

PROPOSED AMENDMENT TO AB384

Submitted by:
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and
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Juvenile Division

SUMMARY—Revises provisions relating to juvenile justice. (BDR 5-1053)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.

Effect on the State: Yes.

AN ACT relating to juvenile justice; requiring a juvenile facility to create and maintain, for certain purposes, certain records relating to certain acts of violence committed by a child in the facility; revising provisions relating to the admission or placement of certain children in certain facilities under certain circumstances; requiring the Chief of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services to perform certain duties relating to children who are paroled from certain facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the juvenile court to: (1) commit a child who is adjudicated delinquent to the custody of a regional facility for the treatment and rehabilitation of children or state facility for the detention of children; or (2) order a child to be placed in a facility for the detention of children for a violation of probation. (NRS 62E.525, 62E.710) **Section 3** of this bill provides that

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if a child is adjudicated delinquent and committed by the juvenile court to a regional facility for the treatment and rehabilitation 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 for a violation of

probation, the facility is required to: (1) create and maintain a written record documenting the commission of any act of serious violence that is committed by the child against the staff of the facility or another child in the facility; and (2) provide any such record to the juvenile court and all other appropriate authorities to be used for certain purposes. **Section 1** of this bill defines the term “act of serious violence” to mean an act of violence committed by a child against the staff of the facility or another child in the facility that involves: (1) the use of a weapon by the child; or (2) a sustained attack or repeated attacks by the child upon the staff of the facility or another child in the facility.

Section 2 of this bill makes a conforming change to clarify that the definition of “act of serious violence” in **section 1** applies to the provisions of existing law relating to juvenile justice. **Section 4** of this bill makes a conforming change to clarify that the provisions of existing law relating to the disposition of a case involving a child who is adjudicated delinquent apply to **section 3**.

Existing law provides that before the juvenile court commits a delinquent child to the custody of a state facility for the detention of children, the juvenile court must find that: (1) appropriate alternatives that could satisfactorily meet the needs of the child do not exist in the community or were previously used to attempt to meet such needs and proved unsuccessful; and (2) the child poses a public safety risk based on the child’s risk of reoffending, as determined by a risk assessment, any history of delinquency and the seriousness of the offense committed by the child. (NRS 62E.505) **Section 5** of this bill requires the juvenile court also to consider any act of serious violence, as defined in **section 1**, committed by the child.

Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to: (1) develop a length of stay matrix and establish release criteria for a state facility for the detention of children that are based on a child's risk of reoffending, as determined by a risk assessment for the child, the seriousness of the act for which the child was adjudicated delinquent and the child's progress in meeting treatment goals; and (2) use the matrix and release criteria in making release and discharge decisions. (NRS 62E.525) **Section 6** of this bill requires the Division, in developing the length of stay matrix and establishing release criteria, also to consider any act of serious violence, as defined in **section 1**, committed by the child.

Existing law authorizes the Division to place a delinquent child who has been committed to the custody of the Division in certain facilities or public or private institutions or agencies located within or outside this State under certain circumstances, depending upon the age of the child. (NRS 63.440) **Section 7** of this bill requires the Division, in adopting any statewide policy for the admission or placement of children, to consider certain specific factors, including, without limitation, whether the child: (1) has been adjudicated delinquent multiple times or otherwise had multiple cases disposed of; (2) has previously been adjudicated delinquent for acts that involve the use or threatened use of force or violence; (3) has committed any act of serious violence, as defined in **section 1**; and (4) does not appear to be benefiting from, or to be receptive to, the programs or treatment offered to the child or has otherwise demonstrated a desire not to modify his or her behavior in a positive manner.

Existing law requires the Chief of the Youth Parole Bureau of the Division to perform certain duties, including: (1) supervising all children released on parole from a facility; (2) supervising all

children released by other states for juvenile parole in this State pursuant to interstate compact; (3) furnishing to each child paroled a written statement of the conditions of the parole and instructions regarding those conditions; (4) keeping informed concerning the conduct and condition of all children and employees under the supervision of the Chief; and (5) coordinating the functions of the Chief with those of the superintendents of each facility. (NRS 63.710) **Section 8** of this bill additionally requires the Chief to: (1) communicate and coordinate with local school districts and officials as necessary to ensure that each child paroled, if attending school, is attending school regularly and not in danger of becoming a habitual truant and is receiving any necessary and appropriate counseling or guidance offered by the school district; and (2) partner and coordinate with available organizations, entities and persons who offer programs for reentry, mentorship and other necessary services for children who are paroled.

