

CHAPTER.....

AN ACT relating to juvenile justice; requiring certain children referred to the system of juvenile justice to be screened for mental health and substance abuse problems; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the juvenile court to order a delinquent child to undergo an evaluation under certain circumstances. When a delinquent child has committed an unlawful act involving alcohol or a controlled substance, the child must be evaluated to determine whether he is an abuser of alcohol or drugs. The person who conducts the evaluation must report the results of the evaluation and recommend treatment for the child to the juvenile court. (NRS 62E.620)

This bill requires that each child who is taken into custody and detained while awaiting a required detention hearing or who is adjudicated delinquent and committed by the juvenile court to a regional or state facility for the detention of children or ordered by the juvenile court, under certain circumstances, to be placed in a facility for the detention of children be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs. The facility in which the child is detained or committed is required to conduct the screening as soon as practicable after the child has been detained or committed to the facility.

This bill requires each local and regional facility for the detention of children to use a method for conducting the required screening that has been approved by the Division of Child and Family Services of the Department of Human Resources and requires that any approved method be resubmitted for approval every 5 years. This bill also provides that before such a facility may use a new method, the facility must obtain approval from the Division. If the Division does not approve a method for conducting screening submitted by a facility and the facility does not submit a different method for conducting the screening within 90 days after the denial, the Division is required to notify the appropriate board of county commissioners or other governing body which administers the facility and the chief judge of the appropriate judicial district who are required to take appropriate action to ensure that the facility complies with the requirements of the bill. This bill also requires each state facility for the detention of children to use a method for conducting the screening which satisfies the same requirements as the methods used by local and regional facilities for the detention of children. Further, this bill requires the Division to review the method for conducting screening that is used by each state facility for the detention of children at least once every 5 years to ensure the method continues to satisfy the applicable requirements.

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

Section 1. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children or a regional facility for the detention of children while awaiting a detention hearing pursuant to NRS 62C.040 or

62C.050 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs.

2. The facility in which the child is detained shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been detained in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of section 4 of this act.

Sec. 2. Chapter 62E of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *1. Each child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the detention of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs.*

2. The facility to which the child is committed or in which the child is placed shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been committed to or placed in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of section 4 of this act.

Sec. 4. *1. Each local facility for the detention of children and regional facility for the detention of children shall conduct the screening required pursuant to sections 1 and 3 of this act using a method that has been approved by the Division of Child and Family Services. The Division shall approve a method upon determining that the method is:*

(a) Based on research; and

(b) Reliable and valid for identifying a child who is in need of mental health services or who is an abuser of alcohol or other drugs.

2. Each local facility for the detention of children and regional facility for the detention of children shall submit its method for conducting the screening required pursuant to sections 1 and 3 of this act to the Division of Child and Family Services for approval on or before July 1 of each fifth year after the date on which the method was initially approved by the Division. Before a local facility for the detention of children or regional facility for the detention of children may begin using a new method for conducting the screening required pursuant to section 1 or 3 of this act, the facility must obtain approval of the method from the Division pursuant to subsection 1.

3. If the Division of Child and Family Services does not approve a method for conducting the screening required pursuant to sections 1 and 3 of this act that is submitted by a local facility for the detention of children or a regional facility for the detention of children, and the facility does not submit a new method for conducting the screening for approval within 90 days after the denial, the Division of Child and Family Services shall notify the appropriate board of county commissioners or other governing body which administers the facility and the chief judge of the appropriate judicial district that the facility has not received approval of its method for conducting the screening as required by this section.

4. Upon receiving the notice required by subsection 3, the appropriate board of county commissioners or governing body and the chief judge shall take appropriate action to ensure that the facility complies with the requirements of this section and sections 1 and 3 of this act.

5. Each state facility for the detention of children shall use a method for conducting the screening required pursuant to section 3 of this act that satisfies the requirements of paragraphs (a) and (b) of subsection 1. The Division of Child and Family Services shall review the method used by each state facility for the detention of children at least once every 5 years to ensure the method used by the facility continues to satisfy the requirements of paragraphs (a) and (b) of subsection 1.

6. The Division of Child and Family Services shall adopt such regulations as are necessary to carry out the provisions of this section and sections 1 and 3 of this act, including, without limitation, regulations prescribing the requirements for:

(a) Transmitting information obtained from the screening conducted pursuant to section 1 or 3 of this act; and

(b) Protecting the confidentiality of information obtained from such screening.

Sec. 5. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~1~~, and sections 3 and 4 of this act:

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, and sections 3 and 4 of this act that the juvenile court deems proper for the disposition of the case; and

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

Sec. 6. 1. Notwithstanding the provisions of section 4 of this act, each local facility for the detention of children and regional facility for the detention of children:

(a) Until July 1, 2006, may use its method of conducting the screening required pursuant to sections 1 and 3 of this act without first obtaining approval;

(b) On or before July 1, 2006, shall submit to the Division of Child and Family Services of the Department of Human Resources for approval its method for conducting the screening required pursuant to sections 1 and 3 of this act; and

(c) If it has submitted its method in accordance with paragraph (b), may use its method of conducting the screening required pursuant to sections 1 and 3 of this act without first obtaining approval until the later of:

(1) July 1, 2006; or

(2) The date on which the Division of Child and Family Services of the Department of Human Resources disapproves the method.

2. As used in this section:

(a) "Local facility for the detention of children" has the meaning ascribed to it in NRS 62A.190.

(b) "Regional facility for the detention of children" has the meaning ascribed to it in NRS 62A.280.

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Section 4 of this act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2005, for all other purposes.

3. Sections 1, 2, 3, 5, 6 and 7 of this act become effective on October 1, 2005.