

Amendment No. 773

Senate Amendment to Assembly Bill No. 439 First Reprint	(BDR 5-1093)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KMN/NCA



Date: 5/20/2019

A.B. No. 439—Revises provisions relating to the imposition of certain fees, costs and administrative assessments in juvenile proceedings.
(BDR 5-1093)



ASSEMBLY BILL NO. 439—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to ~~the imposition of certain fees, costs and administrative assessments in juvenile proceedings.~~ juvenile justice. (BDR 5-1093)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 juvenile justice; revising provisions relating to the imposition of certain fees, costs and administrative assessments in juvenile proceedings; enacting provisions relating to the cost of medical care incurred by a child in the custody of certain facilities for the detention of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a child becomes subject to the jurisdiction of the juvenile court and the child receives ancillary services that are administered or financed by a county, the county is entitled to reimbursement from the parent or guardian of the child for all money expended by the county for such services. (NRS 62B.110) ~~Section 1.5~~ Section 1.5 of this bill requires the juvenile court: (1) to the extent possible, to arrange for the child to receive such services from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such services; (2) to arrange for the billing of any available public or private medical insurance to pay for such services; and (3) not to order the parent or guardian of the child to reimburse the county for the costs of such services unless the child receives such services from a provider that is not approved or the child seeks additional services beyond those recommended for the child, in which case the parent or guardian of the child shall pay the costs of such services.

Existing law authorizes the juvenile court to order a parent or guardian of a child to pay the costs of supporting the child if the child is committed to the custody of a person other than the parent or guardian or to the custody of a public or private institution or agency. (NRS 62B.120) ~~Section 1.5~~ Section 1.7 of this bill eliminates the authority of the juvenile court to order a parent or guardian of a child to pay for such costs.

Existing law provides that if a child is committed to the custody of a regional facility for the treatment and rehabilitation of children, the juvenile court may order the county where the child has a legal residence to pay the expenses incurred for the support of the child in an amount equal to any money paid for that purpose by the Division of Child and Family Services of the Department of Health and Human Services. The juvenile court may order the parent or guardian of the child to reimburse the county for such costs. (NRS 62B.140) ~~Section 2~~ Section 2 of this bill eliminates the authority of the juvenile court to order a parent or guardian of a child to reimburse the county for such costs.

Existing law provides that if the juvenile court enters a civil judgment for any payment owed by a child or a parent or guardian of the child, the person or persons against whom the judgment is issued is liable for a collection fee. (NRS 62B.420) **Section 3** of this bill eliminates the authority to impose such a collection fee.

Section 1 of this bill requires a local facility for the detention of children to arrange for the administration of medical care for any child in its custody. Section 1 also requires the county to pay for the cost of certain types of medical care for the child if the parent or legal guardian of the child does not have medical insurance for the child or the child is not otherwise eligible for Medicaid. Section 1 provides that if the parent or legal guardian of the child has medical insurance for the child or the child is otherwise eligible for Medicaid, then the parent or legal guardian is required to pay for such medical care. Section 1 also provides that regardless of whether the parent or legal guardian has medical insurance for the child or whether the child is eligible for Medicaid, the parent or legal guardian is responsible for the costs of certain types of medical care received by the child while the child is in the custody of such a facility.

Existing law provides that if a child is placed under informal supervision, the child may be required to participate in a program of restitution through work or a program of cognitive training and human development. The child or the parent or guardian of the child may be ordered to pay the costs associated with the participation of the child in such programs. (NRS 62C.210) **Section 4** of this bill provides that, under such circumstances: (1) the child and the parent or guardian of the child must not be ordered to pay such costs; and (2) unless the parent or guardian of the child signs a waiver of liability, the program or the ~~employer~~ **entity** for which the child performs the work, as applicable, shall provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the child participates in the program or performs work.

Existing law provides that if the juvenile court appoints an attorney to represent a child and the parent or guardian of the child is not indigent, the parent or guardian must pay the reasonable fees and expenses of the attorney. If the parent or guardian is indigent, the juvenile court may order the parent or guardian to reimburse the county for such fees and expenses in accordance with the ability of the parent or guardian to pay. (NRS 62D.030) **Section 5** of this bill provides that the parent or guardian of a child must not be required to pay the reasonable fees and expenses of an attorney appointed by the juvenile court.

Existing law provides that if the juvenile court orders a child or the parent or guardian of the child, or both, to perform community service, the juvenile court may order the child or the parent or guardian of the child, or both, to pay for the cost of certain insurance during those periods in which the work is performed. (NRS 62E.180) **Section 7** of this bill provides that: (1) the juvenile court must not order the child or the parent or guardian of the child to pay such costs; and (2) unless the parent or guardian of the child signs a waiver of liability, the authority for which the work is performed must provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the work is performed.

