

LEGISLATIVE COUNSEL BUREAU REPORT

2017

Presented by

State of Nevada Office of the Attorney General

COMMITTEE ON DOMESTIC VIOLENCE

March 1, 2017

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INTRODUCTION

Pursuant to NRS 228.470(2)(e), the Committee on Domestic Violence is required to submit a report by March 1st of each odd-numbered year to the Director of the Legislative Counsel Bureau that includes a summary of the Committee's work and its recommendations for any necessary legislation concerning domestic violence. This is that report.

The Committee on Domestic Violence was created in 1997 following the enactment of NRS 228.470 (AB170):

- a) adopt regulations for the evaluation, certification and monitoring of programs for the treatment of persons who commit violence;
- b) review, monitor and certify programs for the treatment of persons who commit domestic violence;
- c) review and evaluate existing programs provided to peace officers for training related to domestic violence and make recommendations to the Peace Officers' Standards and Training committee regarding such training;
- d) to the extent that money is available, arrange for the provision of legal services, including, without limitation, assisting a person in an action for divorce; and
- e) submit the above referenced report.

To accomplish these five goals, the Committee is comprised of the following members:

- a) one staff member of a program for victims of domestic violence- Annette Scott, SAFE House.
- b) one staff member of a program for the treatment of persons who commit domestic violence- Tim Hamilton, Supervisor of Safe Nest/TADC;

c) one representative from an office of the district attorney with experience in prosecuting criminal offenses- Moreen Scully, Lyon County District Attorney's Office;

d) one representative from an office of the city attorney with experience in prosecuting criminal offenses- Christopher Hazlett-Stevens, Deputy City Attorney, Reno City Attorney's Office;

e) one law enforcement officer- Deputy Chief Todd Peters, Henderson Police Department;

f) one provider of mental health care- Lorraine Benuto, Ph.D., Professor and Clinical Psychologist, University of Nevada, Reno;

g) two victims of domestic violence- Kelsi Herrick, Division of Child and Family Services, and Lisa Arnold, Nevada resident; and

h) one justice of the peace or municipal judge—Max Bunch, Justice of the Peace, Battle Mountain.

As required by statute, two members of the Committee are residents of a county whose population is less than 100,000: Lisa Arnold and Max Bunch.

SUMMARY OF WORK OF THE COMMITTEE

Each year, the Committee meets quarterly to conduct its business including but not limited to the review of program license applications and renewals, and review of trainings for the continuing education of domestic violence service providers. Currently, the Committee is chaired by Tim Hamilton.

A. ADOPT REGULATIONS

In 2016, the Committee began the process to amend NAC 228's qualification requirements for providers and supervisors of providers. A draft of the proposed amendments to NAC 228.110 was submitted to the Legislative Counsel Bureau and designated as File No. R116-16. A public workshop was held on April 21, 2016, to amend NAC 228.110. A public hearing was held on November 17, 2016, to adopt the proposed amendments to NAC 228.110; however, further amendments were proposed to by the Committee which are being resubmitted to the Legislative Counsel Bureau.

Since 1997, the Committee has adopted regulations, codified under the Nevada Administrative Code (NAC) Chapter 228. Those regulations were subsequently amended in 1999, 2008, 2010, and 2014. The most recent regulation changes included more detailed topic areas for formal training as well as a new section on ethical conduct which would specifically prohibit dual relationships between providers and clients. The Committee will continue to solicit input and feedback from the regulated programs and the general public to consider further changes in the future should they become necessary.

B. REVIEW, MONITOR AND CERTIFY PROGRAMS

The State of Nevada Committee on Domestic Violence currently certifies 30 programs throughout the state and maintains a reciprocity agreement with three agencies in Arizona. The Committee currently reviews and certifies those programs by reviewing submitted written materials, documenting continuing education requirements, and reviewing compliance reports.

From 2004 to 2015, the Committee contracted with Dr. Alfred Hughes, an independent batterer's treatment program site evaluator to visit each certified program. The Committee previously was required by regulation to inspect each

agency once per year, but due to budget constraints, the Committee amended the regulation and now may review them once per year, if funding is available.

There continues to be concern with the lack of certified programs in rural Nevada, and the Committee formally created the Rural Issues Subcommittee, to review possible solutions for providing batterers treatment in the state's rural areas. However, it has since been removed. It appears that the barriers to treatment include lack of sufficient clients to support a program, and lack of qualified providers to offer the treatment.

The Office of the Attorney General also created and maintains a website with fillable forms for treatment providers, listings of current certified providers, agendas, and minutes, as well as upcoming meeting dates.

C. REVIEW AND EVALUATE EXISTING PROGRAMS PROVIDED TO PEACE OFFICERS

No audit has been done since 2008.

D. ARRANGE FOR THE PROVISION OF LEGAL SERVICES

The Committee is currently required to arrange for the provision of legal services for victims of domestic violence seeking a divorce. Committee members, the Nevada Council for the Prevention of Domestic Violence, and the Domestic Violence Ombudsman, Arlene Rivera, are aware of the needs of domestic violence victims in Nevada and the barriers they face when it comes to obtaining legal services. They refer individuals to various agencies accordingly. Although the Committee is tasked with providing legal assistance to victims, the Committee is unable to arrange for the provision of legal services for victims due to lack of funding. The Committee has recommended removing NRS 228.470(2)(d) from their statutes in the past and is making the same recommendation in its current 2017 report.

RECOMMENDATIONS FOR LEGISLATION

The Committee recommends legislative changes in the following areas:

1. Approval of Senate Bill 25. On February 23, 2017, the members of the Committee on Domestic Violence Batterer's Treatment heard a presentation by the Nevada Attorney General's Office on SB25 to be considered in the 2017 Legislative Session. The Committee moved to formally support SB25 which will consolidate this Committee with existing domestic violence committees/councils to increase efficiency. The Committee further voiced concern that its function of certifying treatment providers not become merely a clerical review role, but that the review and approval process of treatment providers be carried out by a single entity.
2. Remove 228.470(2)(d) requiring the Committee to arrange for the provision of legal services for divorce proceedings or provide funding to allow for such services.
3. Remove the language from NRS 228.470(2)(a) requiring the Committee to adopt regulations for the evaluation, certification, and monitoring or programs for the treatment of persons who commit domestic violence.