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Sunny Bailey  
DISTRICT JUDGE

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ADKT 581

November 29, 2023

Commission to Study Best Practices for  
Virtual Advocacy in Nevada's Courts

Re: Nevada Supreme Court's Commission to Study Best Practices for Virtual Advocacy's  
Report and Recommendations

Thank you for the opportunity to comment on the Nevada Supreme Court's Commission to Study Best Practices for Virtual Advocacy's Report and Recommendations. By way of introduction, I preside over the Eighth Judicial District Court's Family Division Specialty Court program the Detention Alternative for Autistic Youth (D.A.A.Y.) Court. Together with a team of volunteers from the Office of District Attorney, Office of the Public Defender and Department of Juvenile Justice, we began D.A.A.Y court in 2018 seeing a need to address the special needs of autistic youth in Clark County involved in the juvenile justice system. Since its inception, we grew from just a few to over 12 providers and organizations who volunteer their time every week to divert at-risk autistic youth within our jurisdiction.

I would like to raise the teams' concerns in regards to the Nevada Supreme Court's Commission to Study Best Practices for Virtual Advocacy's Report and Recommendations related to D.A.A.Y. Court hearings being "Presumptively In-Person". In addition, the team also has concerns in regards to the recommendation that hearings are "[h]eld in person regardless of progress." The team believes the label of "Presumptively Virtual regardless of progress" D.A.A.Y. would be more appropriate. Our coordinator, Mindy Lefort, gathered the following information to justify the teams' recommendation:

23-38804

1. *D.A.A.Y. Court operates differently than other Specialty Courts in Family Court.* Youth require more services and attention than is typical in other Specialty Court programs. Each case can have anywhere between 2 and 6 providers assisting the youth and their families with various treatments and therapies. The nature of an autistic youth's needs is highly considered and the basis for the establishment of D.A.A.Y. Court.
2. *Virtual hearings support our providers.* Due to the number of providers that appear weekly to support D.A.A.Y. Court families, virtual appearances reduce crowding in court as well as support their busy schedules and varied locations. Approximately 30% of our youth will be in session with one of these providers at their appointed court time and will appear remotely with their provider so as to maintain court ordered therapy schedules.
3. *Virtual hearings support our families.* Various behavioral as well as social factors that are unique to families with autistic children require special considerations. Approximately 25% of our youth have displayed dangerous and other injurious behaviors towards their families and themselves in response to having to travel to and attend court in-person. Additionally, approximately 30% of our youth are still in school during scheduled hearings and would need to be pulled out of school or miss school all together to travel to court.

To summarize, since 2020 we have been operating D.A.A.Y. court with Presumptively Virtual hearing attendance with increasing success:

- 25% of parents reduce their risk of accidents due to youth who may possibly have physical altercations with parents while driving to court.
- 50% more of our youth could attend COURT ORDERED therapy sessions, reducing the possibility of 20 to 60 hours of missed therapy time by the youths and providers alike per court date.
- There has been a reduction in the recidivism rate from 9.3% to 6.8%, a reduction of 25.5% since moving to a Presumptively Virtual courtroom.

Please see additional supportive evidence below for additional details.

Sincerely,

  
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Soonhee "Sunny" Bailey

## **MAIN COMMENT TEXT**

### **D.A.A.Y Court Operates Differently Than Other Specialty Courts Within Family Courts**

D.A.A.Y. Court began out of a need to meet the specific and special sensory and therapeutic needs of autistic youth involved in the juvenile justice system. We receive referrals from Attorneys, Probation Officers, Case Workers, and other Judicial Officers if a youth is either identified to have autism or is suspected of having autism. Our clinical team will obtain and review supporting documentation for eligibility. If youth meet eligibility criteria, the Court schedules the youth for an initial appearance for acceptance into D.A.A.Y. Court. This initial appearance is held in-person, except for extenuating circumstances. All subsequent appearances are a hybrid of in-person or virtual appearances. The D.A.A.Y. Team identifies whether the youth needs a diagnostic assessment or a referral to a neuropsychologist for a comprehensive neuropsychological evaluation. The team may also refer the youth for prosocial and assistive therapies, public services such as Desert Regional Center or Autism Treatment Assistance Program, medical insurance assistance such as the Katie Beckett program, or if already diagnosed a partnered applied behavioral analysis (ABA) provider to provide ABA therapy for the youth and parent training for the family. The only other exception is for graduation hearings. Graduations are held in-person, so we have the opportunity to hand out certificates and incentives for positive behavior progress in the program.

### **Virtual Hearings Support Our Providers**

Due to the many therapies and service providers involved with each family, we have a very large team of providers that come to D.A.A.Y Court every week, almost all who appear virtually to assist new cases, provide updates on their current cases, and support the court with their guidance. They appear virtually due to their busy schedules and varying locations. This also helps to reduce crowding within the courtroom setting, as each youth could have as many as 12 providers attend court on their behalf to provide updates and for court staffing. As mentioned above, currently approximately 30% of our current cases are attending the location of one of these providers 5 days a week. Some of our youth attend court on a weekly basis due to their high risk and high needs. The cost of missed court ordered therapy hours would be upwards of 33 hours per week combined. If our youth attended hearings in-person every week, it could disrupt their therapy and their structured and established schedules. These providers established specific rooms and equipment to facilitate attending court hearings virtually while minimizing the disruptions to the youth's therapy.

## **Virtual Hearings Support Families**

This allows minimal time off from work, and reduce the risk to the family's financial security. Virtual hearings reduces the need for missed school and missed therapy sessions. Many autistic youth struggle with frustration-tolerance and change. Our support of their preference for consistency and familiarity reduces their anxiety, aggressive behaviors and leads to further therapeutic progress. The team has learned throughout our development that for approximately 30% of our youth, the act of traveling to in-person appearances creates a risk of increased aggressive and anxious behaviors that can place the whole family and community at risk. Additionally, many of our families have transportation issues. Many families must commute via public transportation to reach court. This can require transfers and significant wait time, sometimes for only a 5 minutes court hearing. Our partners have assisted to establish support for these families to facilitate school to therapy transportation. The additional complication the families faced having to pick up the youth from therapy providers to attend in-person hearings caused increased tardiness and absenteeism. The team found virtual appearance options increased our attendance and family engagement by both youth as well as the family. As parents and guardians could virtually attend from their place of work and do not need to take additional time off.