

Policy Brief

New Legislator Orientation and Training: 2016–2017



Juvenile Justice

December 6, 2016

State Agency Overview and Mission

The Division of Child and Family Services (DCFS), within Nevada's Department of Health and Human Services, serves youth ages 12 to 21 who have been committed to DCFS and placed either at a youth center or with the Youth Parole Bureau. Under Nevada law, with some exceptions, any person under 18 years of age, or any person under 21 years of age who commits a delinquent act before reaching the age of 18, comes under the jurisdiction of the juvenile justice system. The exceptions relate to crimes for which a juvenile can be certified for treatment as an adult. These crimes include, but are not limited to, murder, attempted murder, a second or subsequent felony committed at the age of 16 or older, certain kinds of sexual assault, and any offense involving the use or threatened use of a deadly weapon.

The mission of DCFS and its agencies is to protect the community and reduce or eliminate recidivism while providing secure, caring environments that encourage youth to develop competencies and repay their victims. Three youth centers, located across Nevada, are managed by DCFS: Caliente Youth Center, Nevada Youth Training Center, and Summit View Youth Center. At the writing of this brief, the total population of all centers was 204 (167 males and 37 females). According to DCFS, youth committed to one of these centers, usually for delinquent behavior, typically stay for six to nine months, and upon successful program completion, are then released back to their community with the Youth Parole Bureau providing further supervision and case management.

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Relevant Nevada Revised Statutes (NRS) Chapters or Sections

Title 5 of NRS contains the State's juvenile justice laws:

NRS 62A—General Provisions

NRS 62B—General Administration; Jurisdictions

NRS 62C—Procedure Before Adjudication

NRS 62D—Procedure in Juvenile Proceedings

NRS 62E—Disposition of Cases by Juvenile Court

NRS 62F—Juvenile Sex Offenders

NRS 62G—Administration of Probation

NRS 62H—Records Related to Children

NRS 62I—Interstate Compact for Juveniles

NRS 63—State Facilities for Detention of Children

2017–2018 Issues

Funding for “Front End” Juvenile Justice Programming

While there are several entities across Nevada committed to improving the juvenile justice system, since its creation in 2011 the Nevada Supreme Court's Commission on Statewide Juvenile Justice Reform has been instrumental in identifying and developing concrete policy proposals for legislative consideration. In 2016, one of the Commission's highest priorities has been to advocate for funding of front end programming for at-risk youth. The Commission has urged that the Governor include in his *Executive Budget* for the 2017–2018 Biennium, and the Legislature support, funding to accommodate requests from various child welfare and juvenile justice entities across the State for these programs. During testimony, Commission members indicated that these programs are not only crucial in the effort to keep youth out of the juvenile justice system and on the right path, but they also represent important potential cost savings for the State.

Juvenile Justice Information Sharing

Another goal of the Commission is to amend Chapter 62H of NRS to facilitate better information sharing between juvenile justice agencies, school districts, and law enforcement agencies when law enforcement is actively engaged in an investigation or emergency situation involving a child who is subject to juvenile court jurisdiction. Concern remains among some stakeholders about the breadth of the language contained in the Commission's proposed legislation. It has also been noted that, due to the reorganization of the Clark County School District that is currently underway, amendments to the legislation may be necessary to clarify exactly how information sharing would be conducted.

2015 Legislative Session: Recent Legislation

Assembly Bill 138 (Enacted)

Assembly Bill 138 enacts a juvenile competency standard. The bill establishes procedures both a juvenile court and a person who makes a motion for the evaluation of a child must follow in determining the question of competence. If the court suspends a case to consider the question of competency, then the court must appoint one or more qualified experts. The measure also provides guidelines and considerations an expert must take into account as part of the evaluation, if appropriate, such as age, developmental maturity, and any other factor that affects the competence of a child. Upon receipt of a written report the expert must submit, the court must hold an expedited hearing to determine the child's competency. If the child is determined to be incompetent, the court is required to make additional determinations and issue all necessary and appropriate recommendations and orders. The court must also conduct a periodic review to determine whether the child has attained competence.

2015–2016 Interim: Legislative Committee on Child Welfare and Juvenile Justice

The Legislative Committee on Child Welfare and Juvenile Justice is a statutory committee of the Nevada Legislature whose authority and duties are set forth in NRS 218E.700 through 218E.720. The Committee reviews and evaluates issues relating to the provision of child welfare services and juvenile justice in the State and recommends legislation concerning these topics to the Legislature. The Committee meets between the biennial sessions of the Legislature and consists of three members from the Senate and three members from the Assembly, appointed by the Legislative Commission. At its final meeting of the interim in August 2016, the Committee approved the following proposals for legislation:

Establishing Paternity

Draft legislation to authorize the establishment of paternity under Chapter 432B ("Protection of Children From Abuse and Neglect") of NRS regarding abuse and neglect cases similarly to what is currently set forth in Chapter 425 ("Support of Dependent Children") of NRS regarding child support. **(BDR 38–344)**

Juvenile Sex Offender Registration and Notification

Draft legislation amending language in NRS 62A.030, NRS 62B.410, Chapter 62F ("Juvenile Sex Offenders") of NRS, NRS 62H.110, NRS 62H.120, and NRS 179D.035, revising provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses. **(BDR 5–345)**

Unintended Penalties for Certain Juveniles

Draft legislation amending Chapter 201 ("Crimes Against Public Decency and Good Morals") of NRS to remove increased penalties for certain juvenile offenders that were unintendedly added during the 2015 Legislative Session. **(BDR 15–346)**

Juvenile Justice Information Sharing

Draft legislation amending Chapter 62H ("Records Related to Children") of NRS to allow juvenile justice agencies to release juvenile justice information to a law enforcement agency actively engaged in a criminal or delinquency investigation or emergency situation involving a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court that poses a serious threat to public, officer, or child's safety. **(BDR 5–347)**

Foster Homes—Background Checks

Draft legislation amending Chapter 424 ("Foster Homes for Children") of NRS to revise several provisions regarding foster home licensee background checks in order to comply with federal law. **(BDR 38–348)**

Prepared by the Research Division, Legislative Counsel Bureau

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