

ASSEMBLY BILL NO. 378—ASSEMBLYMAN ATKINSON

MARCH 23, 2005

Referred to Committee on Judiciary

SUMMARY—Establishes various provisions relating to certain runaway children in need of supervision by juvenile court. (BDR 5-1268)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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; authorizing a juvenile court to appoint certain probation officers to act as masters of the juvenile court in certain proceedings concerning children who are alleged to be runaway children; requiring a juvenile court to order runaway children to pay certain fines and perform community service and to place conditions on the drivers' licenses of such children in certain circumstances; 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. Chapter 62A of NRS is hereby amended by adding thereto a new section to read as follows:

“Runaway child” means a child who deserts, abandons or runs away from the home or usual place of abode of the child.

Sec. 2. NRS 62A.010 is hereby amended to read as follows:

62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 62B.020 is hereby amended to read as follows:

62B.020 1. Except as otherwise provided in this section, the juvenile court or the chief judge of the judicial district may appoint



1 any person to act as a master of the juvenile court if the person is
2 qualified by previous experience, training and demonstrated interest
3 in the welfare of children to act as a master of the juvenile court.

4 2. A probation officer shall not act as a master of the juvenile
5 court unless the proceeding concerns:

6 (a) A minor traffic offense; ~~for~~

7 (b) A child who is alleged to be a habitual truant ~~H~~ ; or

8 *(c) A child who is alleged to be a runaway child.*

9 3. If a person is appointed to act as a master of the juvenile
10 court, the person shall attend instruction at the National College of
11 Juvenile and Family Law in Reno, Nevada, in a course designed for
12 the training of new judges of the juvenile court on the first occasion
13 when such instruction is offered after the person is appointed.

14 4. If, for any reason, a master of the juvenile court is unable to
15 act, the juvenile court or the chief judge of the judicial district may
16 appoint another qualified person to act temporarily as a master of
17 the juvenile court during the period that the master who is regularly
18 appointed is unable to act.

19 5. The compensation of a master of the juvenile court:

20 (a) May not be taxed against the parties.

21 (b) Must be paid out of appropriations made for the expenses of
22 the district court, if the compensation is fixed by the juvenile court.

23 **Sec. 4.** NRS 62B.320 is hereby amended to read as follows:

24 62B.320 1. Except as otherwise provided in this title, the
25 juvenile court has exclusive original jurisdiction in proceedings
26 concerning any child living or found within the county who is
27 alleged or adjudicated to be in need of supervision because the
28 child:

29 (a) Is subject to compulsory school attendance and is a habitual
30 truant from school;

31 (b) Habitually disobeys the reasonable and lawful demands of
32 the parent or guardian of the child and is unmanageable; or

33 (c) ~~{Deserts, abandons or runs away from the home or usual~~
34 ~~place of abode of the child}~~ *Is a runaway child* and is in need of
35 care or rehabilitation.

36 2. A child who is subject to the jurisdiction of the juvenile
37 court pursuant to this section must not be considered a delinquent
38 child.

39 **Sec. 5.** NRS 62C.110 is hereby amended to read as follows:

40 62C.110 1. Before a petition alleging delinquency or need of
41 supervision or a petition for revocation may be filed with the
42 juvenile court, the district attorney must prepare and sign the
43 petition. The district attorney shall represent the petitioner in all
44 proceedings.



- 1 2. The petition must be:
- 2 (a) Entitled, "In the Matter of, a child"; and
- 3 (b) Verified by the person who signs it.
- 4 3. The petition must set forth specifically:
- 5 (a) The facts which bring the child within the jurisdiction of the
- 6 juvenile court and the date when delinquency occurred or need of
- 7 supervision arose.
- 8 (b) The name, date of birth and address of the residence of the
- 9 child.
- 10 (c) The name and address of the residence of the parent or
- 11 guardian of the child. If the parent or guardian of the child does not
- 12 reside or cannot be found within this State, or if the address of the
- 13 parent or guardian is unknown:
- 14 (1) The name of any known adult relative residing within this
- 15 State; or
- 16 (2) If no known adult relative resides within this State, the
- 17 known adult relative residing nearest to the juvenile court.
- 18 (d) The name and address of the spouse of the child, if any.
- 19 (e) Whether the child is in custody and, if so, the place of
- 20 detention and the time the child was taken into custody.
- 21 4. If any of the facts required by subsection 3 are not known,
- 22 the petition must so state.
- 23 5. In addition to the information required pursuant to this
- 24 section, a petition alleging that a child is in need of supervision must
- 25 contain the following information regarding efforts made to modify
- 26 the behavior of the child:
- 27 (a) A list of the local programs to which the child was referred;
- 28 and
- 29 (b) Other efforts taken in the community.
- 30 ➤ The provisions of this subsection do not apply to a child who is
- 31 alleged to be in need of supervision because the child is a habitual
- 32 truant **H** or runaway child.
- 33 **Sec. 6.** Chapter 62E of NRS is hereby amended by adding
- 34 thereto a new section to read as follows:
- 35 **1. If a child is adjudicated to be in need of supervision**
- 36 **because the child is a runaway child, the juvenile court shall:**
- 37 **(a) The first time the child is adjudicated to be in need of**
- 38 **supervision because the child is a runaway child:**
- 39 **(1) Order the child to:**
- 40 **(I) Pay a fine of not more than \$100 and the**
- 41 **administrative assessment required by NRS 62E.270; or**
- 42 **(II) Perform not less than 8 hours but not more than 16**
- 43 **hours of community service; and**
- 44 **(2) If the child is 14 years of age or older, order the**
- 45 **suspension of the driver's license of the child for at least 30 days**



