



## Court Improvement Program

# Community Improvement Councils News April-December 2016

Issue 11

January 2017

**Save the Date**  
**2017 Community Improvement Council Summit**  
**September 27-28, 2017**

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Many of the 2016 Summits attendees expressed concern that the CICs would struggle to maintain their successes without the annual training and action planning afforded by the Summit. The CIP Training grant has funded the CIC Summits in the past; alternative means to offer this statewide opportunity are being developed to allow us to hold the

2017 CIC Summit. The National Council of Juvenile and Family Court Judges has offered to provide the training. Others have offered to either self-fund or help fund travel and lodging. Please plan to attend the 2017 CIC Summit on September 27-28, 2017.

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## On-Line Attorney Dependency Training is Open for Business

Several years ago, now retired, Judge William Rogers of the 3<sup>rd</sup> JD asked CIP's help educating the attorneys appearing in his court about neglect and abuse federal law and Nevada statutes. The resulting on-line training is being released January 23, 2017 on the Nevada Supreme Court Distance Education website. This course is intended to improve legal representation of parents and children in dependency cases and is open to all judges handling neglect and abuse cases and the attorneys appearing in these courts. The five course modules will be delivered entire-

ly online through the Supreme Court's Distance Education Learning Portal. Course contents include: Federal and State Law in Nevada Child Protection Proceedings; The Adoption and Safe Families Act; Permanency Options; Roles and Responsibilities of Attorneys; Topics in Child Welfare Proceedings; and Key Child Safety Decision Making Concepts. Participants may enroll by contacting CIP. They are expected to view all course presentations and materials, and take the quizzes to earn 7 CLEs which include .5 hours for ethics.

**For More  
Information  
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## The Future is Safer for Nevada's Children

### Statewide Juvenile Dependency Mediation Is Flourishing

Through a partnership among CIP, DCFS and the 2nd Judicial District's dependency mediation program, the Statewide Juvenile Dependency Mediation Program launched in August 2016. Since August, 26 mediations have been conducted throughout the state with 19 or 73% resulting in agreement. To date mediations have been held in the 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Judicial Districts. The 2<sup>nd</sup> JD regularly holds dependency mediations

outside the statewide funding, but follows the same protocols and processes.

The first statewide juvenile dependency mediation was held at the request of the child welfare agency. The case involved a difficult termination of parental rights, fraught with family drama concerning who would be the final adoptive home for this baby. Through the mediation process it was agreed that placing

the child with the only family she knew was in the best interests of the child. An open adoption was achieved, and there was an unexpected bonus. One of the families had become a licensed foster home in hopes of adopting the child. After the mediation, that family decided to keep its license to both foster and adopt children. The ecstatic child welfare manager gushed,

### CIP Funding Dilemma

The Court Improvement Program has been funded since 1993, through a Basic Grant to each state Supreme Court. Several years later, two more funding streams were added, the Data and Training CIP Grants. Each of the three grants has been funded for a total of \$30 million for at least the last ten years. Nevada CIP has received \$392,000 annually.

Due to a scoring error by an analyst in the Congressional Budget Office, the Data and Training grants, \$20 of the \$30 million, were cut in the FFY2017 appropriations bills. This was a mistake which cannot be simply undone because of sequestration. Full reauthorization was not attached to the latest continuing resolution and CIP was not reauthorized at its current \$30 million in any other bill before Congress adjourned for the holidays.

Senator John Cornyn (R-TX) has said that he will introduce a reauthorization bill for the CIP grants now that the 115<sup>th</sup> Congress has convened on January 3, 2017. He tried to introduce a bill prior to the holiday recess, but his proposed offset came from adoption assistance funding. The adoption community aggressively objected to that offset. He will be looking for a different offset for the new bill.

