if we went back to the language that was from the last presentation that just talked about adult that didn't have the age in there, the adult charge from the, I think it was 2021 was the last. I think that language was fine. I don't know because I've been very involved with all the meetings and the all the changes you guys, I think the state for being so accommodating. I think the one change was recommended by one individual that a lot of us didn't know about. So, I think if we went back to that. The language that there be no more issues.

Cindy Pitlock: Thank you for that comment, Michael and I. But I'm not getting clarity so.

What do you want me to do? Say it again, say it again.

Michael Whelihan: Mike Whelihan for the record. So, the last written proposal that Leslie sent to, to everyone had language that didn't include the age of 21. So, if you go back to the last NAC public meeting notice it had the language in there that was. What Liz Flores mentioned earlier, they didn't have the age of 21 in it.

Cindy Pitlock: OK, very good. Now I understand. Sorry for that. For the record, Cindy Pitlock, sometimes

my brain needs to catch up and connect the synapses. So, thank you for that. So, for my attorney, my question would be if we were to do that, Miss Spencer, would we then resubmit language to LCB, and have it approved by them, and we can go ahead and adopt or would we have to go through yet another hearing to adopt?

Jennifer M. Spencer: I believe you could. You could approve them with changes today since this was noticed. So, everybody has the opportunity to attend today, so if the change is something and I'm not too familiar with what this proposal is, but if the change is somewhat, you know, minor and will actually, you know, will comply with what the Nevada law says, then I don't see a problem with adopting them with this minor change.

Cindy Pitlock: OK. Thank you for that input. UM, miss Bittleston. Do you see any disadvantage in implementation or anything that you want to add to that if we were to move forward in that manner?

Leslie Bittleston: Leslie Bittleston for the record. I am concerned only because we did the same thing. Uh, at our last public hearing on October 21st of 2021, we approved the regulations or, excuse me Administrator Armstrong approved the regulations with changes, and we submitted it and it needed to be redrafted and we needed to hold another public hearing. What I'm concerned with is, even with one wording change, it might need to be redrafted and we need to hold another public hearing, which would push us into maybe year 4 because we're already in year 3. With LCB, I don't know all their processes, but we did try this before and we had to do a redrafting and another public hearing, so I can't say that just one word. It would be accepted or if it's a redraft, but that is my concern because we are well past the two years.

Cindy Pitlock: OK, for the record, Cindy Pitlock, thank you for that input. So, I think my bottom-line question is the language that we are proposing in alignment with at this time in alignment with Nevada revised statutes. While I understand that it would be beneficial to have a broader term such as juvenile or adult.

I think we can probably reopen and tweak that language. But are we or are we not currently in alignment with VERBAGE utilized and the intent of the Nevada revised statutes? That would be my question.

Leslie Bittleston: Is that to me or is that to me or Miss Spencer?

Cindy Pitlock: I think that would be to anyone who has insight into the answer. Because I don't want to pass something that's not in alignment with Nevada revised statutes. But I do see that Broader language Would be beneficial because then every time there is a change to Nevada revised statutes across all NRS because in various areas there's different terminology and different definitions that if we were to utilize broader language, it would be beneficial. But are we out of alignment now?

Leslie Bittleston: Leslie Bittleston for the record, I think in my opinion we are in alignment with NRS 62H 100 and 62H210.

Cindy Pitlock: OK. I think my biggest fear on this one, for the record, Cindy Pitlock my biggest fear on this

one is that this is this has been going on since 2019 and we've already received one extension and the amount of time that it would take to tweak language; we might end up having to start the entire process all over again. So, I'm disinclined to do that.

I think what I believe the best plan is to pass what we have today and if we could receive from one of the counties of formal request to reopen. Via letter or inquiry, we can turn around and reopen, and not hold up the other language that we've really worked so hard. To develop. And that would be my inclination today unless passing this is really going to keep someone from adequately doing their job to serve youth and families today.

Hearing none. OK. So, for the record, Cindy Pitlock, administrator Division of Child and Family Services, I would move that we will pass today, R024-20RP1.

We believe that we have followed the appropriate processes with two workshops, two hearings and an extension, and knowing that we may then turn around and reopen for additional conversation to make sure that all languages in alignment across statute and for all child serving systems. That is what I so move.

Leslie Bittleston: And that concludes the public hearing for today. Moving on to agenda item number 8, we are adjourned. Thank you, Doctor Pitlock. Thank you, everybody. Have a wonderful day.