

Assembly Bill No. 180—Assemblymen Monroe-Moreno; Bilbray-Axelrod, Brooks, Cohen, Frierson, McCurdy II, Miller, Ohrenschall, Thompson and Yeager

CHAPTER.....

AN ACT relating to juvenile justice; enacting the Juvenile Justice Bill of Rights; providing certain rights to children who are detained in a detention facility; requiring notice of those rights to be provided to children who are detained and to certain other persons, and that such notice be posted in certain locations; establishing a procedure for children to report alleged violations of those rights; requiring detention facilities to establish policies concerning certain medication given to children who are detained; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill enacts the Juvenile Justice Bill of Rights. **Section 5** of this bill sets forth certain rights of children who are detained in a detention facility. **Section 6** of this bill requires a detention facility in which a child is detained to: (1) inform the child of the rights set forth in **section 5**; (2) provide the child and, if practicable, the parent or guardian of the child with a written copy of those rights; and (3) post a written copy of those rights in a conspicuous place inside the detention facility. **Section 7** of this bill authorizes a detention facility to place reasonable restrictions on the rights of a child based upon the time, place and manner of the child’s exercise of those rights if such restrictions are necessary to preserve order, security or safety. **Section 8** of this bill authorizes a child who believes that his or her rights have been violated to raise and redress a grievance. **Section 8.5** of this bill requires each detention facility to establish appropriate policies to ensure that children who are detained in the detention facility have timely access to clinically appropriate psychotropic medication. **Sections 9-11** of this bill make conforming changes.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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 the provisions set forth as sections 2 to 8.5, inclusive, of this act.

Sec. 2. *“Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

Sec. 3. *Sections 3 to 8.5, inclusive, of this act may be cited as the Juvenile Justice Bill of Rights.*

Sec. 4. *As used in sections 3 to 8.5, inclusive, of this act, “detention facility” includes a:*



1. *Local facility for the detention of children;*
2. *Regional facility for the detention of children; and*
3. *State facility for the detention of children.*

Sec. 5. *Except as otherwise provided in section 7 of this act, a child who is placed in the care and custody of a detention facility within this State has the right:*

1. *To receive information concerning his or her rights set forth in this title.*

2. *To be treated with basic human dignity and respect, without intentional infliction of humiliation.*

3. *To have fair and equal access to services, placement, care, treatment and benefits.*

4. *To a program of education that meets the requirements of law and is appropriate for the developmental maturity of the child.*

5. *To receive adequate, healthy and appropriate food.*

6. *To receive adequate, appropriate and accessible basic necessities, including, without limitation, shelter, clean clothing and personal hygiene products and facilities.*

7. *To have access to necessary medical and behavioral health care services, including, without limitation:*

(a) *Dental, vision and mental health services;*

(b) *Medical and psychological screening, assessment and testing; and*

(c) *Referral to and receipt of medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified.*

8. *To be free from:*

(a) *Abuse or neglect, as defined in NRS 432B.020.*

(b) *Corporal punishment, as defined in NRS 388.478, except the reasonable use of force that is necessary to preserve the order, security or safety of the child, the public, the staff of the detention facility or other children who are detained in the detention facility.*

(c) *The administration of psychotropic medication unless the administration is consistent with the policies established pursuant to section 8.5 of this act.*

(d) *Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity or expression, mental or physical disability or exposure to any communicable disease.*

(e) *The deprivation of food, sleep, exercise, education, pillows, blankets or personal hygiene products as a form of punishment or discipline.*



(f) Being searched for the purpose of harassment or as a form of punishment or discipline.

(g) Being restricted from a daily shower, clean clothing, drinking water, a toilet or reading materials relating to the education or detention of the child as a form of punishment or discipline.

9. To have reasonable access and accommodations to participate in religious services of his or her choice when reasonably available on the premises of the detention facility or to refuse to participate in religious services.

10. To communicate with other persons, including, without limitation, the right:

(a) To have regular contact through visits, telephone calls and mail with:

(1) Biological children;

(2) Parents;

(3) Guardians;

(4) Attorneys; and

(5) Other adults with whom the child has established a familial or mentoring relationship, including, without limitation, clergy, caseworkers, teachers, mentors and other persons, upon approval of the detention facility.

(b) To communicate confidentially with:

(1) Any agency which provides child welfare services to the child concerning his or her care;

(2) Attorneys, legal services organizations and their employees and staff;

(3) Ombudspersons and other advocates;

(4) Members of the clergy; and

(5) Holders of public office, and people who work at a state or federal court.

