

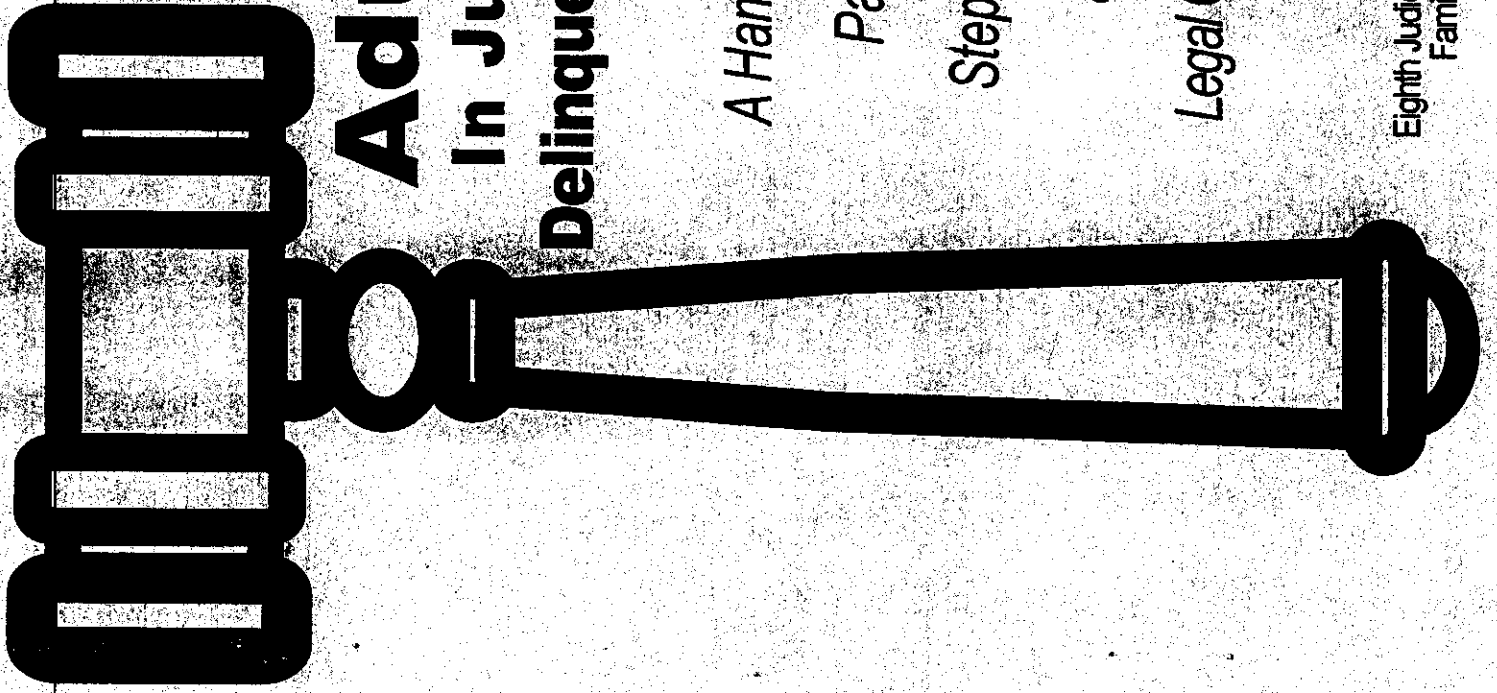
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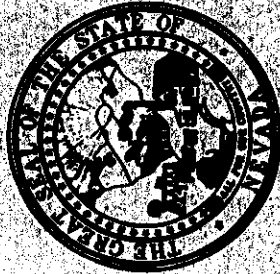


Adults In Juvenile Delinquency Court

A Handbook for
Parents
Stepparents
and
Legal Guardians

Eighth Judicial District Court
Family Division

Eighth Judicial District Court
Family Division



Family Courts & Services Center
601 North Pecos Road
Las Vegas, Nevada 89101

ASSEMBLY JUDICIARY

DATE: 4/22/03 ROOM: 3138 EXHIBIT

SUBMITTED BY: DIANNE STAA

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Prepared by the
Eighth Judicial District Court
Family/Juvenile Division
with special thanks to the
Hon. Cynthia Dianne Steel, Juvenile Judge