Existing law provides that if a child is ordered to participate in a program of cognitive training and human development, a program for the arts or a program of sports and physical fitness, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the costs of participation in such programs or to work on projects or perform community service. (NRS 62E.210) **Section 8** of this bill: (1) eliminates the authority of the juvenile court to order the child or the parent or guardian of the child, or both, to pay such costs or perform such work or community service; and (2) provides that unless the parent or guardian of the child signs a waiver of liability, the program in which the child participates must provide policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program.

Existing law provides that if the juvenile court orders that a child be provided with medical, psychiatric, psychological or other care or treatment after the parent or guardian of the child fails to provide such care or treatment, the expense of such care or treatment is a charge upon the county, but the juvenile court may order the person having the duty under law to support the child to pay part or all of the expenses of such care or treatment. (NRS 62E.280) **Section 9** of this bill revises the authority of the juvenile court to order the payment of such expenses and provides that the juvenile court shall: (1) to the extent possible, arrange for the child to receive such care or treatment from an approved provider that receives a

sufficient amount of federal or state funding to offset the remainder of the costs of such care or treatment; (2) arrange for the billing of any available public or private medical insurance to pay for such care or treatment; and (3) not order the parent or guardian of the child to pay the costs of such care or treatment unless the child receives such care or treatment from a provider that is not approved or the child seeks additional care or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such care or treatment.

Existing law provides that if a child ordered to attend and complete a tobacco awareness and cessation program, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the reasonable cost for the child to attend the program. (NRS 62E.440) **Section 11** of this bill eliminates the authority of the juvenile court to order the child or the parent or guardian of the child to pay such costs.

Existing law provides that if the juvenile court orders a child to participate in a program of restitution through work, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the costs associated with the participation of the child in the program or order the child to work on projects or perform community service. (NRS 62E.600) **Section 12** of this bill: (1) provides that the juvenile court must not order the child or the parent or guardian of the child to pay such costs; (2) eliminates the authority of the juvenile court to order the child to perform such work or community service; and (3) provides that unless the parent or guardian of the child signs a waiver of liability, the program or the ~~employer~~ **entity** for which the child performs the work, as applicable, must provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the child participates in the program or performs work.

Existing law provides that when the juvenile court orders a child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs, the juvenile court is required to order the child or the parent or guardian of the child, or both, to pay any charges relating to the evaluation and treatment of the child. (NRS 62E.620) **Section 13** of this bill provides that the juvenile court: (1) shall, to the extent possible, arrange for the child to receive such evaluation and treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such evaluation and treatment; (2) shall arrange for the billing of any available public or private medical insurance to pay for such evaluation and treatment; and (3) shall not order the child or the parent or guardian of the child to pay such charges unless the child receives such evaluation and treatment from a provider that is not approved or the child seeks additional evaluation or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the charges for such evaluation and treatment.

Existing law provides that if a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court is required to order the child to participate in counseling or other psychological treatment and the child or the parent or guardian of the child, or both, to pay the cost of the child to participate in the counseling or other psychological treatment. (NRS 62E.680) **Section 15** of this bill provides that the juvenile court: (1) shall, to the extent possible, arrange for the child to receive such counseling or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such counseling or treatment; (2) shall arrange for the billing of any available public or private medical insurance to pay for such counseling or treatment; and (3) shall not order the child or the parent or guardian of the child to pay such costs unless the child receives such counseling or treatment from a provider that is not approved or the child seeks additional counseling or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such counseling or treatment.

Existing law provides that if the juvenile court orders a child to participate in a program of visitation to the office of the county coroner, the juvenile court may order the child, or the parent or guardian of the child, or both, to pay a fee of not more than \$45 based on the ability of the child or the parent or guardian of the child, or both, to pay for the costs associated with the participation of the child in the program of visitation. (NRS 62E.720) **Section 17** of this bill provides that the court shall not order the child or the parent or guardian of the child to pay such costs.

Existing law: (1) requires a child or the parent or guardian of a child to pay an administrative assessment if the juvenile court imposes a fine against the child; and (2)

authorizes the juvenile court to order a parent or guardian of a child to pay expenses of juvenile proceedings and costs of support of a child committed to the custody of the Division of Child and Family Services. (NRS 62B.130, 62E.270, 62E.300, 62E.540) Existing law also authorizes a juvenile court who commits a child to a state facility for the detention of children to require the parents or guardian of the child to pay, in whole or in part, for the support of the child while the child is in the custody of the state facility. (NRS 63.430) Section 19 of this bill repeals those provisions of existing law.

Sections 6, 10, 16 and 18 of this bill make conforming changes.