↳ Except as otherwise provided by specific statute, a communication made pursuant to this paragraph is not a privileged communication.

(c) To report any alleged violation of his or her rights pursuant to section 8 of this act without being threatened or punished.

11. To participate, in person, by telephone or by videoconference, in all court hearings pertaining to the circumstances which led to the detention of the child.

Sec. 6. A detention facility shall:

1. Inform the child of his or her rights as set forth in section 5 of this act;



2. *Provide the child with a written copy of those rights;*
3. *Provide an additional written copy of those rights to the child upon request;*
4. *To the extent that it is practicable, provide a written copy of those rights to the parent or guardian of the child; and*
5. *Post a written copy of the rights set forth in section 5 of this act in a conspicuous place inside the detention facility.*

Sec. 7. *A detention facility may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in section 5 of this act if such restrictions are necessary to preserve the order, security or safety of the child, the public, the staff of the detention facility or other children who are detained in the detention facility.*

Sec. 8. *If a child believes that any of his or her rights set forth in section 5 of this act have been violated, the child may raise and redress a grievance through, without limitation:*

1. *A member of the staff of the detention facility;*
2. *A probation officer or parole officer;*
3. *An agency which provides child welfare services to the child, and any employee thereof;*
4. *A juvenile court with jurisdiction over the child;*
5. *A guardian ad litem for the child;*
6. *An attorney for the child; or*
7. *The use of any appropriate procedure which has been established by the Division of Child and Family Services to address grievances for children, both in and out of detention.*

Sec. 8.5. *Each detention facility shall establish appropriate policies to ensure that children who are detained in the detention facility have timely access to and safe administration of clinically appropriate psychotropic medication. The policies must include, without limitation, policies concerning:*

1. *The use of psychotropic medication in a manner that has not been tested or approved by the United States Food and Drug Administration, including, without limitation, the use of such medication for a child who is of an age that has not been tested or approved or who has a condition for which the use of the medication has not been tested or approved;*
2. *The concurrent use by a child of three or more classes of psychotropic medication; and*
3. *The concurrent use by a child of two psychotropic medications of the same class.*



Sec. 9. 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.020 to 62A.350, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 10. NRS 62A.380 is hereby amended to read as follows:

62A.380 1. In carrying out the objects and purposes of this title, the juvenile court may use the services and facilities of the agency which provides child welfare services.

2. The agency which provides child welfare services shall determine the plans, placements and services to be provided to any child pursuant to the provisions of this title, chapter 432 of NRS, NRS 432B.010 to 432B.400, inclusive, and 432B.4681 to 432B.469, inclusive.

~~{3. As used in this section, "agency which provides child welfare services" means:~~

~~—(a) In a county whose population is less than 100,000, the local office of the Division of Child and Family Services; or~~

~~—(b) In a county whose population is 100,000 or more, the agency of the county,~~

~~→ which provides or arranges for necessary child welfare services.}~~

Sec. 11. NRS 62D.420 is hereby amended to read as follows:

62D.420 1. In each proceeding conducted pursuant to the provisions of this title, the juvenile court may:

(a) Receive all competent, material and relevant evidence that may be helpful in determining the issues presented, including, but not limited to, oral and written reports; and

(b) Rely on such evidence to the extent of its probative value.

2. The juvenile court shall afford the parties and their attorneys an opportunity to examine and controvert each written report that is received into evidence and to cross-examine each person who made the written report, when reasonably available.

3. In any proceeding involving a child for which the court has access to records relating to the custody of the child or the involvement of the child with an agency which provides child welfare services, the juvenile court may review those records to assist the court in determining the appropriate placement or plan of treatment for the child.

4. Except when a record described in subsection 3 would otherwise be admissible as evidence in the proceeding, the juvenile court shall not use a record reviewed pursuant to subsection 3 to prove that the child committed a delinquent act or is in need of supervision or for any purpose other than a purpose set forth in



subsection 3. Except as otherwise provided in subsection 5, such records must not be disclosed or otherwise made open to inspection unless the records are admitted as evidence and used to determine the disposition of the case.

5. The juvenile court shall afford the parties and their attorneys an opportunity to examine and address any record reviewed by the juvenile court pursuant to subsection 3.

~~{6. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.}~~

Sec. 12. This act becomes effective on July 1, 2017.

