
ASSEMBLY BILL NO. 180—ASSEMBLYMEN MONROE-MORENO;
BILBRAY-AXELROD, BROOKS, COHEN, MCCURDY II,
MILLER AND YEAGER

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Enacts the Juvenile Justice Bill of Rights.
(BDR 5-711)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to juvenile justice; enacting the Juvenile Justice Bill of Rights; providing certain rights to children who are detained in a detention facility; requiring notice of those rights to be provided to children who are detained and to certain other persons, and that such notice be posted in certain locations; establishing a procedure for children to report alleged violations of those rights; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill enacts the Juvenile Justice Bill of Rights. **Section 5** of this bill sets
2 forth certain rights of children who are detained in a detention facility. **Section 6** of
3 this bill requires a detention facility in which a child is detained to: (1) inform the
4 child of the rights set forth in **section 5**; (2) provide the child and, if practicable, the
5 parent or guardian of the child with a written copy of those rights; and (3) post a
6 written copy of those rights in a conspicuous place inside the detention facility.
7 **Section 7** of this bill authorizes a detention facility to place reasonable restrictions
8 on the rights of a child based upon the time, place and manner of the child’s
9 exercise of those rights if such restrictions are necessary to preserve order, security
10 or safety. **Section 8** of this bill authorizes a child who believes that his or her rights
11 have been violated to raise and redress a grievance. **Sections 9-11** of this bill make
12 conforming changes.



* A B 1 8 0 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 62A of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this
3 act.

4 **Sec. 2.** *“Agency which provides child welfare services” has*
5 *the meaning ascribed to it in NRS 432B.030.*

6 **Sec. 3.** *Sections 3 to 8, inclusive, of this act may be cited as*
7 *the Juvenile Justice Bill of Rights.*

8 **Sec. 4.** *As used in sections 3 to 8, inclusive, of this act,*
9 *“detention facility” includes a:*

- 10 1. *Local facility for the detention of children;*
- 11 2. *Regional facility for the detention of children; and*
- 12 3. *State facility for the detention of children.*

13 **Sec. 5.** *Except as otherwise provided in section 7 of this act, a*
14 *child who is placed in the care and custody of a detention facility*
15 *within this State has the right:*

- 16 1. *To receive information concerning his or her rights set*
17 *forth in this title.*
- 18 2. *To be treated with dignity and respect.*
- 19 3. *To fair and equal access to services, placement, care,*
20 *treatment and benefits.*
- 21 4. *To a program of age-appropriate education that meets the*
22 *requirements of law.*
- 23 5. *To receive adequate, healthy, appropriate and accessible*
24 *food.*
- 25 6. *To receive adequate, appropriate and accessible basic*
26 *necessities, including, without limitation, shelter, clean clothing*
27 *and personal hygiene products and facilities.*
- 28 7. *To receive necessary medical and behavioral health care*
29 *services, including, without limitation:*
 - 30 (a) *Dental, vision and mental health services;*
 - 31 (b) *Medical and psychological screening, assessment and*
32 *testing; and*
 - 33 (c) *Referral to and receipt of medical, emotional, psychological*
34 *or psychiatric evaluation and treatment as soon as practicable*
35 *after the need for such services has been identified.*
- 36 8. *To be free from:*
 - 37 (a) *Abuse or neglect, as defined in NRS 432B.020.*
 - 38 (b) *Corporal punishment, as defined in NRS 388.478.*
 - 39 (c) *The administration of psychotropic medication unless the*
40 *administration is consistent with NRS 432B.197 and the policies*
41 *established pursuant thereto.*



1 (d) *Discrimination or harassment on the basis of his or her*
2 *actual or perceived race, ethnicity, ancestry, national origin, color,*
3 *religion, sex, sexual orientation, gender identity or expression,*
4 *mental or physical disability or exposure to the human*
5 *immunodeficiency virus.*

6 (e) *The deprivation of food, sleep, exercise, education, pillows,*
7 *blankets or personal hygiene products as a form of punishment or*
8 *discipline.*

9 (f) *Being searched for the purpose of harassment or*
10 *humiliation, or as a form of punishment or discipline.*

11 (g) *Being restricted from a daily shower, clean clothing,*
12 *drinking water, a toilet or reading materials as a form of*
13 *punishment or discipline.*

14 9. *To reasonable access and accommodations to participate*
15 *in religious services of his or her choice or to refuse to participate*
16 *in religious services.*

17 10. *To communicate with other persons, including, without*
18 *limitation, the right:*

19 (a) *To have regular contact through visits, telephone calls and*
20 *mail with:*

21 (1) *Biological children;*

22 (2) *Parents;*

23 (3) *Guardians;*

24 (4) *Attorneys; and*

25 (5) *Other adults with whom the child has a familial or*
26 *mentoring relationship, including, without limitation, clergy,*
27 *caseworkers, teachers, mentors and other persons, upon approval*
28 *of the agency which provides child welfare services.*

29 (b) *To communicate confidentially with:*

30 (1) *The agency which provides child welfare services to the*
31 *child concerning his or her care;*

