

Informational Statement Form
LCB File No. R056-22RP1

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 62H.

1. A clear and concise explanation of the need for the adopted regulation.

Existing law provides for a juvenile found to be incompetent:

- may not be adjudicated for either a delinquent offense or a status offense.
- may not be committed to the custody of a juvenile correctional facility.
- may be ordered to receive services to restore competency by a juvenile court, and
- may have their records sealed if they are unable to attain competence in the foreseeable future.

The requirement to provide for data collection activities regarding juveniles evaluated for competency was added into law in the 2021 Legislative session as NRS 62H.400 which requires the Division of Child and Family Services (DCFS), Department of Health and Human Services, to collect data on juvenile competency hearings.

The proposed regulations to NAC 62H in LCB File Number R056-22RP1 clarifies the demographic data elements required for all youths who are evaluated for competency. Additional clarification is provided regarding data elements needed for youths who are found to be incompetent, specifically the reason for incompetency, treatment services, periodic reviews, and the nature of the crime.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by mail and e-mail to persons who were known to have interest in the subject of required training of Juvenile Justice Institution staff and supervisors, reporting requirements of training activities, and penalties for failure to report training activities as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Division of Child and Family Services (DCFS) at www.dcfv.nv.gov, mailed to all county libraries in Nevada and posted at the following locations:

1. Division of Child and Family Services, 4126 Technology Way, 3rd Floor, Carson City, NV 89706
2. Nevada Youth Parole Bureau, 751 Ryland Street, Reno, NV 89502
3. Nevada Youth Parole Bureau, 6171 W. Charleston Blvd., Bldg. 15 Las Vegas, NV 89146

4. Grant Sawyer Building, 555 Washington Avenue, Las Vegas, NV 89101
5. Elko Juvenile Court, 665 W. Silver Street, Elko, NV 89801
6. Clark County District Attorney, 601 North Pecos Road, Las Vegas, NV 89101
7. Division of Child and Family Services, 475 W. Haskell St. #7, Winnemucca, NV 89445

Two public workshops were held on January 26, 2022, and March 16, 2022, to solicit feedback from interested stakeholders. Overall, the comments were positive and supportive of the regulation. There were no verbal or written comments for either public workshop specific to these regulations.

3. **The number of persons who (does not include DCFS Staff):**
 - a. **Attended each hearing:** August 12, 2022 – 10; March 5, 2024 - 8
 - b. **Testified at each hearing:** August 12, 2022 - 2; March 5, 2024 - 1
 - c. **Submitted to the agency written comments:** August 12, 2022 – 0; March 5, 2024 - 0
4. **A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3.**

Note: The two public workshops held on January 26, 2022, and March 16, 2022, contained two regulations, one for NRS 62B, and one for NRS 62H. There were no public comments or written testimony associated with this regulation. All comments, oral and written were in response to the regulation for NRS 62B.

Public Hearing August 12, 2022 (Held Virtually):

- Elizabeth Florez - Public Comment August 12, 2022; eflorez@washoecounty.us
- Joseph Saiz – Public Comment August 12, 2022; jsaiz@washoecounty.us
- No written public comment.

Public Hearing March 5, 2024 (Held Virtually & In Person)

- Elizabeth Florez - Public Comment March 5, 2024; eflorez@washoecounty.us
- No written public comment.

5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

These regulations do not apply to businesses as they regulate government facilities. There are no private facilities that fall under these regulations and so no private business comment was solicited.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

There was one change from the proposed regulation to the adopted regulation. The first public hearing to adopt the regulation was held on August 12, 2022, at which time a member of the public requested the regulation include a “stipulation” by the court in lieu of an evaluation completed by an expert.

This change was added as Section 4.1.(a) in the final adopted regulations.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must included:

This regulation does not regulate any business. It requires data submission from departments of juvenile services. The estimated economic effect on the public may be a marginal increase in facility costs for staff time.

Adverse and Beneficial Effects: The adverse effect on juvenile facilities is the staff time spent gathering and preparing data for submission to DCFS. The beneficial effect is transparency for the public regarding juveniles evaluated for competency.

Immediate and Long-Term Effect: The immediate effect is that agencies will need to incorporate these data gathering processes into their workflow. The long-term effect is negligible once it becomes part of the established processes.

8. The estimated cost to the agency for enforcement of the adopted regulation.

The estimated cost to DCFS is staff time to compile all county submissions into statewide data. The Division’s Program Office can absorb this cost.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency,

No overlap.

10. If the regulation included provisions that are more stringent than a federal regulation which regulated the same activity, a summary of such provisions.

Not applicable.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

No fee is proposed.