



**U.S. Department of Justice**

**Civil Rights Division**

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*Assistant Attorney General  
950 Pennsylvania Ave, NW - RFK  
Washington, DC 20530*

October 4, 2022

Attorney General Aaron Ford  
100 North Carson Street  
Carson City, NV 89701

Re: Notice Regarding Investigation of Nevada's Use of Institutions to Serve Children with Behavioral Health Disabilities

Dear Attorney General Ford:

The Department of Justice has completed its investigation into whether the State of Nevada violates the rights of children with behavioral health disabilities by failing to provide them services in the most integrated setting appropriate. The investigation was conducted under Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12131-12134.

After carefully reviewing the evidence, we conclude that there is reasonable cause to believe that the State of Nevada violates Title II of the ADA by failing to provide services to children with behavioral health disabilities in the most integrated setting appropriate to their needs. Consistent with the ADA's regulations, this Report includes our findings of fact and conclusions of law, and the measures that we believe will remedy the alleged violations.

We thank the State for cooperating with our investigation and providing access to staff, documents, and data. We would like to work with the State to achieve a consensual resolution of the issues raised in this Report. The lawyers assigned to this investigation will contact counsel for the State for such discussions. We anticipate that these negotiations will, as in most of our cases, result in an agreement to resolve these issues. In the unexpected event we are unable to reach a resolution regarding our concerns, we are obliged to advise you that we may take appropriate action, including initiation of a lawsuit, to ensure the State's compliance with the ADA. In addition, the complainant to our agency maintains the right to file a lawsuit at any time, *see* 28 C.F.R. § 35.172 (d). Please also note that this Report is a public document. It will be posted on the Civil Rights Division's website.

If you have any questions regarding this correspondence, please call Steven H. Rosenbaum, Chief of the Special Litigation Section, at (202) 616-7157.

Sincerely,

*/s/ Kristen Clarke*

Kristen Clarke  
Assistant Attorney General  
Civil Rights Division

cc: Richard Whitley  
Director, Nevada Department of Health and Human Services

Jason M. Frierson  
United States Attorney, District of Nevada