32 (2) *Attorneys, legal services organizations and their*
33 *employees and staff;*

34 (3) *Ombudspersons and other advocates;*

35 (4) *Members of the clergy; and*

36 (5) *Holders of public office, and people who work at a state*
37 *or federal court.*

38 (c) *To report any alleged violation of his or her rights*
39 *pursuant to section 8 of this act without being threatened or*
40 *punished.*

41 11. *To attend all court hearings pertaining to the*
42 *circumstances which led to the detention of the child.*

43 **Sec. 6.** *A detention facility shall:*

44 1. *Inform the child of his or her rights as set forth in section*
45 *5 of this act;*



- 1 2. *Provide the child with a written copy of those rights;*
- 2 3. *Provide an additional written copy of those rights to the*
- 3 *child upon request;*
- 4 4. *To the extent that it is practicable, provide a written copy of*
- 5 *those rights to the parent or guardian of the child; and*
- 6 5. *Post a written copy of the rights set forth in section 5 of*
- 7 *this act in a conspicuous place inside the detention facility.*

8 **Sec. 7.** *A detention facility may impose reasonable*

9 *restrictions on the time, place and manner in which a child may*

10 *exercise his or her rights set forth in section 5 of this act if such*

11 *restrictions are necessary to preserve the order, security or safety*

12 *of the public, the staff of the detention facility or other children*

13 *who are detained in the detention facility.*

14 **Sec. 8.** *If a child believes that any of his or her rights set*

15 *forth in section 5 of this act have been violated, the child may raise*

16 *and redress a grievance through, without limitation:*

- 17 1. *A member of the staff of the detention facility;*
- 18 2. *A probation officer or parole officer;*
- 19 3. *An agency which provides child welfare services to the*
- 20 *child, and any employee thereof;*
- 21 4. *A juvenile court with jurisdiction over the child;*
- 22 5. *A guardian ad litem for the child;*
- 23 6. *An attorney for the child; or*
- 24 7. *The use of any appropriate procedure which has been*
- 25 *established by the Division of Child and Family Services to*
- 26 *address grievances for children, both in and out of detention.*

27 **Sec. 9.** NRS 62A.010 is hereby amended to read as follows:

28 62A.010 As used in this title, unless the context otherwise

29 requires, the words and terms defined in NRS 62A.020 to 62A.350,

30 inclusive, *and section 2 of this act* have the meanings ascribed to

31 them in those sections.

32 **Sec. 10.** NRS 62A.380 is hereby amended to read as follows:

33 62A.380 1. In carrying out the objects and purposes of this

34 title, the juvenile court may use the services and facilities of the

35 agency which provides child welfare services.

36 2. The agency which provides child welfare services shall

37 determine the plans, placements and services to be provided to any

38 child pursuant to the provisions of this title, chapter 432 of NRS,

39 NRS 432B.010 to 432B.400, inclusive, and 432B.4681 to 432B.469,

40 inclusive.

41 ~~3. As used in this section, "agency which provides child~~

42 ~~welfare services" means:~~

43 ~~(a) In a county whose population is less than 100,000, the local~~

44 ~~office of the Division of Child and Family Services; or~~



1 ~~—(b) In a county whose population is 100,000 or more, the agency~~
2 ~~of the county,~~
3 ~~↪ which provides or arranges for necessary child welfare services.]~~

4 **Sec. 11.** NRS 62D.420 is hereby amended to read as follows:

5 62D.420 1. In each proceeding conducted pursuant to the
6 provisions of this title, the juvenile court may:

7 (a) Receive all competent, material and relevant evidence that
8 may be helpful in determining the issues presented, including, but
9 not limited to, oral and written reports; and

10 (b) Rely on such evidence to the extent of its probative value.

11 2. The juvenile court shall afford the parties and their attorneys
12 an opportunity to examine and controvert each written report that is
13 received into evidence and to cross-examine each person who made
14 the written report, when reasonably available.

15 3. In any proceeding involving a child for which the court has
16 access to records relating to the custody of the child or the
17 involvement of the child with an agency which provides child
18 welfare services, the juvenile court may review those records to
19 assist the court in determining the appropriate placement or plan of
20 treatment for the child.

21 4. Except when a record described in subsection 3 would
22 otherwise be admissible as evidence in the proceeding, the juvenile
23 court shall not use a record reviewed pursuant to subsection 3 to
24 prove that the child committed a delinquent act or is in need of
25 supervision or for any purpose other than a purpose set forth in
26 subsection 3. Except as otherwise provided in subsection 5, such
27 records must not be disclosed or otherwise made open to inspection
28 unless the records are admitted as evidence and used to determine
29 the disposition of the case.

30 5. The juvenile court shall afford the parties and their attorneys
31 an opportunity to examine and address any record reviewed by the
32 juvenile court pursuant to subsection 3.

33 ~~6. As used in this section, “agency which provides child~~
34 ~~welfare services” has the meaning ascribed to it in NRS 432B.030.]~~

35 **Sec. 12.** This act becomes effective on July 1, 2017.