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

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

“Act of serious violence” means an act of violence committed by a child against the staff of a local facility for detention of children, regional facility for the treatment and rehabilitation of

children or state facility for the detention of children or another child in the facility that involves:

- 1. The use of a weapon by the child; or*
- 2. A ~~sustained attack or repeated attacks~~ battery by the child upon the staff of the facility or another child in the facility that results in substantial bodily harm. Or*
- 3. Repeated violent acts that result in disruption to the facility or put staff and children at risk of substantial bodily harm.*

Sec. 2. NRS 62A.010 is hereby amended to read as follows:

62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.015 to 62A.350, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. Chapter 62E of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a child is adjudicated delinquent and committed by the juvenile court to a regional facility for the treatment and rehabilitation 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 or to a regional facility for the treatment and rehabilitation of children pursuant to NRS 62E.507, the facility shall create and maintain a written ~~record~~ report documenting the commission of any act of serious violence that is committed by the child. ~~against the staff of the facility or another child in the facility.~~

~~2. A facility shall provide any written record relating to a child that is created pursuant to subsection 1 to the juvenile court and all other appropriate authorities for any purpose that is required by the provisions of this title or for any other appropriate purpose, including, without limitation, determining the disposition of the current case or a subsequent case involving the child, determining the placement of the child and developing a plan of aftercare for the child following the release of the child from a facility.~~

The report must be filed with the court and a hearing shall be set at least 30 days prior to the child being discharged from the facility.

(3) At the hearing pursuant to (2), the court shall determine if the child is appropriate for discharge from the facility and if so, the appropriate after-care plan for the child based on the needs of the child and the safety of community.

Sec. 4. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~+~~, *and section 3 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 and 62E.705, 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 section 3 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. 5. NRS 62E.505 is hereby amended to read as follows:

62E.505 Before the juvenile court commits a delinquent child to the custody of a state facility for the detention of children, the court must find that:

1. Appropriate alternatives that could satisfactorily meet the needs of the child do not exist in the community or were previously used to attempt to meet such needs and proved unsuccessful; and

2. The child poses a public safety risk based on the child's risk of reoffending, as determined by a risk assessment conducted pursuant to NRS 62E.506, any history of delinquency , *any act of serious violence committed by the child* and the seriousness of the offense committed by the child.

Sec. 6. NRS 62E.525 is hereby amended to read as follows:

62E.525 1. The Division of Child and Family Services shall consider, without limitation, the results of a validated risk assessment, a validated mental health screening and, if applicable, a full mental health assessment conducted pursuant to NRS 62E.506 to make decisions concerning the placement of the child. The Division may consider the results of a risk and needs assessment of the child that was conducted by a local department of juvenile services if the assessment was conducted within the immediately preceding 6 months and no significant changes have occurred relating to the child's case.

2. The Division of Child and Family Services shall develop a length of stay matrix and establish release criteria for a state facility for the detention of children that are based on a child's risk of reoffending, as determined by the risk assessment for the child, *any act of serious violence committed by the child*, the seriousness of the act for which the child was adjudicated delinquent and the child's progress in meeting treatment goals. In making release and discharge decisions, the Division shall use the matrix and release criteria developed pursuant to this subsection.

3. The Division of Child and Family Services shall develop a written individualized case plan for each child committed to the custody of the Division pursuant to NRS 62E.520. In developing such a case plan, the Division must use, without limitation:

(a) The results of the risk assessment, mental health screening and any full mental health assessment conducted pursuant to NRS 62E.506;

(b) The trauma, if any, experienced by the child;

(c) The education level of the child;

(d) The seriousness of the offense committed by the child;

(e) The child's progress in meeting treatment goals; and

(f) Any relevant information provided by the family of the child.

4. A case plan developed pursuant to subsection 3 must:

(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment, mental health screening and any full mental health assessment conducted pursuant to NRS 62E.506;

(b) Specify the level of supervision and services that the child needs;

(c) Provide referrals to treatment providers that may address the child's risks and needs;

(d) Be developed in consultation with the child's family or guardian, as appropriate;

(e) Specify the responsibilities of each person or agency involved with the child; and

(f) Provide for the full reentry of the child into the community.

5. In addition to the requirements of subsection 4, if a child is committed to a state facility for the detention of children, the child's case plan must:

(a) Include a comprehensive plan for complete reentry of the child into the community; and

(b) Be reviewed at least once every 3 months by the Division of Child and Family Services.

6. A reentry plan developed pursuant to subsection 5 must include, without limitation:

(a) A detailed description of the education, counseling and treatment provided to the child;

(b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;

(c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and

(d) A proposed plan for any engagement of the child's family or guardian.

7. The Division of Child and Family Services must update a child's case plan at least once every 6 months, or when significant changes in the child's treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to NRS 62B.610.

8. A reentry planning meeting must be held at least 30 days before a child's scheduled release from a state facility for the detention of children. As appropriate, based on the child's case plan, the meeting should be attended by:

(a) The child;

(b) A family member or the guardian of the child;

(c) The child's youth parole counselor;

(d) The superintendent of the state facility for the detention of children; and

(e) Any treatment providers of the child.

