

PRESIDENT'S MESSAGE



What is Children's Law?

BY JULIE CAVANAUGH-BILL, PRESIDENT,
STATE BAR OF NEVADA

This issue focuses on children and the law in Nevada. Personally, I have two children and seven grandchildren who are each amazing and unique in their own ways. Children are also the reason I went into the practice of law in the first place. With an undergraduate degree in global studies and human rights and development, I had considered working and teaching abroad with children and communities in need and decided to pursue a law degree to be the best advocate possible.

Children's law is much more than an aspect of family law practice and touches on every stage in our lives – we were all children once. What were our needs and wants? What opportunities and what challenges impacted our decisions and our current wellbeing as adults?

One of the first "children's cases" I took was in Elko when a judge asked

if I would be willing to take a 432B (Child Welfare) case representing a Native American father who spoke his native language with very little English. In this first of many cases, we had a group of children who were separated into different placement/foster homes due to alleged parental neglect. They were "Indian children" – so I was able to apply my experiences and social contacts to fully develop the case and assess the "best interests" of the kids with their own unique cultural, linguistic, and traditional bases in mind. After the case had stagnated for several months due to language and cultural barriers, we (the 432B team) were able to successfully place the children back with their own tribal community several states away. An honoring ceremony was held upon their return to their community.

Nevada is a state that prides itself on safeguarding the rights and well-being of its youngest citizens. This issue will explore several key laws in Nevada that specifically impact children, aiming to provide a comprehensive overview of the legal framework designed to protect and empower them. There is a huge need for even better services, volunteers, and creative legal and policy thinking to fill the gaps. These needs are essential – for example, the Department of Justice issued the results of an investigation into children's mental health resources in October 2022 and gave Nevada a

failing grade.¹ The rural spotlight this month highlights the dire need for foster families as well. On a positive note, the Fourth Judicial District Court, through its specialty court program, now has a Family Preservation Court for parents whose children have been placed in a guardianship rather than removal by the state in a foster situation. Access to drug court programs such as this one saves lives, reunifies families, and provides children with hope.

In another example, the city of Sparks is in the process of evaluating its procedures for handling domestic violence cases to better protect children caught in traumatic situations. You'll read about that story on page 12.

And in her article providing one hour of CLE credit, author Kim Surratt raises the question, "Who can be a child's parent?" while also exploring changes to the law from the recent legislative session. These issues have been coming up more and more, and I have personally handled two or three cases in the past year addressing whether a child can have two moms or two dads, or even more than two parents – a large part of the analysis, outside of parentage questions is of course, the best interests of the child.

In this issue, we'll also explore how the bar supports children's education through law-related programs such as We The People and Project Real. In addition, the bar's High School Mock Trial program is always in need of coaches and judges. If interested, email ericj@nvbar.org.

And that's just this issue. Children's law covers so many subjects, from education, to child custody and visitation, to juvenile justice, and much more. Even if you don't practice in one of these areas, you can still make a big difference in the life of a child or their parent or guardian who needs a lawyer or volunteering for the Legal Aid Center of Southern Nevada's Children's Attorneys Project (CAP), Northern Nevada Legal Aid's Child Advocacy Program, or taking court-

appointed cases in the rurals. There are never enough attorney volunteers, and urgent-need cases are always available.

On this issue, or any other issue germane to our work as a state bar, I invite you to write me with your questions and ideas. Please email me at president@nybar.org. Thank you.

ENDNOTES:

1. U.S. Department of Justice Civil Rights Division, *Investigation of Nevada's Use of Institutions to Serve Children with Behavioral Health Disabilities*, October 4, 2022. Go to <https://www.justice.gov/opa/pr/justice-department-finds-nevada-unnecessarily-segregates-children-behavioral-health> to download a copy of the Report.



SPOTLIGHT ON THE RURALS:

Partnering with DCFS to Help Children

BY JUDGE JIM C. SHIRLEY, ELEVENTH JUDICIAL DISTRICT COURT;
JENNIFER SPENCER, NEVADA ATTORNEY GENERAL'S OFFICE;
AND BRANDY HOLBROOK, DCFS SOCIAL SERVICES RURAL MANAGER

In Nevada, there is a state of emergency regarding the lack of placement options for children removed from their homes due to abuse or neglect. Despite the Division of Child and Family Services' (DCFS) diligent and persistent efforts to increase the number of appropriate placements, many rural communities have very few, or no, foster homes in their communities for the children who live in these areas. If a child must be removed by DCFS due to abuse or neglect in one of these rural counties, it is quite possible there are no foster homes or emergency placement options for them to go to. This is not acceptable for Nevada's children.

Brandy Holbrook has been instrumental in providing this information at several county commissions and city councils in rural communities. She hopes that with increased knowledge around the state of this dire need for appropriate placements, Nevadans will take interest in becoming a foster placement and/or will work together with DCFS to put forth solutions to increase the number of foster homes and emergency shelters. As we all know, when children are removed from their homes due to neglect or abuse, it is extremely traumatic. Not having a placement option in their community compounds their trauma.

Community leaders and stakeholders should partner and collaborate with DCFS on what actions must happen to ensure that rural children have their basic need of housing available to them when removed from their homes. Children need to be

able to remain in their communities, schools, neighborhoods, and with their siblings. There is a need for emergency shelter care in rural counties, a place children can go in the middle of the night to have a bed, shower, and food waiting for them by a provider equipped to meet their immediate basic needs. There is also a need for advanced foster care or higher level of care homes that have training and support services to meet the higher needs of children who have experienced multiple traumatic events. There is a high demand for transitional housing for youth ages 16-18, as most do better in an environment where they have an opportunity to develop independent living skills and have support while they navigate into young adulthood. Additionally, there is a need for Nevada stakeholders and community leaders to come together to brainstorm with DCFS on what community-based services and resources can be available in our rural communities, to support children and families, with a goal of avoiding removal from their homes, if possible.

What can you do? You can begin these conversations and help get the knowledge out about the state of emergency that rural Nevada children are facing today. These conversations can be held with other community leaders, civic groups, school-based leaders, religious leaders, or community-based service providers. Nevada needs action across the state to ensure that children have an appropriate place to go if they must be removed from their home.