

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

Chapter 62
SENATE BILL 197
LEGISLATIVE HEARING APRIL 22, 2003

OPENING STATEMENT

Good Morning Mr. Chairman Anderson, Assemblymen and
Assemblywomen,

Dianne Steel, Judicial Court Judge from 8th District assigned to the
Juvenile Division since January, 2001.

I want to thank all the people who have poured over this project to bring
it to this hearing today. First, of course, Senator Weiner who took an
immediate interest in the reorganization after I approached her with a
one minute request to help at a Luncheon where she was speaking on -
organization.

Thank you to Kirby Burgess who has also been a champion in this
process with his input, insight in the system, and his ability to get people
together to work a worthy project. To the District Attorney, Bob Teuton
and the Public Defender, Susan Roske, Judges David Gamble and
Frances Doerty, Willie Smith with the Department of Child and Family
Services, and her supervisor, Ed Cotten, the Attorney General's Office,
Leonard Pugh, with Washoe Juvenile Services, the membership of the
Governor's Juvenile Justice Commission's Work Study Group and
countless others who helped with this process as advisors or staff
members. Of course I would like to give a special thanks to Brad
Wilkenson and Stephanie Haft for taking a very rough draft, several
ideas, their own legislative skills and my dry humor (and tendency to
mother things to death) to come up with this complicated, but very much
improved proposed Chapter 62A through 62I, and Chapter 63A and
63B.

ASSEMBLY JUDICIARY

DATE: 4/22/03 ROOM: 3138 EXHIBIT D

SUBMITTED BY: DIANNE STEEL

105

The reorganization of Chapter 62, embodied in Senate Bill 197 is necessary to the future of Juvenile Justice. This area of the law has had some major overhauls in history, this will probably not be the last.

Imagine if you will that there are a group of laws created just to address the youth in our community. The laws direct the Courts to protect the community from juvenile delinquent conduct and, when possible, to help the youth who find themselves in trouble for such conduct, or for needing supervision, or for needing therapeutic placement.

These laws create a legislative court system. The laws direct how to choose a juvenile court judge depending on the size of the county or counties. They also indicate the structure of probation departments, probation committees based on the same criteria.

The courts process the allegations in the petitions involving minors pursuant to a cross between civil court process and procedure with an overlay of constitutional protections also afforded their adult counterparts. Included in the court's jurisdiction are the parents, stepparents, guardians and legal custodians.

The statute directs various entities to perform certain functions. The county probation departments are to supervise those children coming before the court when they are placed on some form of probation. They engage the juveniles in a variety of programs, correctional supervision, random drug tests, home visits, community service projects, counseling and other functions too plentiful to address at this time.

The Juvenile Justice Services include: detention services, placement services, intake services, diversion programs, psychology departments to evaluate mental health and drug issues, and administrative services to address financial issues.

The court clerk's office is heavily involved in this land of juvenile law,

D JotS

preparing calendars, receiving administrative fees, filing the confidential documents and ensuring that confidentiality. They also staff the court room and record information.

The education community is called upon by the laws to do various tasks. Many times the school police officers on campus are required to come to the courts to testify. The administration assists in the truancy court development and process. They provide necessary information regarding the child's education progress and the school system helps to educate the children held in custody pursuant to various charges.

In an ongoing process, the statute grew, and grew and grew, but without any long term, historical oversight to direct the laws toward a goal or to effectuate organization of those laws.

Imagine, if you will, that you are a judge, assigned to the juvenile bench. The only contact you've ever had with juvenile justice is the knowledge that family court judges have exclusive and original jurisdiction over matters in chapter 62. Imagine that you are looking through the group of laws and you discover that the term "sexual offender" is defined in several different places, [usually verbatim,] some 6 times. You begin to notice that there are several programs mentioned in the laws which have been created by the legislature and other programs which are routinely recommended by the probation department without legislative oversight. You remember reading somewhere about other driver's license suspensions, but now you are looking at driver's license suspensions in truancy court only.

Why are the directives to the court and the county commission on how to build a coroner's program listed under the powers of the court. How would anyone think to look there? Many more examples exist, if you are interested, I can go on all day (Please see me after the hearing.)

Now imagine that you are the new probation officer who needs to make

D 305

recommendations to the court. Or the child who doesn't understand what comes next, or the parent who is trying to help his child get out of the gangs only to find himself in the mysterious land of Juvenile Justice.

Finally, you see a theme running throughout the group of laws.

PARENTS! They are mentioned everywhere. The legislature instructs the courts and others involved with juveniles to get the parents more involved with their children. The courts send subtle messages along these lines - have the parents pay costs of court and placement, have the parents pay restitution when children cannot, have the parents perform community service, complete programs and counseling or - be held in contempt. But basically the group of laws say, don't be punitive, be helpful; don't overwhelm the child or the parent, but get their attention.

You ask yourself, why are these laws so difficult to grasp? Its just one statute. So you start separating different types of information and collecting them in common sense, logical groups. The overlapping, the repeating, the mixing from one subject which is blended into another start to make sense.

Chapter 62 is just one statute. It is the only statute in Title 5. And herein lies the problem. In our zeal to address and assist the kids and the parents, we look at the immediate issues and try to solve the problem at hand. Crime is up, lower the age of consideration for adult prosecution; sex offenders are in the papers, take care of those situations, guns are everywhere - pass special legislation. But due to the lack of consistent oversight the changes are not always separated into like categories.

Clearly, SB 197 shows that there are various areas of concern in the statute. When placed in a more logical sequence, the statute becomes immediately more effective.

I have had no less than 10 calls asking me why I put something in this bill, to which I was able to reply that if the bill failed the "something"

D 4 of 5

would still exist in the statute. The reorganization merely brought to light the "something" because it was now where it belongs.

I am grateful to all those who listened and cared enough about our troubled youth, our invisible population, and our future to help bring this reorganization to life.

D Sof 5