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

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

1. Every local facility for the detention of children shall arrange for the administration of medical care required by any child who is in the custody of the facility.

2. The county shall pay for the costs of the medical care for the child if:

(a) The parent or legal guardian of the child does not have medical insurance for the child or the child is not otherwise eligible for medical assistance under Medicaid; and

(b) The medical care required is:

(1) Treatment for injuries incurred by the child while the child was in the custody of the facility;

(2) Treatment for any infectious, contagious or communicable disease the child contracted while in the custody of the facility; or

(3) A medical examination required by law or court order, unless the court order otherwise provides that the cost must be paid from a source other than the county.

3. If the parent or legal guardian of the child has medical insurance for the child or the child is otherwise eligible for medical assistance under Medicaid, the parent or legal guardian, as applicable, is responsible for the cost of the medical care described in subsection 2.

4. Regardless of whether the parent or legal guardian of the child has medical insurance for the child or whether the child is otherwise eligible for medical assistance under Medicaid, the parent or guardian, as applicable, shall pay for the costs of the medical care for the child if such care is required for:

(a) Injuries incurred by the child during the violation of any state or local law, ordinance, or rule or regulation having the force of law;

(b) Injuries incurred by the child during or pursuant to being taken into custody;

(c) Injuries or illnesses which existed before the child was taken into the custody of the facility;

(d) Injuries that were self-inflicted by the child while in the custody of the facility; and

(e) Except as otherwise provided in subsection 2, any other injury or illness incurred by the child while in the custody of the facility.

~~[Section 1.]~~ Sec. 1.5. NRS 62B.110 is hereby amended to read as follows:

62B.110 ~~[1.]~~ *Except as otherwise provided in section 1 of this act, if a child becomes subject to the jurisdiction of the juvenile court and the child receives ancillary services that are administered or financed by a county, including, but not limited to, transportation or psychiatric, psychological or medical services, the*

~~county is entitled to reimbursement from the parent or guardian of the child for all money expended by the county for such services.~~

~~2. To determine the amount that the parent or guardian of the child must reimburse the county for such services:~~

~~— (a) The board of county commissioners may adopt a sliding scale based on the ability of the parent or guardian to pay; and~~

~~— (b) The juvenile court shall review each case and make a finding as to the reasonableness of the charge in relation to the ability of the parent or guardian to pay.~~

~~3. If the parent or guardian of the child fails or refuses to reimburse the county, the board of county commissioners may recover from the parent or guardian, by appropriate legal action, all money due plus interest thereon at the rate of 7 percent per annum commencing 30 days after an itemized statement of all money due is submitted to the parent or guardian.] juvenile court shall:~~

1. To the extent possible, arrange for the child to receive such services from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such services.

2. Arrange for the billing of any available public or private medical insurance to pay for such services.

3. Not order the parent or guardian of the child to reimburse the county for the costs of such services unless the child receives such services from a provider that is not approved or the child seeks additional services beyond those recommended for the child, in which case the parent or guardian of the child shall pay the costs of such services.

~~[Sec. 1.5.]~~ **Sec. 1.7.** NRS 62B.120 is hereby amended to read as follows:

62B.120 ~~[1. Except as otherwise provided in this chapter, if]~~ *If* the juvenile court commits a child to the custody of a person who is not the parent or guardian of the child or to the custody of a public or private institution or agency, and no provision is otherwise made by law for the support of the child, the expenses incurred for the support of the child while in such custody, if approved by an order of the juvenile court, are a charge upon the county where the child has a legal residence.

~~[2. Notwithstanding any other statute providing for the support of such a child, after the parent or guardian of the child has been given notice and a reasonable opportunity to be heard, the juvenile court may order the parent or guardian to pay, in such a manner as the juvenile court may direct and within the ability of the parent or guardian to pay, money to cover in whole or in part the support of the child.~~

~~— 3. If the parent or guardian of the child willfully fails or refuses to pay the money due, the juvenile court may proceed against the parent or guardian for contempt.~~

~~— 4. If the juvenile court orders the parent or guardian of the child to pay for the support of the child pursuant to this section, the money must be paid to the superintendent of the county school district or fiscal officer of the institution to which the child is committed, or the chief administrative officer of the agency to whom the child is committed.]~~

Sec. 2. NRS 62B.140 is hereby amended to read as follows:

62B.140 *1. Except as otherwise provided in this [subsection,] chapter, if a child is committed to the custody of a regional facility for the treatment and rehabilitation of children, the juvenile court may order the county where the child has a legal residence to pay the expenses incurred for the support of the child in an amount equal to any money paid for that purpose by the Division of Child and*

1 Family Services. Such an order may not be entered if the county maintains the
2 facility to which the child is committed.