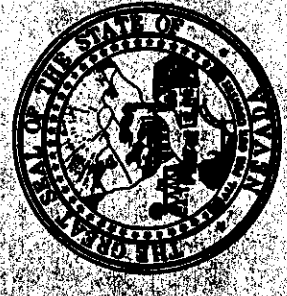
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Adults In Juvenile Delinquency Court

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DID YOU KNOW???

Did you know?

When children find their way into the juvenile court system, that the **parents, stepparents and legal guardians** are also under the jurisdiction of the court.

Did you know?

Laws exist to give power to the court to order **parents, stepparents and legal guardians** to do certain things (like going to counseling) or to stop doing certain things (like taking drugs) in order to help their children from further involvement with the court.

Did you know?

That the court can order **parents, stepparents and legal guardians** to pay for court costs, program costs, detention costs, fines and restitution on behalf of their children to offset the cost to the public for those services.

Did you know?

That the court can order **parents, stepparents and legal guardians** to do community service if the parent cannot afford to pay for court costs, program costs, detention costs, fines and restitution.

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Introduction

THE MOST IMPORTANT PEOPLE in a child's life are his or her parents, stepparents and legal guardians. They are the most important tools the court has for reaching the child. From the community's view point, they are the people most responsible for their child's actions in the community.

The court system recognizes the special problems that parents face in today's world. Many parents are trying to manage single parent homes, others need income from both parents to make ends meet, still others do not have the parenting skills to guide a child that is overwhelmed with peer pressures.

Neighborhood problems, school challenges, 24-hour work schedules, and language barriers also contribute to the types of issues facing today's parents, stepparents and legal guardians.

On top of everything else, you now find yourself in the unfamiliar world of the juvenile court system.

This handbook is designed to answer the most commonly asked questions and to inform parents, stepparents and legal guardians of the court's powers, parental responsibilities and community expectations when you find that you are an **adult in Juvenile Court.**



7. *Abusing the process or proceedings of the court or falsely pretending to act under the authority of an order or process of the court.*

NRS 22.100 Penalty for contempt.

Upon the answer and evidence taken, the court or judge or jury, as the case may be, shall determine whether the person proceeded against is guilty of the contempt charged; and if it be found that he is guilty of the contempt, a fine may be imposed on him not exceeding \$500, or he may be imprisoned not exceeding 25 days, or both but no imprisonment shall exceed 25 days except as provided in NRS 22.110.

NRS 22.110 Imprisonment until performance if contempt is omission to perform an act.

1. . . . [W]hen the contempt consists in the omission to perform an act which is yet in the power of the person to perform, he may be imprisoned until he performs it. The required act must be specified in the warrant of commitment.

NRS Cross References

Liability of parent or guardian for minor's willful misconduct, NRS 41.470 and NRS 41.472

HOPEFULLY THIS HANDBOOK IS HELPFUL. If you have any other general questions for which you need answers - ask the probation officer or the attorney on your child's case. You may also be required to hire an attorney to protect your interest.

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made by the court under the provisions of this chapter is guilty of a misdemeanor and may also be punished for contempt as provided in chapter 22 of NRS.

NRS 22-010 Act or omissions constituting contempts.

The following acts or omissions shall be deemed contempts:

1. Disorderly, contemptuous or insolent behavior toward the judge while he is holding court, or engaged in his judicial duties at chambers, or toward masters or arbitrators while sitting on a reference or arbitration, or other judicial proceeding.
2. A breach of the peace, boisterous conduct or violent disturbance in the presence of the court, or in its immediate vicinity, tending to interrupt the due course of the trial or other judicial proceeding.
3. Disobedience or resistance to any lawful writ, order rule or process issued by the court or judge at chambers.
4. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness.
5. Rescuing any person or property in the custody of an officer by virtue of an order or process of such court or judge at chambers.
6. Disobedience of the order or direction of the court made pending the trial of an action, in speaking to or in the presence of a juror concerning an action in which the juror has been impaneled to determine, or in any manner approaching or interfering with such juror with the intent to influence his verdict.

