



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

How States are Implementing the Fostering Connections Act

Nevada's At-risk Children

In 2008, Nevada had 8,253 children in foster care, which represents a 5.7 percent decrease from 8,751 in 2007.¹ The Nevada Division of Child and Family Services (DCFS) attributes this reduction of children in foster care to an emphasis on diligent searches for relatives and relative placement. Nevada policies focus on diverting children from entering the foster care system and if removed, safe reunification with parents. Collaboration between DCFS and law enforcement has diverted more children from entering care. Nevada has seen a significant decrease since the implementation of differential response in a pilot program. Nevada recently revised its policy on the child removal criteria and has a legislative subcommittee working on methods to reduce the number of children in foster care.² The proliferation of substance abuse treatment centers in Nevada has also had a positive impact on the reducing the number of children in care. In 2008, Nevada had 3,205 children enter foster care and 3,194 exit care during that calendar year; and in 2007, had 3,746 children enter foster care and 3,539 children exit care during that calendar year.

NEVADA 2008 FOSTER CARE DEMOGRAPHICS										
GENDER	Male					Female				
	Number		Percent			Number		Percent		
	4,184		50.7			4,069		49.3		
AGE	0 to 4 years		5 to 9 years			10 to 14 years		15 to 19 years		
	Number	Percent	Number	Percent		Number	Percent	Number	Percent	
	3,773	45.7	1,936	23.5		1,610	19.5	934	11.3	
RACE	0 to 4 years		5 to 9 years		10 to 14 years		15 to 19 years		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
African American	1,112	12.4	613	6.8	475	5.3	276	3.0	2,476	27.5
American Indian	100	1.1	42	0.5	44	0.5	22	0.2	208	2.3
Asian	91	1.0	49	0.5	24	0.3	14	0.2	178	2.0
Caucasian*	2,774	30.8	1,420	15.8	1,153	12.8	654	7.3	6,001	66.7
(Hispanic)	(1,027)	(11.4)	(518)	(5.8)	(390)	(4.3)	(155)	(1.7)	(2,090)	(23.2)
(Cauc/Non-Hispanic)	(1,747)	(19.4)	(902)	(10.0)	(763)	(8.5)	(499)	(5.6)	(3,911)	(43.5)
NH/Pacific Islander**	48	0.5	37	0.4	28	0.3	13	0.2	126	1.4
Unknown	6	0.07	1	0.01	2	0.02	0	0.0	9	0.1

* Caucasian is further separated by Hispanic and Caucasian Non-Hispanic Ethnicity, these numbers in parentheses.

** NH refers to Native Hawaiian and/or Pacific Islander

Nevada's Budget Landscape

Nevada's estimated budget deficit for FY2009 was \$1.09 billion, representing 28.1 percent of the state general fund.³ This percentage originates from the original budget passed by the 2007 Legislature.⁴ The Governor has called two special

sessions to address general fund revenues not meeting projected estimates. The projected deficit for FY2010 suggests a substantially higher gap of \$1.23 billion, or 31.6 percent of the state general fund.⁵ To address these budget shortfalls, Nevada has issued a one-day a month furlough policy for all state employees.⁶ In the next two years, DCFS employees will not receive cost of living increases or be able to earn salary step increases. These changes effectively reduce state employees' salaries by 4.6 percent.⁷ Since Nevada utilizes a state administered, county operated system, each county has experienced further cuts to child welfare. Some counties, such as the largest, Clark County, have instituted hiring freezes. On the state level, vacant positions are frozen and require justification to be filled.⁸

P.L. 110-351 State Options

Nevada has not yet determined if it will implement the optional provisions of P.L.110-351. The state is currently conducting a cost benefit analysis on both the guardianship assistance program and supporting eligible youth to age 19, 20, or 21 and will present the results to the state legislature. While DCFS does not operate a state-funded guardianship assistance program, in 2007 the Division implemented policy to emphasize the importance of seeking and supporting kinship placements, as well the preserving familial bonds by making clear that our preferred practice is to minimize the impact of separation from parents and the familiar environment. The Division of Welfare and Supportive Services currently administers the Kinship Care Program that was implemented on October 1, 2001. Since that time children living with a relative Non-Needy Caretaker (NNCT) may receive a Temporary Assistance for Needy Families (TANF) payment allowance which is a percentage of the State of Nevada foster care rate. NNCT is defined as relative caretakers who are not requesting assistance for themselves. In order for a relative caretaker to be eligible for this program they must be 62 or older, be a non-parent caring for the child who is related up to the 5th degree of consanguinity by blood, adoption or marriage for at least six months under a court ordered guardianship. A hardship waiver of the caretaker age requirement for this program can be considered if the child or children for whom assistance is requested either have "special needs" or are a "hard to place" sibling group and an extreme financial hardship to the applicant is demonstrated. State policy also gives placement preference with relatives within the third degree of consanguinity prior to placement in a foster home. Nevada had a legislative change in the 2009 session which expanded the placement preference from the third degree consanguinity to fifth degree and removed the requirement for foster care licensure in kinship arrangements. Various non-profit agencies around the state, including the Adoption Exchange, offer training and support groups to relative caregivers.

