

Assembly Bill No. 308—Assemblymen Tiffany, Cegavske, Arberry, Beers, Berman, Brower, Brown, Buckley, Carpenter, Chowning, Claborn, Collins, Freeman, Gibbons, Hettrick, Koivisto, Lee, Leslie, Manendo, Marvel, Mortenson, Neighbors, Parks, Parnell, Smith and Von Tobel

Joint Sponsor: Senator Wiener

CHAPTER.....

AN ACT relating to juveniles; revising the provisions concerning the waiver by juveniles of their right to counsel; and providing other matters properly relating thereto.

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

**Section 1.** NRS 62.085 is hereby amended to read as follows:

62.085 1. If a child is alleged to be delinquent or in need of supervision, the child and his parents, guardian or custodian must be advised by the court or its representative that the child is entitled to be represented by an attorney at all stages of the proceedings . ~~+-unless waived.-~~ If indigent, the parent, guardian or custodian of the child may request the appointment of an attorney to represent the child pursuant to the provisions in NRS 171.188. If not indigent and:

(a) An attorney is not retained for the child; or  
(b) It does not appear that an attorney will be retained,  
an attorney must be appointed for the child . ~~+-unless waived.-~~  
2. Except as otherwise provided in NRS 424.085, if an attorney is appointed to represent a child:

(a) The parents of that child shall pay the reasonable fees and expenses of the attorney unless they are indigent; or  
(b) If the parents of the child are indigent, the court may require the parent or guardian of the child to reimburse the county or state in accordance with his ability to pay.

3. The parent, guardian or custodian may be represented by an attorney at all stages of the proceedings. In no case may an attorney be appointed for him unless the court makes written findings that such an appointment is required in the interest of justice and specifying the reasons thereof.

4. Each attorney, other than a public defender, appointed under the provisions of this section is entitled to the same compensation and expenses from the county as provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with crimes.

*5. Notwithstanding the provisions of this section, if a child is alleged to be delinquent or in need of supervision and if:*

*(a) A petition is not filed and the child is placed under informal supervision pursuant to NRS 62.129, the child may waive the right to be represented by an attorney.*

*(b) A petition is filed, the child may waive the right to be represented by an attorney if the record of the court shows that the waiver of the right to be represented by an attorney is made knowingly, intelligently, voluntarily and in accordance with any applicable standards established by the court.*