1 *but not more than 6 months. If the child does not possess a*
2 *driver's license, the juvenile court shall prohibit the child from*
3 *applying for a driver's license for 30 days:*

4 *(I) Immediately following the date of the order if the*
5 *child is eligible to apply for a driver's license; or*

6 *(II) After the date the child becomes eligible to apply for*
7 *a driver's license if the child is not eligible to apply for a driver's*
8 *license.*

9 *(b) The second or any subsequent time the child is adjudicated*
10 *to be in need of supervision because the child is a runaway child:*

11 *(1) Order the child to:*

12 *(I) Pay a fine of not more than \$200 and the*
13 *administrative assessment required by NRS 62E.270;*

14 *(II) Perform not more than 10 hours of community*
15 *service; or*

16 *(III) Comply with the requirements set forth in both*
17 *sub-subparagraphs (I) and (II); and*

18 *(2) If the child is 14 years of age or older, order the*
19 *suspension of the driver's license of the child for at least 60 days*
20 *but not more than 1 year. If the child does not possess a driver's*
21 *license, the juvenile court shall prohibit the child from applying*
22 *for a driver's license for 60 days:*

23 *(I) Immediately following the date of the order if the*
24 *child is eligible to apply for a driver's license; or*

25 *(II) After the date the child becomes eligible to apply for*
26 *a driver's license if the child is not eligible to apply for a driver's*
27 *license.*

28 *2. The juvenile court may suspend the payment of a fine*
29 *ordered pursuant to paragraph (a) of subsection 1 if the child*
30 *remains at his legal residence for at least 6 months after the*
31 *imposition of the fine, or has the valid consent of his parent,*
32 *guardian or custodian to be absent from his legal residence within*
33 *that period.*

34 **Sec. 7.** NRS 62E.270 is hereby amended to read as follows:

35 62E.270 1. If the juvenile court imposes a fine against:

36 (a) A delinquent child pursuant to NRS 62E.730;

37 (b) A child who has committed a minor traffic offense, except
38 an offense related to metered parking, pursuant to NRS 62E.700;

39 ~~for~~

40 (c) A child in need of supervision because the child is a habitual
41 truant pursuant to NRS 62E.430 ~~for~~; or

42 (d) A child in need of supervision because the child is a
43 runaway child pursuant to section 6 of this act,



1 ↪ the juvenile court shall order the child or the parent or guardian
2 of the child to pay an administrative assessment of \$10 in addition
3 to the fine.

4 2. The juvenile court shall state separately on its docket the
5 amount of money that the juvenile court collects for the
6 administrative assessment.

7 3. If the child is found not to have committed the alleged act or
8 the charges are dropped, the juvenile court shall return to the child
9 or the parent or guardian of the child any money deposited with the
10 juvenile court for the administrative assessment.

11 4. On or before the fifth day of each month for the preceding
12 month, the clerk of the court shall pay to the county treasurer the
13 money the juvenile court collects for administrative assessments.

14 5. On or before the 15th day of each month, the county
15 treasurer shall deposit the money in the county general fund for
16 credit to a special account for the use of the county's juvenile court
17 or for services to delinquent children.

18 **Sec. 8.** NRS 62E.400 is hereby amended to read as follows:

19 62E.400 1. The provisions of this section and NRS 62E.410,
20 62E.420 and 62E.430 *and section 6 of this act* apply to the
21 disposition of a case involving a child who is found to be within the
22 purview of this title because the child is or is alleged to be in need of
23 supervision.

24 2. If such a child is found to be within the purview of this title:

25 (a) The juvenile court may issue any orders or take any actions
26 set forth in NRS 62E.410, 62E.420 and 62E.430 *and section 6 of*
27 *this act* that the juvenile court deems proper for the disposition of
28 the case; and

29 (b) If required by a specific statute, the juvenile court shall issue
30 the appropriate orders or take the appropriate actions set forth in the
31 statute.

32 **Sec. 9.** NRS 62E.410 is hereby amended to read as follows:

33 62E.410 1. If a petition is filed alleging that a child is in need
34 of supervision and the child previously has not been found to be
35 within the purview of this title, the juvenile court:

36 (a) Shall admonish the child to obey the law and to refrain from
37 repeating the acts for which the petition was filed;

38 (b) Shall maintain a record of the admonition;

39 (c) Shall refer the child to services available in the community
40 for counseling, behavioral modification and social adjustment; and

41 (d) Shall not adjudicate the child to be in need of supervision,
42 unless a subsequent petition based upon additional facts is filed with
43 the juvenile court after admonition and referral pursuant to this
44 subsection.



- 1 2. If a child is not subject to the provisions of subsection 1, the
2 juvenile court may not adjudicate the child to be in need of
3 supervision unless the juvenile court expressly finds that reasonable
4 efforts were taken in the community to assist the child in ceasing the
5 behavior for which the child is alleged to be in need of supervision.
- 6 3. The provisions of this section do not apply to a child who is
7 alleged to be in need of supervision because the child is a habitual
8 truant  *or runaway child.*



