

SENATE BILL NO. 58—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 20, 2014

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the release of information relating to children within the jurisdiction of the juvenile court. (BDR 5-490)

FISCAL NOTE: Effect on Local Government: No.
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 children; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes directors of juvenile services and the Chief of the
2 Youth Parole Bureau, or his or her designee, to release, upon written request and
3 good cause shown, certain information concerning a child who is within the
4 purview of the juvenile court to certain other persons involved in the juvenile
5 justice system. (NRS 62H.025) This bill specifies that juvenile justice information
6 is confidential and may only be released under certain circumstances. This bill also
7 revises: (1) the information that may be released; (2) the list of persons to whom the
8 information may be released; and (3) the circumstances under which the
9 information may be released. This bill further eliminates the requirement that a
10 request for such information be in writing and revises from 3 days to 5 business
11 days the period in which a denial of a request for the release of the information
12 must be made to the person who requested the information. Finally, this bill makes
13 it a gross misdemeanor for certain persons to disseminate or make public juvenile
14 justice information.



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

Section 1. NRS 62H.025 is hereby amended to read as follows:

62H.025 1. Juvenile justice information ~~must be maintained in accordance with federal law, and any provision of federal law authorizing the release of juvenile justice information must be construed as broadly as possible in favor of the release of juvenile justice information.~~ *is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.*

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child ~~or the safety of the public~~, a ~~director of~~ juvenile ~~services or the Chief of the Youth Parole Bureau, or his or her designee,~~ *justice agency* may ~~upon written request and good cause shown, share appropriate~~ *release* juvenile justice information ~~with~~ *to* :

- (a) A director of juvenile services or his or her designee;
- (b) The Chief of the Youth Parole Bureau or his or her designee;
- (c) A district attorney or his or her designee;
- (d) An attorney representing the child;
- (e) The director of a state agency which administers juvenile justice or his or her designee;
- (f) A director of a state, regional or local facility for the detention of children or his or her designee;
- (g) The director of an agency which provides child welfare services or his or her designee;
- (h) A guardian ad litem or court appointed special advocate who represents the child;
- (i) A parent or guardian of the child ; ~~if the release of the information to the parent or guardian is consistent with the purposes of this section; or~~
- (j) The child to whom the juvenile justice information pertains if the child has reached the age of majority ~~or~~ , *or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;*
- (k) *A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information for a purpose consistent with the purposes of this section;*
- (l) *A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;*



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(m) *A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; or*

(n) *A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order.*

3. ~~{A written request for juvenile justice information pursuant to subsection 2 may be made only for the purpose of determining the appropriate placement of the child pursuant to the provisions of chapter 432B of NRS, the appropriate treatment or services to be provided to the child or the appropriate conditions of probation or parole to be imposed on the child. The written request must state the reason that the juvenile justice information is requested. A written}~~
A juvenile justice agency may deny a request for juvenile justice information {may be refused} if:

(a) The request does not *, in accordance with the purposes of this section,* demonstrate good cause for the release of the information; or

(b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

➔ A ~~{refusal}~~ *denial* pursuant to this subsection must be made in writing to the person ~~{or entity}~~ requesting the information not later than ~~{3}~~ *5 business* days after receipt of the request. ~~{, excluding Saturdays, Sundays and holidays.}~~

~~—4.— Any juvenile justice information provided pursuant to this section is confidential, must be provided only to those persons listed in subsection 2 and must be maintained in accordance with any applicable laws and regulations.~~

~~—5.—~~ *4.* Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

- (a) Educational services;
- (b) Social services;
- (c) Mental health services;
- (d) Medical services; or
- (e) Legal services.

~~{6.— A director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee, may release juvenile justice information:}~~



~~(a) In the aggregate and without personal identifying information included, to a person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services.~~

~~(b) As deemed necessary by a legislative body of this State or a local government in this State to conduct an audit or proper oversight of any department, agency or office providing services related to juvenile justice.~~

~~7.1~~ **5. Any person, except for:**

(a) A district attorney initiating legal proceedings; or

(b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this Title or chapter 432B of NRS, who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public, is guilty of a gross misdemeanor.

6. As used in this section ~~the~~ "juvenile":

(a) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

(b) "Juvenile justice information" means any information ~~maintained by a director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee,~~ which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective on July 1, 2015.