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Overview of Juvenile System

Parents are mentioned throughout the juvenile laws. The juvenile laws are found in the Nevada Revised Statutes (NRS) under Title 5 - Juvenile Courts, more commonly known as Chapter 62. As an overview the system looks like this:

Detention Facility

Your child may have been arrested and booked at the detention facility. If the child will be released, you will be called to pick the child up. You must pick up the child upon request, or you may face charges in the court for neglect. If the child must return to court, you will be asked to sign a release agreement, promising to return the child to court for the hearing. Even if the child runs away, you must come to court as you promised on the release agreement, or the court could place a **bench warrant** against your child and against you.

The Detention Hearing

If the child is detained in detention, you will be notified and a hearing will occur **within the next 72 hours**. You need to come to this hearing if you are aware of the hearing. The child may be released to you, or in case of a more serious problem, the child may stay in detention. If the court orders that the child remain in detention after the detention hearing, he or she will be assigned an attorney. Or, you may also hire an attorney for the child. You may also hire your own attorney.

Intake Department

This is a probation department that will deal with your child initially. Officers working in the Intake Department assess whether it is necessary to proceed to a formal charge against your child or if the formal process can be avoided. Intake officers

consider the conduct which brought the child into the juvenile court system and determine whether or not to forward the information to the District Attorney's Office for formal charges. Intake officers may ask that the child do something, like repay damages or stay out of trouble for a certain amount of time. If the intake officer's requests are completed, the problem which brought the child to court is considered closed, and no charges are sent to the District Attorney.

Formal Charges-The Petition

If formal charges are filed by the District Attorney, the District Attorney will file a **petition**. The petition states the charges. The petition also states the time set for the **plea hearing**. The plea hearing is where the child admits or denies the charges in the petition.

The Plea Hearing

At this hearing the court may do any number of things depending upon the facts:

1. If the child denies the charges in the petition, the court will set a **contested hearing** date. A contested hearing is like a trial, but there is no jury and the court doesn't make a criminal finding.
2. If the child admits the charges in the petition, the court may immediately act on a recommendation from the probation department to rehabilitate the child.
3. If the child admits the charges in the petition, the court may set a date for the **report and disposition hearing**.

such care, the court may, after due notice, order that the child be provided the care. The expense thereof, when approved by the court, is a charge upon the county; but the court may adjudge that the person having the duty under the law to support the child pay part or all of the expenses of such care in the manner provided in NRS 62.820.

NRS 62.455 Powers of the Court; Parental Responsibility.

- (c) Order the parents or guardians of the child to inform the probation officer assigned to the child each time the child expects to change the public school or private school that the child is attending, not later than 20 days before the expected date of the change.
- (d) Order the parents or guardians of the child, to the extent of their financial ability, to reimburse all or part of the additional costs of transporting the child, if such costs are incurred by a county school district pursuant to NRS 392.251 to 392.271, inclusive.

Can I Get in Trouble If I Decide Not to Obey the Court's Orders?

Yes. The juvenile laws permit the juvenile court judge to punish the parent if the parent does not obey the court orders. Your decision not to obey must be a willful decision. The following statutes explain the court's power to punish an **adult in Juvenile Court** and the type of punishment that the court may use.

NRS 62.281 Penalties for disobedience of court orders; contempt.

Any person, except a child, who willfully violates, neglects or refuses to obey the terms of any order of disposition

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Juvenile Delinquency Court

NRS 62.213 Authority of court; payment of expenses by parent, guardian or other person liable for support.