Sec. 7. Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*In adopting any statewide policy for the admission or placement of children pursuant to this chapter, the Division of Child and Family Services shall consider, without limitation, the following factors regarding the child:*~~

~~*1. Whether the child has been adjudicated delinquent multiple times or otherwise had multiple cases disposed of pursuant to this title.*~~

~~*2. Whether the child has previously been adjudicated delinquent for acts that involve the use or threatened use of force or violence.*~~

~~*3. Whether the child has committed any act of serious violence.*~~

~~*4. Whether the child does not appear to be benefiting from, or to be receptive to, the programs or treatment offered to the child or has otherwise demonstrated a desire not to modify his or her behavior in a positive manner.*~~

Sec. 8. NRS 63.710 is hereby amended to read as follows:

63.710 The Chief of the Youth Parole Bureau shall:

1. Supervise all children released on parole from a facility.
2. Supervise all children released by other states for juvenile parole in the State of Nevada pursuant to interstate compact.
3. Furnish to each child paroled:
 - (a) A written statement of the conditions of the parole; and
 - (b) Instructions regarding those conditions.
4. *Communicate and coordinate with local school districts and officials as necessary to ensure that each child paroled, if attending school, is:*

- (a) *Attending school regularly and not in danger of becoming a habitual truant; and*
- (b) *Receiving any necessary and appropriate counseling or guidance offered by the school district.*

5. The Task Force on Wrap-Around Services is hereby created. The purpose of the Task Force is to facilitate and foster wrap-around services available for juveniles being discharged from facilities or juveniles on probation by Partnering and coordinating with available organizations, entities and persons who offer programs for reentry, mentorship, workforce training, and other necessary services for children who are paroled or on probation. Such partnership and coordination may include the use of public-private partnerships and grantee or subgrantee relationships, as needed.

6. Keep informed concerning the conduct and condition of all children and employees under the supervision of the Chief.

~~15.7~~ 7. Coordinate the functions of the Chief with those of the superintendents of each facility.

Sec. 9 NRS 63.400 is hereby amended to read as follows:

1. If the juvenile court or the Division of Child and Family Services commits or places a child in a facility, the superintendent of the facility shall accept the child unless, before the child is conveyed to the facility, the superintendent determines that:

- (a) There is not adequate room or resources in the facility to provide the necessary care of the child;
- (b) There is not adequate money available for the support of the facility; or
- (c) In the opinion of the superintendent, the child is not suitable for admission to the facility.

2. The superintendent of the facility shall fix the time at which the child must be delivered to the facility.

3. The juvenile court shall send to the superintendent of the facility a summary of all the facts in the possession of the juvenile court concerning the history of the child committed to the facility.

5. If, according to (1)(c), in the superintendent's opinion the child is not suitable for the admission to the facility, the superintendent must provide the court, the child's attorney and the state, with its reasoning for the opinion and provide any documentation to support that opinion.

Sec. 10 NRS 63.450 is hereby amended to read as follows:

If the superintendent determines, pursuant to NRS 63.400, that the child is not suitable for admission to the facility, the Administrator of the Division of Child and Family Services shall ~~recommend~~ locate and secure ~~to the juvenile court~~ an ~~suitable~~ alternative to the commitment or placement of a child in a facility that provides for the same level of care and treatment as ordered by the court. 1. The department of juvenile services shall develop a written individualized case plan for each child placed under the supervision of the juvenile court pursuant to a supervision and consent decree, placed under the informal supervision of a probation officer pursuant to [NRS 62C.200](#) or committed to a regional facility for the treatment and rehabilitation of children. In developing such a case plan, the department of juvenile services must use, without limitation:

Sec. 11 NRS 62E.507 is hereby amended to read as follows:

(a) The results of the risk assessment and mental health screening conducted pursuant to [NRS 62E.506](#);

(b) The trauma, if any, experienced by the child;

(c) The education level of the child;

(d) The seriousness of the offense committed by the child; and

(e) Any relevant information provided by the family of the child.

2. A case plan developed pursuant to subsection 1 must:

(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment and mental health screening conducted pursuant to [NRS 62E.506](#);

- (b) Specify the level of supervision and intensity of services that the child needs;
- (c) Provide referrals to treatment providers that may address the child's risks and needs;
- (d) Be developed in consultation with the child's family or guardian, as appropriate;
- (e) Specify the responsibilities of each person or agency involved with the child; and
- (f) Provide for the full reentry of the child into the community.

3. In addition to the requirements of subsection 2, if a child is committed to a regional facility for the treatment and rehabilitation of children, the child's case plan must:

- (a) Identify the projected length of stay and release criteria based on a risk assessment conducted pursuant to [NRS 62E.506](#), *any acts of serious violence committed by the child*, the seriousness of the offense committed by the child and treatment progress;
- (b) Include a comprehensive plan for complete reentry of the child into the community; and
- (c) Be reviewed at least once every 3 months by the department of juvenile services.

4. A reentry plan developed pursuant to subsection 3 must include, without limitation:

- (a) A detailed description of the education, counseling and treatment provided to the child;
- (b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;
- (c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and
- (d) A proposed plan for any engagement of the child's family or guardian.

5. The department of juvenile services must update a child's case plan at least once every 6 months, or when significant changes in the child's treatment occur, by

conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to [NRS 62B.610](#).

6. A reentry planning meeting must be held at least 30 days before a child's scheduled release from a regional facility for the treatment and rehabilitation of children. As appropriate, based on the child's case plan, the meeting should be attended by:

- (a) The child;
- (b) A family member or the guardian of the child;
- (c) The child's probation officer;
- (d) Members of the staff of the regional facility for the treatment and rehabilitation of children; and
- (e) Any treatment providers of the child.