Although Nevada is uncertain if it intends to implement the older youth optional provision, the state already provides services to foster youth up to age 21.⁹ In Nevada, youth leave care at the age of majority, which is 18. A youth can voluntarily remain in care beyond his/her 18th birthday to complete their high school diploma and/or solidify the transitional goals identified in the overall plan. Generally, this voluntary period is for six months. The Court also has the discretion of extending care if there are compelling reasons and it serves the best interest and welfare of the youth. In order to remain in care, youth must voluntarily agree and have the consent of a social worker that it would be in their best interest to remain in state custody in order to complete their education. The state requires the stipulation that youth pursue post-secondary education, either university or vocational training.¹⁰ Youth must consent to a plan with clear goals, which must have the agreement of the child welfare agency manager or administrator. Youth cannot receive Title IV-E funds to cover housing if they remain in care.¹¹ Nevada provides a wide variety of services to older youth, ages 18-21, including case management, counseling and referral, substance abuse, room and board, counseling to combat high risk behaviors, employment preparation, post secondary educational assessment and financial assistance.¹² Upon leaving care, older youth are eligible for Educational and Training Vouchers (ETV) and support from the Fund to Assist Former Foster Youth (FAFFY). Nevada extends Medicaid for foster youth to age 21.¹³ The age of majority in Nevada is 18 and youth at this age are considered "aged out of care." There are few youth who remain in care until age 21. Youth 18 and older who are developmentally delayed and require intense ongoing case management and/or care are referred to Adult Mental Health Services for transitional planning services. They receive a full array of case planning services and receive Social Security Disability payments. For the reporting period of July 1, 2008 through June 30, 2009, there were no youth over the age of 20 who remained in foster care.

Nevada has not reviewed the option to extend support to youth who exit to guardianship or adoption after age 16.¹⁴ The state does not provide support to youth who exit care due to guardianship or kinship placement. Youth adopted after age 16 are eligible to receive Chafee funds and Educational and Training Vouchers.¹⁵

P.L. 110-351 Mandatory Provisions

Nevada requested an extension for the educational stability and health oversight and coordination mandatory provisions of P.L. 110-351.¹⁶ These two provisions require legislative action to change the current policy and practice. The state did not

request any other extensions and has state laws and policies that fulfill the other mandatory provisions. Nevada has not calculated the fiscal impact of the mandatory provisions of P.L. 110-351.

Under the Program Improvement Plan (PIP) developed in 2005, Nevada formed a new Decision Making Group (DMG) made up of the three child welfare agency directors and the State Division of Child and Family Services Administrator. The DMG makes decisions about child welfare policy and practice changes. Currently, Nevada has a diligent search policy in which caseworkers identify and notify relatives, with a focus on placing children with relatives instead of placing children in foster care. Nevada does not operate a relative locator program, rather caseworkers notify any identified relatives through any means necessary. The DMG will meet at the end of October to review and approve the revised Diligent Search policy to be in compliance with Fostering Connections. The new policy will be changed to meet the 30 day requirement.¹⁷

Nevada is currently revising policy to be in compliance with the educational stability provision of P.L.110-351. The state requested an extension to meet the full-time student requirement of the Act. Nevada policy encourages placement of children in their school of origin, linked to their community connections and faith-based organizations. DCFS is collaborating with the Department of Education to draft a policy to meet with external stakeholders on this provision.¹⁸

The state requested an extension for the health oversight and coordination provision in order to make legislative changes. All children in foster care receive Medicaid and will receive Healthy Kids (Early Periodic, Screening, Diagnosis, and Treatment or EPSDT) Screenings followed by referrals for diagnosis and treatment. Screenings must be conducted by EPSDT/ Healthy Kids Providers. Authorized providers are Medicaid eligible medical professionals authorized to bill Medicaid for any of the screenings, exams and/or treatment services outlined in this section of the policy. Screenings include, but are not limited to the following: Collection of a Comprehensive Health and Development/ Behavioral History, a Developmental/Behavioral Assessment, a Comprehensive Unclothed Physical Exam, Immunizations, Laboratory Procedures, Health Education, Vision Screening, Hearing screening, and Dental Screening. Along with the EPSDT screening, referral and treatment, all children under the age of three, who are involved in a substantiated case of abuse/neglect, must be referred to an "Early Intervention Program," for a developmental assessment pursuant to CAPTA-IDEA Part C. (Statewide Policy 0207 Early Preventative Diagnostic Screening and Referral) The three agencies which provide child welfare services have or are in the process of further implementing Medical Passport programs, in which all medical records of children in custody are collected and stored in the Nevada Statewide Automated Child Welfare Information System (UNITY).