- The court may order, when committing a child to the custody of the division of child and family services pursuant to this section, that the expense of his support and maintenance be paid in whole or in part by his parents, guardian or other person liable for his support and maintenance. Those payments must be paid to the administrator of the division of child and family services, who shall immediately deposit the money with the state treasurer for credit to a separate account in the state general fund for expenditure by the administrator to carry out the powers and duties of the administrator and the division of child and family services.*

NRS 62.2195 Program of cognitive training and human development.

- If the court orders a child to complete a program of cognitive training and human development, the court may order any or all of the following, in the following order of priority if practicable:
 - The child or the parent or guardian of the child, to the extent of his financial ability, to pay the costs associated with the participation of the child in the program, including, without limitation, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program;**

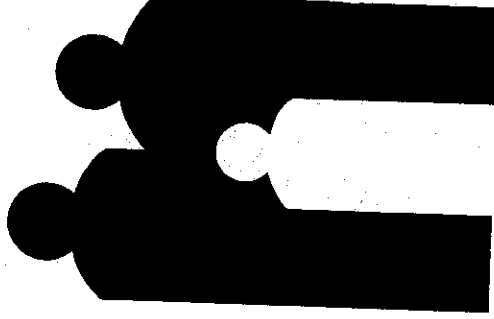
NRS 62.231 Medical treatment, care and examinations of children.

- Whenever a child who is within the jurisdiction of the court appears to be in need of nursing, medical, surgical or other care, the court may order the parent or other person responsible for the care and support of the child to provide such care. If the parent or other person fails to provide*

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The Report and Disposition Hearing

The report and disposition is also known as the "R&D." This is a report prepared by the probation department to inform the court about the child's charges and other personal information. From this report, the probation officer will make a recommendation to the court regarding orders that may help to redirect this child from further bad conduct. The court does not have to follow the recommendation. You need to cooperate with the probation officer preparing the report. You must assist the officer in obtaining evaluations and other information needed for the report. You must attend the next hearing if one is set.



Questions & Answers

Does the Court Have Jurisdiction Over Me as an Adult?

Yes, if you are the parent, stepparent or legal guardian of the child before the court. The legislature has given the court power over certain family members to enable the court to redirect the children and to insure that the orders are carried out. The following statutes deal with the jurisdiction the court has over adults in Juvenile Court.

NRS 62.043 Court's jurisdiction over adults; rights and remedies of adult defendants.

The court has such jurisdiction over adults as is incidental to its jurisdiction over children, including jurisdiction over the parents, guardians and custodians of children adjudicated to be delinquent or in need of supervision. An adult subject to the jurisdiction of the court is subject to the provisions of NRS 62.281 and has available to him all of the rights, remedies and writs guaranteed by the constitution and the laws of this state to a defendant who is charged with having committed a criminal offense in this state.

NRS 62.044 Court's jurisdiction over stepparents.

The stepparents of any child subject to the provisions of this chapter shall be subject to the same court orders as the natural parents of such child under the provisions of this chapter.

guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

NRS 62.2183 Child required to provide restitution for medical expenses of victim and damage to property; responsibilities of parent or guardian of child; community service in lieu of restitution.

2. *If the child is not able to provide restitution, the judge, or his authorized representative, shall order the parent or guardian of the child to provide restitution, unless the judge, or his authorized representative, determines that extenuating circumstances exist.*

3. *If the child and his parent or guardian are unable to provide restitution because of financial hardship, the judge, or his authorized representative, shall order the child or his parent or guardian, or both, to perform community service.*

4. *The community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.*

5. *The judge, or his authorized representative, may require the child or his parent or guardian, or both, to deposit with the court a reasonable sum of money to pay for the cost of a policy for insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the work is performed, unless, in the case of industrial insurance, it is provided by the authority for which the work is performed.*

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Juvenile Delinquency Court

restitution to a victim of your child's conduct. The court can also order you to pay for programs, counseling, medical treatment and other expenses in reference to your child's case. The following statutes represent the court's authority to order the parents pursuant to their child's case.

NRS 62.211 Powers of the Court.