3 2. ~~[[The juvenile court may order the parent or guardian of the child to~~
4 ~~reimburse the county, in whole or in part, for any money expended by the county~~
5 ~~for the support of the child.~~

6 ~~—3.]~~ This section does not prohibit the juvenile court from providing for the
7 support of the child in any other manner authorized by law.

8 **Sec. 3.** NRS 62B.420 is hereby amended to read as follows:

9 62B.420 1. Except as otherwise provided in this subsection, if, pursuant to
10 this title, a child or a parent or guardian of a child is ordered by the juvenile court to
11 pay a fine ~~[, administrative assessment, fee]~~ or restitution or to make any other
12 payment and the fine, ~~[administrative assessment, fee,]~~ restitution or other payment
13 or any part of it remains unpaid after the time established by the juvenile court for
14 its payment, the juvenile court may enter a civil judgment against the child or the
15 parent or guardian of the child for the amount due in favor of the victim, the state or
16 local entity to whom the amount is owed or both. The juvenile court may not enter
17 a civil judgment against a person who is a child unless the person has attained the
18 age of 18 years, the person is a child who is determined to be outside the
19 jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the
20 person is a child who is certified for proper criminal proceedings as an adult
21 pursuant to NRS 62B.390.

22 2. Notwithstanding the termination of the jurisdiction of the juvenile court
23 pursuant to NRS 62B.410 or the termination of any period of supervision or
24 probation ordered by the juvenile court, the juvenile court retains jurisdiction over
25 any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the
26 person against whom a civil judgment is entered pursuant to subsection 1. The
27 juvenile court may supervise the civil judgment and take any of the actions
28 authorized by the laws of this State.

29 3. A civil judgment entered pursuant to subsection 1 may be enforced and
30 renewed in the manner provided by law for the enforcement and renewal of a
31 judgment for money rendered in a civil action. A judgment which requires a parent
32 or guardian of a child to pay restitution does not expire until the judgment is
33 satisfied. An independent action to enforce a judgment that requires a parent or
34 guardian of a child to pay restitution may be commenced at any time.

35 4. ~~[[If the juvenile court enters a civil judgment pursuant to subsection 1, the~~
36 ~~person or persons against whom the judgment is issued is liable for a collection fee,~~
37 ~~to be imposed by the juvenile court at the time the civil judgment is issued, of:~~

38 ~~—(a) Not more than \$100, if the amount of the judgment is less than \$2,000.~~

39 ~~—(b) Not more than \$500, if the amount of the judgment is \$2,000 or greater, but~~
40 ~~is less than \$5,000.~~

41 ~~—(c) Ten percent of the amount of the judgment, if the amount of the judgment is~~
42 ~~\$5,000 or greater.~~

43 ~~—5.]~~ In addition to attempting to collect the judgment through any other lawful
44 means, a victim, a representative of the victim or a state or local entity that is
45 responsible for collecting a civil judgment entered pursuant to subsection 1 may
46 take any or all of the following actions:

47 (a) Except as otherwise provided in this paragraph, report the judgment to
48 reporting agencies that assemble or evaluate information concerning credit. If the
49 judgment was entered against a person who was less than 21 years of age at the
50 time the judgment was entered, the judgment cannot be reported pursuant to this
51 paragraph until the person reaches 21 years of age.

52 (b) Request that the juvenile court take appropriate action pursuant to
53 subsection ~~[6.]~~ 5.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment. ~~and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 4, in accordance with the provisions of the contract.~~

~~6.] 5.~~ If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the child to apply for a driver's license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine, ~~for administrative assessment,]~~ order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this ~~[subsection.~~

~~7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.] paragraph.~~

Sec. 4. NRS 62C.210 is hereby amended to read as follows:

62C.210 1. An agreement for informal supervision may require the child to:

(a) Perform community service, provide restitution to any victim of the acts for which the child was referred to the probation officer or make a monetary contribution to a restitution contribution fund established pursuant to NRS 62E.175;

(b) Participate in a program of restitution through work that is established pursuant to NRS 62E.580 if the child:

(1) Is 14 years of age or older;

(2) Has never been found to be within the purview of this title for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction, unless the probation officer determines that the child would benefit from the program;

(3) Is required to provide restitution to a victim; and

(4) Voluntarily agrees to participate in the program of restitution through work;

(c) Complete a program of cognitive training and human development pursuant to NRS 62E.220 if:

(1) The child has never been found to be within the purview of this title; and

(2) The unlawful act for which the child is found to be within the purview of this title did not involve the use or threatened use of force or violence against a victim; or

(d) Engage in any combination of the activities set forth in this subsection.