In the meantime, Nevada CIP has pulled together a working group of other CIPs across the country to work with organizations that are able to advocate on our behalf: National Council of Juvenile and Family Court Judges, American Bar Association, and National Center for State Courts (NCSC). NCSC has asked that CIPs document the negative consequences of not getting the

grants reauthorized in this Congress (e.g., reforms and projects that have to be halted, staff hours reduced, people laid off, etc.). We are fortunate that both Robbie and Kathie will continue to have jobs, but many of the programs that have been funded by CIP will have to be cut unless alternative resources are found.

Justice Saitta will be getting in touch with members of the CIP Action Committee to contact the Nevada Congressional delegation about the value CIP has been to their judicial districts and to encourage them to support reauthorization of all three CIP grants. If you would like to join Justice Saitta in this endeavor, please let CIP know.

## New ICWA Rule Went Into Effect December 12, 2016

The new Bureau of Indian Affairs Federal Indian Children (ICWA) Regulations went into effect on December 12, 2016 and are located at 25 CFR 23. These regulations do not change the statutory language, but they do include some new definitions, new required findings to be made on the record, and new explanations of the intent of the law. The Interior Department advises that the goal is to clarify and better articulate the requirements of the federal law so that state courts can implement it more consistently.

One of the new regulations family courts will have to follow requires family court judges ask whether a child is Native American as part of all foster care and adoption proceedings.

Highlights of the updated regulations include:

- Clear guidance on “active efforts” that state courts and agencies must employ to provide services and programs designed to prevent removal and encourage reunification
- Clarification of notice and time frames to improve compliance and expedite the process
- A requirement that state courts and agencies inquire whether ICWA applies in every child custody proceeding
- Procedures governing emergency removal of Indian children
- Clarification that the “existing Indian family doctrine” is not an exception to ICWA’s application and only the tribe has the power to determine a child’s membership status

Copy and paste link to 2016 Guidelines for ICWA implementation:

<https://www.federalregister.gov/.../indian-child-welfare-act-proceedings>

## New Fact Sheet to Help Families Better Understand Child Welfare and the Court Processes

Below is a link to a new fact sheet developed by the Child Welfare Information Gateway for families involved in dependency court. This is not Nevada specific, but is reflective of applicable federal laws and a document upon which courts may build. Please copy and paste link into your browser.

<https://www.childwelfare.gov/pubPDFs/cwandcourts.pdf>

## Adoption and Foster Care Analysis and Reporting System Final Rule Effective January 13, 2017

The Social Security Act (the Act) requires that the Administration for Children and Families (ACF) regulate a national data collection system that provides comprehensive demographic and case-specific information on children who are in foster care and adopted. This final rule replaces existing Adoption and Foster Care Analysis and Reporting System (AFCARS) regulations and the appendices to

require title IV-E agencies to collect and report data to ACF on children in out-of-home care, and who exit out-of-home care to adoption or legal guardianship, children in out-of-home care who are covered under the Indian Child Welfare Act, and children who are covered by a title IV-E adoption or guardianship assistance agreement.

The revised AFCARS regulations, the

first in 23 years: (1) Incorporate statutory requirements enacted since 1993; (2) implement the statutory mandate to assess penalties for noncompliant data submissions; (3) enhance the type and quality of information title IV-E agencies report to ACF; and (4) incorporate data elements related to the Indian Child Welfare Act (ICWA) for the first time.

Copy and paste link to Federal Register for AFCARS final rule: <https://www.federalregister.gov/documents/2016/12/14/2016-29366/adoption-and-foster-care-analysis-and-reporting-system>

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In 2010, each of the State's ten judicial districts created a Community Improvement Council (CIC) that focused on identifying barriers to timely permanent placement of children at risk. July 2015, the 11th JD was created. The CICs have been meeting regularly in their communities and at annual Summits where they have learned to interpret data specific to their districts, while creating strategies to reduce the amount of time that it takes to move cases involving children at risk through the court process. The overriding focus, in addition to the safety of the child, is to create an environment where the best decisions are made for each child.

**CIP Working for the Protection &  
 Permanency of Dependent Children  
 Visit Our Web Site**

[http://nevadajudiciary.us/index.php/  
 courtimprovementprogram](http://nevadajudiciary.us/index.php/courtimprovementprogram)

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