

ASSEMBLY BILL NO. 142—ASSEMBLYMAN FLORES

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Establishes provisions concerning children seeking federal status as special immigrant juveniles. (BDR 38-739)

FISCAL NOTE: Effect on Local Government: No.
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 children; requiring a court to enter an order setting forth certain findings that enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security upon a determination that evidence exists to support such findings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law authorizes the issuance of an immigrant visa to a special immigrant upon satisfactory proof that the applicant is entitled to status as a special immigrant. (8 U.S.C. § 1204) Existing federal law defines the term "special immigrant" to include a juvenile immigrant who is present in the United States and: (1) has been declared dependent on a juvenile court or has been legally committed to, or placed under the custody of, an agency or department of a state or an individual or entity appointed by a state or juvenile court; (2) whose reunification with one or both of his or her parents is not viable due to abuse, neglect, abandonment or a similar basis found under state law; (3) for whom it has been determined in administrative or judicial proceedings that it would not be in his or her best interest to be returned to the previous country of nationality or last habitual residence of the child or his or her parents; and (4) who is granted status as a special immigrant juvenile by the Secretary of Homeland Security through the United States Citizenship and Immigration Services. (8 U.S.C. § 1101(a)(27)(J)) Existing federal regulations: (1) provide that a person is eligible for classification as a special immigrant if, in addition to satisfying other requirements, the person is less than 21 years of age and is unmarried; and (2) define the term "juvenile court" as a court located in the United States having jurisdiction under state law to make judicial determinations about the custody and care of juveniles. (8 C.F.R. § 204.11)



This bill authorizes the district court to make the factual findings necessary to enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security at any time during a proceeding held in the district court or a division of the district court having jurisdiction to make judicial determinations regarding the custody and care of juveniles. This bill sets forth the factual findings necessary to enable a child to apply for such status and requires the court to issue an order setting forth such findings upon a determination by the court that evidence exists to support such findings. This bill also provides that any records containing information concerning the immigration status of such a child that are not otherwise confidential must be sealed and made available for inspection only by certain persons. This bill further requires the Supreme Court to adopt any rules and procedures necessary to implement the provisions of the section.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district court has jurisdiction to make judicial determinations regarding the custody and care of juveniles within the meaning of the federal Immigration and Nationality Act, 8 U.S.C. §§ 1101 et seq., and the regulations adopted pursuant thereto, and therefore may make the factual findings necessary to enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security, as described in 8 U.S.C. § 1101(a)(27)(J).

2. The factual findings set forth in subsection 3 may be made by the district court at any time during a proceeding held in the district court or a division of the district court having jurisdiction to make judicial determinations regarding the custody and care of juveniles.

3. A person may file a petition with the district court requesting that the court make the following findings to enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services:

(a) The child has been declared dependent on the court or has been legally committed to, or placed under the custody of, a state agency or department or a person appointed by the court;

(b) The reunification of the child with one or both of his or her parents was determined not to be viable because of abuse, neglect, abandonment or a similar basis; and

(c) It is not in the best interests of the child to be returned to the previous country of nationality or last habitual residence of the child or his or her parents.



* A B 1 4 2 *

1 4. *If the court determines that there is evidence to support the*
2 *findings set forth in subsection 3, including without limitation, a*
3 *declaration by the child who is the subject of the petition, the court*
4 *shall issue an order setting forth such findings. The court shall*
5 *include in the order the date on which the:*

6 (a) *Dependency, commitment or custody of the child was*
7 *ordered; and*

8 (b) *Reunification of the child with one or both of his or her*
9 *parents was determined not to be viable.*

10 5. *The court may make additional findings that are supported*
11 *by evidence upon the request of a party to the proceeding. The*
12 *asserted, purported or perceived motivation of the child seeking*
13 *status as a special immigrant juvenile is not admissible for the*
14 *purpose of making any findings pursuant to this section, and the*
15 *court shall not include or reference any such asserted, purported*
16 *or perceived motivation as a part of its findings pursuant to this*
17 *section.*

18 6. *In any proceeding held regarding a petition filed pursuant*
19 *to subsection 3, any records containing information concerning*
20 *the immigration status of a child that are not otherwise*
21 *confidential pursuant to any provision of law must be sealed and*
22 *made available for inspection only by:*

23 (a) *The court;*

24 (b) *The child who is the subject of the proceeding and his or*
25 *her attorney and guardian; and*

26 (c) *Any party to the proceeding and his or her attorney.*

27 7. *The Supreme Court shall adopt any rules and procedures*
28 *necessary to implement the provisions of this section.*

29 8. *As used in this section:*

30 (a) *"Child" means an unmarried person who is less than 21*
31 *years of age.*

32 (b) *"Special immigrant juvenile" means a person described in*
33 *8 U.S.C. § 1101(a)(27)(J).*

34 **Sec. 2.** NRS 239.010 is hereby amended to read as follows:

35 239.010 1. Except as otherwise provided in this section and
36 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
37 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
38 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
39 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
40 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
41 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
42 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
43 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
44 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
45 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,



1 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
2 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
3 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
4 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
5 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
6 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
7 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
8 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
9 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
10 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
11 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
12 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
13 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
14 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
15 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
16 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
17 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
18 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
19 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
20 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
21 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
22 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
23 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
24 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
25 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
26 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
27 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
28 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
29 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
30 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
31 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
32 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
33 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
34 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
35 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
36 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
37 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
38 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
39 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
40 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
41 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
42 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
43 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
44 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
45 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,



1 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
2 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
3 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
4 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
5 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
6 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
7 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
8 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
9 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
10 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
11 710.159, 711.600, *and section 1 of this act*, sections 35, 38 and 41
12 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
13 391, Statutes of Nevada 2013 and unless otherwise declared by law
14 to be confidential, all public books and public records of a
15 governmental entity must be open at all times during office hours to
16 inspection by any person, and may be fully copied or an abstract or
17 memorandum may be prepared from those public books and public
18 records. Any such copies, abstracts or memoranda may be used to
19 supply the general public with copies, abstracts or memoranda of the
20 records or may be used in any other way to the advantage of the
21 governmental entity or of the general public. This section does not
22 supersede or in any manner affect the federal laws governing
23 copyrights or enlarge, diminish or affect in any other manner the
24 rights of a person in any written book or record which is
25 copyrighted pursuant to federal law.

26 2. A governmental entity may not reject a book or record
27 which is copyrighted solely because it is copyrighted.

28 3. A governmental entity that has legal custody or control of a
29 public book or record shall not deny a request made pursuant to
30 subsection 1 to inspect or copy or receive a copy of a public book or
31 record on the basis that the requested public book or record contains
32 information that is confidential if the governmental entity can
33 redact, delete, conceal or separate the confidential information from
34 the information included in the public book or record that is not
35 otherwise confidential.

36 4. A person may request a copy of a public record in any
37 medium in which the public record is readily available. An officer,
38 employee or agent of a governmental entity who has legal custody
39 or control of a public record:

40 (a) Shall not refuse to provide a copy of that public record in a
41 readily available medium because the officer, employee or agent has
42 already prepared or would prefer to provide the copy in a different
43 medium.



- 1 (b) Except as otherwise provided in NRS 239.030, shall, upon
- 2 request, prepare the copy of the public record and shall not require
- 3 the person who has requested the copy to prepare the copy himself
- 4 or herself.