2. If the agreement for informal supervision requires the child to participate in a program of restitution through work or complete a program of cognitive training and human development, the ~~agreement may also require any or all of the following, in the following order of priority if practicable:~~

~~—(a) The child or the parent or guardian of the child [, or both, to the extent of their financial ability.] must not be required~~ to pay the costs associated with the participation of the child in the program. ~~[, including, but not limited to:~~

~~—(1) A reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program or performs work; and~~

~~—(2) In the case of a program of restitution through work, for industrial insurance, unless the industrial insurance is provided by the employer for which the child performs the work; or~~

~~—(b) The child to work on projects or perform community service for a period that reflects the costs associated with the participation of the child in the program.] Unless the parent or guardian of the child signs a waiver of liability, the program or the [employer] entity for which the child performs the work, as applicable, shall provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the child participates in the program or performs work.~~

Sec. 5. NRS 62D.030 is hereby amended to read as follows:

62D.030 1. If a child is alleged to be delinquent or in need of supervision, the juvenile court shall advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings.

2. If a parent or guardian of a child is indigent, the parent or guardian may request the appointment of an attorney to represent the child pursuant to the provisions in NRS 171.188.

3. Except as otherwise provided in this section, the juvenile court shall appoint an attorney for a child if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child.

4. A child may waive the right to be represented by an attorney if:

(a) A petition is not filed and the child is placed under informal supervision pursuant to NRS 62C.200; or

(b) A petition is filed and the record of the juvenile 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 juvenile court.

5. Except as otherwise provided in ~~[subsection 6 and]~~ NRS 424.085, if the juvenile court appoints an attorney to represent a child, ~~[and:~~

~~—(a) The parent or guardian of the child is not indigent,]~~ the parent or guardian ~~[shall]~~ **must not be required to** pay the reasonable fees and expenses of the attorney.

~~{(b) The parent or guardian of the child is indigent, the juvenile court may order the parent or guardian to reimburse the county or State in accordance with the ability of the parent or guardian to pay.~~

~~— 6. For the purposes of paragraph (b) of subsection 5, the juvenile court shall find that the parent or guardian of the child is indigent if:~~

~~— (a) The parent or guardian:~~

~~— (1) Receives public assistance, as that term is defined in NRS 422A.065;~~

~~— (2) Resides in public housing, as that term is defined in NRS 315.021;~~

~~— (3) Has a household income that is less than 200 percent of the federally designated level signifying poverty;~~

~~— (4) Is incarcerated pursuant to a sentence imposed upon conviction of a crime; or~~

~~— (5) Is housed in a public or private mental health facility; or~~

~~— (b) After considering the particular circumstances of the parent or guardian, including, without limitation, the seriousness of the charges against the child, the monthly expenses of the parent or guardian and the rates for attorneys in the area in which the juvenile court is located, the juvenile court determines that the parent or guardian is financially unable, without substantial hardship to the parent or guardian or his or her dependents, to obtain qualified and competent legal counsel.~~

~~— 7.] 6. Each attorney, other than a public defender, who is appointed under the provisions of this section is entitled to the same compensation and expenses from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.~~

Sec. 6. NRS 62D.035 is hereby amended to read as follows:

62D.035 Subject to the provisions of subsection ~~{7}~~ 6 of NRS 62D.030 and chapter 260 of NRS, a public defender or any other attorney who represents a child in proceedings pursuant to the provisions of this title may consult with and seek appointment of:

1. Any social worker licensed pursuant to chapter 641B of NRS;
2. Any qualified mental health professional, as defined in NRS 458A.057;
3. Any educator; and
4. Any other expert the attorney deems appropriate.

Sec. 7. NRS 62E.180 is hereby amended to read as follows:

62E.180 1. The juvenile court may order a child or the parent or guardian of the child, or both, to perform community service.

2. If the juvenile court orders a child or the parent or guardian of the child, or both, to perform community service pursuant to the provisions of this title, ~~{the juvenile court may order the child or} unless~~ the parent or guardian of the child ~~{, or both, to deposit with the juvenile court a reasonable sum of money to pay for the cost of} signs a waiver of liability, the authority for which the work is performed shall provide~~ a policy ~~{for}~~ of insurance against liability for personal injury and damage to property or ~~{for}~~ industrial insurance, or both, during those periods in which the work is performed . ~~{, unless, in the case of industrial insurance, it is provided by the authority for which the work is performed.}~~

Sec. 8. NRS 62E.210 is hereby amended to read as follows:

62E.210 1. If a child has not previously been adjudicated delinquent or in need of supervision and the unlawful act committed by the delinquent child did not involve the use or threatened use of force or violence against a victim, the juvenile court may order a child to complete any or all of the following programs:

(a) A program of cognitive training and human development established pursuant to NRS 62E.220.

(b) A program for the arts as described in NRS 62E.240.