Nevada is in compliance with the sibling connections provision and will not require any policy, practice or statutory changes. Nevada statute mandates siblings be placed together when in the best interest of the child. In addition, in the 2007 legislative session, Assembly Bill 147 prohibited the placement of children under the age of six from entering a congregate care facility, unless the child is part of a sibling group, no other foster care is available or is necessary due to medical reasons. Nevada places a special emphasis on sibling placement and has included legislative exemptions to keep siblings together.¹⁹ The state also recruits foster parents that will take larger sibling groups. Clark County has a specialized placement team to keep siblings together.

The State Youth Plan for Independent Living Policy requires that youth age 15 and over in out-of-home care must have a plan for transitioning to independent living, which is in addition to the case plan. If the youth comes into custody after age 15, the plan must be completed within forty-five days. Independent living services are afforded to all youth in care regardless of the permanency goal or physical placement. The policy requires that a transitional plan must be completed six months prior to the youth exiting the child welfare system.

Nevada's Tribes

Nevada has 27 federally recognized tribes, bands, and colonies which are as follows: Battle Mountain Band Council, Carson Colony Community Council, Dresslerville Community Council, Duck Valley Shoshone-Paiute Tribe, Duckwater Shoshone Tribe, Elko Band Council, Ely Shoshone Tribe, Fallon Paiute Shoshone Tribe, Ft. McDermitt Paiute-Shoshone Tribe, Goshute Business Council, Las Vegas Paiute Tribe, Lovelock Paiute Tribe, Moapa Band of Paiutes, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, South Fork Band Council, Stewart Community Council, Summit Lake Paiute Tribe, Te-Moak Shoshone Tribe, Timbisha Shoshone Tribe, Walker Paiute Tribe, Washoe Tribe of Nevada and California, Wells Band Council, Winnemucca Colony Council, Woodfords Community Council, Yerington Paiute Tribe, and Yomba Shoshone Tribe. Since the passage of P.L.110-351, Nevada has worked on helping to provide information to those tribes, which are interested in a Title IV-E program. The state received a \$15,000 contract from Casey Family

Programs for tribal consultation and collaboration. The funding was used to conduct several round tables around the state, meeting with tribal representatives to explain Fostering Connections and the various options the tribes can implement under the new law. Some of the smaller tribes are exploring the option of joining together to form consortia for their Title IV-E program. This might assist them meeting the many requirements, limited staff, and resource constraints.

Currently, DCFS does not have formal agreements with any of the tribes. Tribal children are only in the state public child welfare system if the tribe opts not to participate. DCFS does not have authority on tribal land.

Family Connections Grants

The Clark County Department of Family Services (DFS), which administers 72 percent of the foster care caseload, applied for the kinship navigator and intensive family finding project Family Connections Grants. Clark County DFS intends to develop an intensive family finding program to establish permanent family placement for children through utilizing search technology to seek relatives, develop effective family engagement practices, and reestablish family relationships.²⁰ The kinship navigator program will provide Clark County DFS with training, staff development to work with kin caregivers, improve placement stability and timely permanency, and increase the protective capacity of kin caregivers.²¹

Opportunities & Challenges

Nevada does not anticipate any challenges in implementing the mandatory provisions of Fostering Connection. The state policy and practice already fulfilled the majority of the mandatory provisions, and Nevada continues to analyze optional provisions. The required State matching funds are expensive and this may prohibit Nevada from further participation.

Although Nevada received a federal five-year methamphetamine grant, providing substance abuse services where families can remain together poses challenges. Substance abuse centers, not under the purview of the child welfare agencies, do not have the infrastructure to treat the growing demand on these services. Most of these centers have long waiting lists of individuals to receive services.

Conclusion

Nevada's number of children in foster care has decreased due to an emphasis on relative placement, differential response and collaboration with law enforcement. The state currently supports youth to age 21, but has not determined the optional provisions' cost effectiveness. The Clark County Department of Family Services applied for the intensive family finding and kinship navigator programs under the Family Connections Grant.

¹ Conference call with Amber Howell. Nevada Division of Child and Family Services. July 30, 2009.

² Ibid.

³ State Budget Update: July 2009. Fiscal Affairs Program, National Conference of State Legislatures. Retrieved August 5, 2009 from www.ncsl.org/documents/fiscal/StateBudgetUpdateJulyFinal.pdf.

⁴ Ibid.

⁵ Ibid.

⁶ DCFS Unpaid Furlough Leave Policy. Nevada Division of Child and Family Service, Nevada Department of Health and Human Services. Retrieved August 5, 2009 from <http://www.dcf.state.nv.us/>.

⁷ Conference call with Amber Howell. Nevada Division of Child and Family Services. July 30, 2009.

⁸ Ibid.

⁹ Ibid.

¹⁰ Email Communication from Amber Howell. Nevada Division of Child and Family Services August 3, 2009.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Conference call with Amber Howell. Nevada Division of Child and Family Services. July 30, 2009.

¹⁵ Email Communication from Amber Howell. Nevada Division of Child and Family Services August 3, 2009.

¹⁶ Conference call with Amber Howell. Nevada Division of Child and Family Services. July 30, 2009.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Email Communication from Dianne Kramer. Clark County Department of Family Services. August 5, 2009.

²¹ Ibid.