

SUMMARY—Revises provisions relating to juvenile probation. (BDR 5-493)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to juvenile justice; revising provisions limiting the period during which a juvenile court may place a child on probation; authorizing the juvenile court to terminate the probation of a child who has failed to make full restitution under certain circumstances; prescribing the procedure to be used by the juvenile court in determining whether to suspend, modify or revoke the probation of a child; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a juvenile court to place a child on probation under certain circumstances. With certain exceptions, existing law prohibits a juvenile court from placing a child on probation for a period of more than 18 months for each unlawful act for which the child is adjudicated delinquent, placed under the supervision of the juvenile court or placed under informal supervision. (NRS 62E.708) **Section 1** of this bill removes language that ties the period during which a juvenile court may place a child on probation to each unlawful act for which the child is adjudicated delinquent, placed under the supervision of the juvenile court or placed under informal supervision. **Section 1** thereby prohibits a juvenile court from placing a child on probation for a



period of more than 18 months, regardless of the number of unlawful acts for which the child is adjudicated delinquent, placed under the supervision of the juvenile court or placed under informal supervision, unless an exception applies.

Existing law authorizes the juvenile court to enter a civil judgment against a child or a parent or guardian of a child for any amount of restitution that remains unpaid after the time established by the juvenile court for its payment. (NRS 62B.420) Under existing law, the juvenile court retains jurisdiction over a child, parent or guardian against whom a civil judgment is entered, regardless of whether the period of probation of the child has been terminated. (NRS 62B.420, 62E.708) **Section 1** authorizes the juvenile court to terminate the period of probation of a child who has failed to make full restitution but has otherwise fulfilled the conditions of his or her probation. If the juvenile court terminates the period of probation of a child who has failed to make full restitution pursuant to **section 1**, existing law authorizes the juvenile court to enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim. (NRS 62B.420)

Existing law prescribes the procedure to be used by the juvenile court in determining whether to suspend, modify or revoke the parole of a child who violates the terms and conditions of his or her parole. Under existing law, pursuant to this procedure, the juvenile court must: (1) hold a hearing to determine whether to suspend, modify or revoke the parole of the child; (2) render a decision within 10 days after the conclusion of the hearing; and (3) comply with certain other requirements. (NRS 63.770) Existing law authorizes the juvenile court to order a child who violates the terms of his or her probation to be placed in a facility for the detention of children or



county jail for not more than 30 days for the violation. (NRS 62E.710) **Section 2** of this bill establishes the procedure to be used by the juvenile court when a child violates the conditions of his or her probation which is similar to the procedure established for violations of parole. **Section 2** thereby requires the juvenile court to hold a hearing before ordering a child who violates the conditions of his or her probation to be placed in a facility for the detention of children or county jail.

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

Section 1. NRS 62E.708 is hereby amended to read as follows:

62E.708 1. A juvenile court may place a child on probation in accordance with the provisions of this section.

2. The juvenile court shall consider the report prepared by the department of juvenile services pursuant to NRS 62E.506 when determining whether to place a child on probation and the period of any such probation.

3. Except as otherwise provided in this section or as expressly authorized by specific statute or federal law:

(a) A juvenile court shall not place a child on probation for a period of more than 18 months .

~~[for each unlawful act for which the child is adjudicated delinquent, placed under the supervision~~



~~of the juvenile court pursuant to a supervision and consent decree, or placed under informal supervision. The provisions of this paragraph do not apply to a violation of probation or parole.]~~

(b) A juvenile court may order one or more extensions of the probation of a child if the juvenile court finds, based on a preponderance of evidence presented at a hearing on the matter, that such an extension is advisable, considering the individualized case plan for the child developed pursuant to NRS 62E.507. Except as otherwise authorized by specific statute or federal law, no single extension of the probation of a child may be for a period of more than 6 months.

(c) A juvenile court may not extend the probation of any child if the extension results in the child being on probation for a total period of more than 36 months . ~~[for each unlawful act for which the child is subject to the jurisdiction of the juvenile court, unless the act relates to a violation of the conditions of probation.]~~

4. A juvenile court may extend the probation of a child beyond the period prescribed by paragraph (c) of subsection 3 if the child, the parent or guardian of the child, the attorney for the child, the probation officer of the child and the district attorney agree to the extension.

5. Notice of any hearing by a juvenile court relating to the extension of the probation of a child must be given to the child, the parent or guardian of the child, the attorney for the child and the probation officer of the child.

6. At any hearing of a juvenile court relating to the extension of the probation of a child, the juvenile court must:

- (a) Allow the parties a reasonable opportunity to present evidence and testimony; and
- (b) Consider the:



(1) Report of the probation officer of the child relating to the issue of whether the juvenile court should extend the probation of the child;

(2) Report prepared by the department of juvenile services pursuant to NRS 62E.506; and

(3) Individualized case plan for the child developed pursuant to NRS 62E.507.

7. The period of probation of a child is tolled during any period in which a writ of attachment is issued for the child pursuant to NRS 62C.010.

8. *The juvenile court may terminate the period of probation of a child who has failed to make full restitution as ordered by the juvenile court but has otherwise fulfilled the conditions of his or her probation for the entire period of his or her probation. Any amount of restitution that remains unpaid by a child or a parent or guardian of a child after the termination of probation constitutes a civil liability and is enforceable pursuant to NRS 62B.420.*

9. Notwithstanding the termination of any period of probation ordered by the juvenile court, the juvenile court retains jurisdiction in accordance with the provisions of NRS 62B.420.

10. *The provisions of this section do not apply to a violation of the conditions of probation. The juvenile court shall hold a hearing pursuant to NRS 62E.710 before suspending, modifying or revoking the probation of a child.*

Sec. 2. NRS 62E.710 is hereby amended to read as follows:

62E.710 ~~{The}~~ *1. A petition may be filed with the juvenile court to request that the probation of a child be suspended, modified or revoked for a violation of the conditions of probation.*

2. Pending a hearing, the juvenile court may:



(a) Order that the child be held in a facility for the detention of children; or

(b) If the child was previously committed to a regional facility for the detention of children, order that the child remain at the facility.

3. If requested, the juvenile court shall allow the child reasonable time to prepare for the hearing.

4. The juvenile court shall render a decision within 10 days after the conclusion of the hearing.

5. In determining whether to suspend, modify or revoke the probation of a child, the juvenile court shall consider:

(a) The report prepared by the department of juvenile services pursuant to NRS 62E.506;

(b) The individualized case plan for the child developed pursuant to NRS 62E.507;

(c) Any previous history of violations of the conditions of probation;

(d) The severity of the current violation of the child; and

(e) The previous responses by the child to past violations of the conditions of probation.

6. Following the hearing, the juvenile court may order any child who is:

~~(1)~~ *(a) Less than 18 years of age and who has been adjudicated delinquent and placed on probation by the juvenile court to be placed in a facility for the detention of children for not more than 30 days for the violation of probation.*

~~(2)~~ *(b) At least 18 years of age but less than 21 years of age and who has been placed on probation by the juvenile court or who has been released on parole to be placed in a county jail for not more than 30 days for the violation of probation or parole.*