(c) A program of sports or physical fitness as described in NRS 62E.240.

2. If the juvenile court orders the child to participate in a program of cognitive training and human development, a program for the arts or a program of sports or physical fitness, the juvenile court may order ~~any or all of the following, in the following order of priority if practicable:~~

~~—(a) The child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay the costs associated with the participation of the child in the program, including, but not limited to, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program;~~

~~—(b) The child to work on projects or perform community service for a period that reflects the costs associated with the participation of the child in the program; or~~

~~—(c) The~~ *the* county in which the petition alleging the child to be in need of supervision is filed to pay the costs associated with the participation of the child in the program.

3. Unless the parent or guardian of the child signs a waiver of liability, the program in which the child participates shall provide policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program.

Sec. 9. NRS 62E.280 is hereby amended to read as follows:

62E.280 1. The juvenile court may:

(a) Order such medical, psychiatric, psychological or other care and treatment for a child as the juvenile court deems to be in the best interests of the child; and

(b) Cause the child to be examined by a physician, psychiatrist, psychologist or other qualified person.

2. If the child appears to be in need of medical, psychiatric, psychological or other care or treatment:

(a) The juvenile court may order the parent or guardian of the child to provide such care or treatment; and

(b) If, after due notice, the parent or guardian fails to provide such care or treatment, the juvenile court may order that the child be provided with the care or treatment. When approved by the juvenile court, the expense of such care or treatment is a charge upon the county . ~~[, but the juvenile court may order the person having the duty under the law to support the child to pay part or all of the expenses of such care or treatment.]~~

3. The juvenile court shall:

(a) To the extent possible, arrange for the child to receive such care or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such care or treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such care or treatment.

(c) Not order the parent or guardian of the child to pay the costs of such care or treatment unless the child receives such care or treatment from a provider that is not approved or the child seeks additional care or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such care or treatment.

Sec. 10. NRS 62E.430 is hereby amended to read as follows:

62E.430 1. If a child is adjudicated to be in need of supervision because the child is a habitual truant, the juvenile court shall:

(a) The first time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order:

(I) The child to pay a fine of not more than \$100 ~~and the administrative assessment required by NRS 62E.270~~ or, if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine; ~~and the administrative assessment;~~ or

(II) The child to perform not less than 8 hours but not more than 16 hours of community service; and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 30 days but not more than 6 months. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 30 days:

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

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

(b) The second or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order:

(I) The child to pay a fine of not more than \$200 ~~and the administrative assessment required by NRS 62E.270~~ or, if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine; ~~and the administrative assessment;~~

(II) The child to perform not more than 10 hours of community service; or

(III) Compliance with the requirements set forth in both sub-subparagraphs (I) and (II); and

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

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

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

2. The juvenile court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60 consecutive school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the imposition of the fine, or has a valid excuse acceptable to the child's teacher or the principal for any absence from school within that period.

3. The juvenile court may suspend the payment of a fine ordered pursuant to this section if the parent or guardian of a child is ordered to pay a fine by another court of competent jurisdiction in a case relating to or arising out of the same circumstances that caused the juvenile court to adjudicate the child in need of supervision.

4. The community service ordered pursuant to this section must be performed at the child's school of attendance, if practicable.

Sec. 11. NRS 62E.440 is hereby amended to read as follows:

62E.440 1. If a child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, the juvenile court may:

(a) The first time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of \$25; and

(2) Attend and complete a tobacco awareness and cessation program.

(b) The second time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of \$50; and

(2) Attend and complete a tobacco awareness and cessation program.

(c) The third or any subsequent time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order:

(1) The child to pay a fine of \$75;

(2) The child to attend and complete a tobacco awareness and cessation program; and

(3) That the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(I) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(II) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

~~2. [If the juvenile court orders a child to attend and complete a tobacco awareness and cessation program, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the reasonable cost for the child to attend the program.]~~

~~3. If the juvenile court orders a child to pay a fine pursuant to this section, the juvenile court shall order the child to pay an administrative assessment pursuant to NRS 62E.270.~~

~~4.] If the juvenile court orders a child to pay a fine [and administrative assessment] pursuant to this section and the child willfully fails to pay the fine, [for administrative assessment,] the juvenile court may order that the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:~~

(a) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(b) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

➤ If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

~~[5.] 3.~~ If the juvenile court suspends the driver's license of a child pursuant to this section, the juvenile court may order the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 permitting the child to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both;

(b) To and from school; or

(c) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

Sec. 12. NRS 62E.600 is hereby amended to read as follows:

62E.600 1. The juvenile court may order a delinquent child to participate in a program of restitution through work that is established pursuant to NRS 62E.580 if the child:

(a) Is 14 years of age or older;

(b) Has never been adjudicated delinquent for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found

1 to have committed such an unlawful act in any other jurisdiction, unless the
2 juvenile court determines that the child would benefit from the program;

3 (c) Is ordered to provide restitution to a victim; and

4 (d) Voluntarily agrees to participate in the program of restitution through work.

