

SENATE BILL NO. 382—COMMITTEE ON JUDICIARY

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to juveniles.
(BDR 1-795)

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 juveniles; eliminating the requirement that a district court appoint counsel for a child who is the adverse party in a proceeding for certain orders for protection; providing that an admission, representation or statement made during a proceeding relating to the issuance or dissolution of certain orders for protection is not admissible in any criminal proceeding; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants the district court exclusive jurisdiction over the issuance or dissolution of certain orders for protection where the adverse party is a child who is under 18 years of age. Existing law requires a district court to appoint counsel for a child who is the adverse party against whom an order for protection is sought. (NRS 3.2201) **Section 1** of this bill eliminates this requirement. **Section 1** also provides that an admission, representation or statement made during a proceeding relating to the issuance or dissolution of an order for protection where the adverse party is a child is not admissible in any criminal proceeding.

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

Section 1. NRS 3.2201 is hereby amended to read as follows:
3.2201 1. The district court has exclusive jurisdiction to accept an application for, to consider an application for, and to issue or deny the issuance of any of the following orders when the



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adverse party against whom the order is sought is a child who is under 18 years of age:

(a) A temporary or extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive.

(b) A temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(c) An emergency or extended order for protection against high-risk behavior pursuant to NRS 33.500 to 33.670, inclusive.

(d) A temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

(e) A temporary or extended order for protection against stalking, aggravated stalking or harassment pursuant to NRS 200.591.

~~2. [The district court shall appoint counsel for a child who is the adverse party against whom an order listed in subsection 1 is sought upon:~~

~~—(a) The issuance of any emergency or temporary order listed in subsection 1; or~~

~~—(b) Notice of an adversarial hearing on an application for an order listed in subsection 1.~~

~~3.]~~ If the district court issues an order listed in subsection 1, the order must be served upon:

(a) The child who is the adverse party; and

(b) The parent or guardian of the child.

~~[4.]~~ **3.** The juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party in an order listed in subsection 1 has committed a delinquent act by violating a condition set forth in the order.

~~[5.]~~ **4.** If the district court issues an order listed in subsection 1 and the adverse party reaches the age of 18 years while the order is still in effect, the order remains effective against the adverse party until the order expires or is dissolved by the district court.

~~[6.]~~ **5.** The district court shall automatically seal all records related to the application for, consideration of and issuance of an order listed in subsection 1 as provided in NRS 62H.140 upon the dissolution or expiration of the order or when the adverse party reaches the age of 18 years, whichever is earlier, unless, at such a time, the order is still in effect, in which case the records must be automatically sealed by the district court upon the expiration or dissolution of the order.

~~[7.]~~ **6.** A district court may appoint a master to conduct the proceedings described in this section.



1 7. *An admission, representation or statement made during a*
2 *proceeding described in this section is not admissible in any*
3 *criminal proceeding.*

4 8. *As used in this section, “criminal proceeding” means:*

5 (a) *A trial or hearing before a court in a prosecution of a*
6 *person charged with violating a criminal law of this State; or*

7 (b) *A delinquency proceeding which is conducted pursuant to*
8 *title 5 of NRS.*

9 **Sec. 2.** The amendatory provisions of this act apply to an order
10 for protection against domestic violence, harassment in the
11 workplace, high-risk behavior, stalking, sexual assault, aggravated
12 stalking or harassment sought on or after July 1, 2023.

13 **Sec. 3.** This act becomes effective on July 1, 2023.