- (d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.
- (e) If the child is less than 18 years of age, order:
 - (1) The parent, guardian or custodian of the child; and
 - (2) Any brother, sister or other person who is living in the same household as the child over whom the court has jurisdiction, to attend or participate in counseling, with or without the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse, or techniques of dispute resolution.
- (f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform community service.
- (g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.
- 2. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or

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Do I Get a Court Appointed Attorney to Represent Me?

Not usually. The court can appoint an attorney in an extreme circumstance. Lack of financial ability to pay for an attorney will be considered, along with the reason the adult may have need of an attorney at a hearing. Your child, however, is entitled to an attorney. If you can afford an attorney for your child, you will be asked to hire one. If you refuse to hire an attorney for your child, the Public Defender may be appointed. If the public attorney is appointed because you would not hire an attorney for your child, the court can order you to pay the cost of the Public Defender. The following statute deals with the right to an attorney for an adult in Juvenile Court.

NRS 62.085 Attorney, appointment, fees and expenses, right to representation.

- 3. The parent, guardian or custodian may be represented by an attorney at all stages of the proceedings. In no case may an attorney be appointed for him unless the court makes written findings that such an appointment is required in the interest of justice and specifying the reasons thereof.

What If I Have to Go to Work When the Hearing Is Scheduled?

The Nevada Legislature made provisions in the law for the parents to attend the child's court hearings. Employers are prohibited from firing an employee because of attendance at the child's juvenile court hearing. The following statutes deal with the parent's employer.

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NRS 62.170 Attendance at hearing with child.

10. If the parent, guardian or custodian of the child appears with or on behalf of the child at a detention hearing, the judge or master shall provide to him a certificate of attendance which he may provide to his employer. The certificate of attendance must set forth the date and time of appearance and the provisions of NRS 62.900. The certificate of attendance must not set forth the name of the child or the offense alleged.

NRS 62.193 Attendance at Adjudicatory Hearing.

2. The court shall provide written notice of any hearing after the initial detention hearing to the parent, guardian or custodian of the child together with a copy of a notice which the parent, guardian or custodian may provide to his employer. The employer's copy of the notice must set forth the date and time of the hearing and the provisions of NRS 62.900. The employer's copy of the notice must not set forth the name of the child or the offense alleged.

NRS 62.900 Terminating or threatening to terminate employment of parent for appearance at proceeding prohibited; penalty; civil remedy.

1. It is unlawful for an employer or his agent to:
 - (a) Terminate the employment of a person who, as the parent, guardian or custodian of a child, appears with or on behalf of the child in any court, as a consequence of his appearance or prospective appearance in court; or
 - (b) Assert to the person that his appearance or prospective appearance with or on behalf of the child will result in the termination of his employment, if the employer or his agent receives notice of the appearance.
2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

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3. A person discharged from employment in violation of subsection 1 may commence a civil action against his employer and obtain:

- (a) Wages and benefits lost as a result of the violation;
- (b) An order of reinstatement without loss of position, seniority or benefits;
- (c) Damages equal to the amount of the lost wages and benefits; and
- (d) Reasonable attorney's fees fixed by the court.

4. For the purposes of this section, notice is given:

- (a) In the case of a detention hearing, when the parent, guardian or custodian gives the employer or his agent oral notice in advance of the hearing, and immediately upon return to employment, provides the employer with a certificate of attendance.
- (b) In the case of any hearing after the initial detention hearing, when the parent, guardian or custodian gives the employer or his agent, in advance of the hearing, the employer's copy of the written notice of hearing.

What Kind of Things Can the Court Order Me to Do?

As stated before, the court can order the parent, stepparent or legal guardian to do many things. The court can also order them to stop doing things. If the court believes that the parents are engaging in conduct that is harmful to the child or that may prevent the child from completing the orders of the court, the court can order the parent to stop that conduct, such as to stop doing drugs, or to stop letting the boyfriend or girlfriend discipline the child. The court can order you to pay for court related costs, fees, and detention costs. The court can order you to pay the