5 2. If the juvenile court orders a child to participate in a program of restitution
6 through work, the juvenile court ~~[may order any or all of the following, in the~~
7 ~~following order of priority if practicable:~~

8 ~~—(a) The} must not order the~~ child or the parent or guardian of the child ~~[, or~~
9 ~~both, to the extent of their financial ability,]~~ to pay the costs associated with the
10 participation of the child in the program . ~~[, including, but not limited to, a~~
11 ~~reasonable sum of money to pay for the cost of]~~ *Unless the parent or guardian of*
12 *the child signs a waiver of liability, the program or the [employer] entity for*
13 *which the child performs the work, as applicable, shall provide* policies of
14 insurance against liability for personal injury and damage to property or ~~[for]~~
15 industrial insurance, or both, during those periods in which the child participates in
16 the program or performs work . ~~[, unless, in the case of industrial insurance, it is~~
17 ~~provided by the employer for which the child performs the work; or~~

18 ~~—(b) The child to work on projects or perform community service for a period~~
19 ~~that reflects the costs associated with the participation of the child in the program.]~~

20 **Sec. 13.** NRS 62E.620 is hereby amended to read as follows:

21 62E.620 1. The juvenile court shall order a delinquent child to undergo an
22 evaluation to determine whether the child is an abuser of alcohol or other drugs if
23 the child committed:

24 (a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or
25 484C.430;

26 (b) The unlawful act of using, possessing, selling or distributing a controlled
27 substance; or

28 (c) The unlawful act of purchasing, consuming or possessing an alcoholic
29 beverage in violation of NRS 202.020.

30 2. Except as otherwise provided in subsection 3, an evaluation of the child
31 must be conducted by:

32 (a) A clinical alcohol and drug abuse counselor who is licensed, an alcohol and
33 drug abuse counselor who is licensed or certified, or an alcohol and drug abuse
34 counselor intern or a clinical alcohol and drug abuse counselor intern who is
35 certified, pursuant to chapter 641C of NRS, to make that classification; or

36 (b) A physician who is certified to make that classification by the Board of
37 Medical Examiners.

38 3. If the child resides in this State but the nearest location at which an
39 evaluation may be conducted is in another state, the court may allow the evaluation
40 to be conducted in the other state if the person conducting the evaluation:

41 (a) Possesses qualifications that are substantially similar to the qualifications
42 described in subsection 2;

43 (b) Holds an appropriate license, certificate or credential issued by a regulatory
44 agency in the other state; and

45 (c) Is in good standing with the regulatory agency in the other state.

46 4. The evaluation of the child may be conducted at an evaluation center.

47 5. The person who conducts the evaluation of the child shall report to the
48 juvenile court the results of the evaluation and make a recommendation to the
49 juvenile court concerning the length and type of treatment required for the child.

50 6. The juvenile court shall:

51 (a) Order the child to undergo a program of treatment as recommended by the
52 person who conducts the evaluation of the child.

(b) Require the treatment provider to submit monthly reports on the treatment of the child pursuant to this section.

~~[(e) Order]~~

7. Except as otherwise provided in this subsection, the juvenile court shall not order the child or the parent or guardian of the child ~~[, or both, to the extent of their financial ability,]~~ to pay any charges relating to the evaluation and treatment of the child pursuant to this section. ~~[If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:~~

~~— (1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment provider which receives a sufficient amount of federal or state money to offset the remainder of the costs; and~~

~~— (2) The juvenile court may order the child, in lieu of paying the charges relating to the child's evaluation and treatment, to perform community service.~~

~~— 7.] The juvenile court shall:~~

(a) To the extent possible, arrange for the child to receive such evaluation and treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such evaluation and treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such evaluation and treatment.

(c) Not order the parent or guardian of the child to pay the costs for such evaluation and treatment unless the child receives such evaluation and treatment from a provider that is not approved or the child seeks additional evaluation or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such evaluation and treatment.

8. After a treatment provider has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment provider is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

~~[(8.)~~ 9. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Division of Public and Behavioral Health of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

~~[(9.)~~ 10. Except as otherwise provided in NRS 239.0115, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

~~11.~~ 11. A record of any finding that a child has violated the provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 62E.680 is hereby amended to read as follows:

62E.680 1. If a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court shall order the child to participate in counseling or other psychological treatment.

2. ~~Except as otherwise provided in this subsection, the~~ juvenile court shall ~~not~~ order the child or the parent or guardian of the child ~~to pay the cost of the child to participate in the counseling or other psychological treatment. The juvenile court shall:~~

(a) To the extent possible, arrange for the child to receive such counseling or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such counseling or treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such counseling or treatment.

(c) Not order the parent or guardian of the child to pay the costs of such counseling or treatment unless the child receives such counseling or treatment from a provider that is not approved or the child seeks additional counseling or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such counseling or treatment.

3. As used in this section:

(a) "Animal" does not include the human race, but includes every other living creature.

(b) "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 16. NRS 62E.685 is hereby amended to read as follows:

62E.685 If a child is adjudicated delinquent for an unlawful act involving the killing or possession of certain animals in violation of NRS 501.376, the juvenile court may do any or all of the following:

1. Order the child to pay a fine. ~~[If the juvenile court orders the child to pay a fine, the juvenile court shall order the child to pay an administrative assessment pursuant to NRS 62E.270.]~~ If, because of financial hardship, the child is unable to pay the fine, the juvenile court may order the child to perform community service.

2. Order the child or the parent or guardian of the child, or both, to pay a civil penalty pursuant to NRS 501.3855.

3. Order that any license issued to the child pursuant to chapter 502 of NRS be revoked by the Department of Wildlife. The juvenile court shall order the child to surrender to the court any license issued to the child pursuant to chapter 502 of NRS then held by the child and, not later than 5 days after issuing the order, forward to the Department of Wildlife any license surrendered by the child and a copy of the order.

4. Order that the child must not receive a license to hunt, fish or trap within the 2 years immediately following the date of the order or until the child is 18 years of age, whichever is later.

5. Order the child placed on probation and impose such conditions as the juvenile court deems proper.

Sec. 17. NRS 62E.720 is hereby amended to read as follows:

62E.720 1. The juvenile court may order a delinquent child to participate in a program of visitation to the office of the county coroner that is established pursuant to this section.

2. In determining whether to order the child to participate in such a program, the juvenile court shall consider whether the unlawful act committed by the child involved the use or threatened use of force or violence against the child or others or demonstrated a disregard for the safety or well-being of the child or others.

3. The juvenile court may establish a program of visitation to the office of the county coroner in cooperation with the coroner of the county pursuant to this section.

4. Before a delinquent child may participate in a program of visitation, the parent or guardian of the child must provide to the juvenile court on a form provided by the juvenile court:

(a) Written consent for the child to participate in the program of visitation; and

(b) An executed release of liability for any act or omission, not amounting to gross negligence or willful misconduct of the juvenile court, the county coroner, or any other person administering or conducting a program of visitation, that causes personal injury or illness of the child during the period in which the child participates in the program of visitation.

5. A program of visitation must include, but is not limited to:

(a) A visit to the office of the county coroner at times and under circumstances determined by the county coroner.

(b) A course to instruct the child concerning:

(1) The consequences of the child's actions; and

(2) An awareness of the child's own mortality.

(c) An opportunity for each participant in a program of visitation to evaluate each component of the program.

6. The juvenile court ~~may~~ **shall not** order the child ~~[-]~~ or the parent or guardian of the child ~~[- or both.]~~ to pay ~~[- a fee of not more than \$45 based on the ability of the child or the parent or guardian of the child, or both, to pay]~~ for the costs associated with the participation of the child in the program of visitation.

Sec. 18. NRS 62E.730 is hereby amended to read as follows:

62E.730 1. The juvenile court may order a delinquent child to pay a fine.

2. ~~[If the juvenile court orders a delinquent child to pay a fine, the juvenile court shall order the child to pay an administrative assessment pursuant to NRS 62E.270.~~

~~3.]~~ If a delinquent child is less than 17 years of age, the juvenile court may order the parent or guardian of the child to pay any fines and penalties that the juvenile court imposes for the unlawful act committed by the child.

~~[4.]~~ 3. If, because of financial hardship, the parent or guardian is unable to pay any fines and penalties that the juvenile court imposes for the unlawful act committed by the child, the juvenile court may order the parent or guardian to perform community service.

Sec. 19. NRS 62B.130, 62E.270, 62E.300, ~~and~~ 62E.540 and 63.430 are hereby repealed.

Sec. 20. This act becomes effective on July 1, 2019.

LEADLINES OF REPEALED SECTIONS

62B.130 Parent or guardian to reimburse county for support of child during detention in local facility for detention of children; civil remedy.

62E.270 Administrative assessment to be ordered when fine is imposed against certain persons.

62E.300 Payment of expenses of proceedings by parent or guardian.

62E.540 Commitment of child to Division of Child and Family Services:
Payment of expenses by parent or guardian.

63.430 **Parent or guardian may be ordered to pay for support of child.**