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Juveniles; detention-informal supervision

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Juveniles

Juveniles; age for commitment

NEV. REV. STAT. §§ 62.211, 210.180, 210.580, 210.615, 435.081 (amended).

AB 113 (Humke); 1989 STAT. Ch. 179

Under prior law a delinquent juvenile between the ages of eight and eighteen years could be committed to a juvenile correctional institution.¹ Chapter 179 raises the minimum age for commitment of juveniles to twelve years.² Children between the ages of eight and twelve years must be placed in the custody of the Department of Human Resources for placement in a suitable institution.³

DA

1. 1981 Nev. Stat. ch. 774, sec. 11, at 2026 (amended by 1989 Nev. Stat. ch. 179, sec. 1, at ___). See NEV. REV. STAT. §§ 210.010-.715 (juvenile correctional institutions include the Nevada Youth Training Center and the Nevada Girls Training Center).

2. 1989 Nev. Stat. ch. 179, sec. 1, at ___ (amending NEV. REV. STAT. § 210.180). A delinquent female between 12 and 18 years may be committed to the Nevada Girls Training Center. *Id.* sec. 2, at ___ (amending NEV. REV. STAT. § 210.580).

3. *Id.* sec. 4, at ___ (amending NEV. REV. STAT. § 62.211). A child, who would otherwise have been placed in the Nevada Girls Training Center or the Nevada Youth Training Center, will be put in the custody of the Youth Services Division of the Department of Human Resources for appropriate placement. *Id.*

Juveniles; detention—informal supervision

NEV. REV. STAT. § 62.____ (new); §§ 62.040, 62.043, 62.100, 62.128, 62.170, 62.180, 62.193, 213.230, 213.240, 213.250, 213.270, 244.162, 387.123, 387.1233, 388.550, 388.560, 388.570 (amended).

AB 100 (Humke); 1989 STAT. Ch. 765

Chapter 765 prohibits holding a child¹ in a juvenile detention facility prior to the disposition of the child's case unless there is

1. 1989 Nev. Stat. ch. 765, sec. 8, at ___ (amending NEV. REV. STAT. § 62.170) (includes children who are alleged to be delinquent or in need of supervision).

probable cause to believe the child is dangerous, will run away, or is a fugative.² In addition, a juvenile may not be confined in a facility³ where there is regular contact with adults unless: (1) The juvenile is alleged to be a delinquent; (2) alternative facilities are not available; and (3) the child is kept completely separate from the adults.⁴ Further, with the enactment of Chapter 765, a juvenile court has the option of placing a child under the informal supervision of a probation officer⁵ if the child voluntarily admits⁶ participation in the act for which the child⁷ was referred to the probation officer.⁸

KMS

2. *Id.*

3. A facility includes police station, lockup, jail, prison, or any facility where children can come in contact with adults under arrest or charged with a crime. *Id.* See generally Community Research Center of the University of Illinois, *It's Your Move; The Un-Jailing of Juveniles in America* (1981) (the effects of jails upon juveniles).

4. 1989 Nev. Stat. ch. 765, sec. 8, at ___ (amending NEV. REV. STAT. § 62.170). A delinquent child who is taken into custody must be given a detention hearing within 24 hours after a written application is submitted, or, in a county of less than 100,000, within 24 hours of being detained in a facility in which adults are kept. *Id.* In a county of 100,000 or more, a hearing must be provided within six hours if the child is confined with adults, or within 72 hours in a facility in which there are no adults confined. *Id.*

5. See 1989 Nev. Stat. ch. 765, sec. 2, at ___ (informal supervision may not exceed 180 days). The child must voluntarily and intelligently sign the agreement to enter into the informal supervision with the advice of an attorney, or the consent of the child's parent or guardian if no attorney is present. *Id.* The child, and parent or guardian must be notified that informal supervision may be refused or terminated at any time. *Id.* The agreement for informal supervision may include public service work or restitution to the victim. *Id.*

6. The child may withdraw the admission if a petition is filed within 180 days. 1989 Nev. Stat. ch. 765, sec. 2, at ___ (enacting NEV. REV. STAT. § 62.____). The petition may be dismissed if the child has complied with the terms of the informal supervision agreement. *Id.*

7. See *id.* secs. 2, at ___ (includes a child who is delinquent or in need of supervision); 4, at ___ (amending NEV. REV. STAT. § 62.040) (a child who has merely violated the terms or conditions of the court order that determined the need for supervision is not delinquent). See also NEV. REV. STAT. § 62.040 1(a) (definition of a child in need of supervision).

8. 1989 Nev. Stat. ch. 765, sec. 2, at ___ (amending NEV. REV. STAT. § 62.128) (the probation officer can recommend informal supervision). A petition must contain a list of the community programs to which the child was referred. *Id.* A court cannot declare a need for supervision unless reasonable efforts were taken through community programs to help the child. *Id.* See NEV. REV. STAT. § 62.130 (requirements for a petition). See also 1989 Nev. Rev. Stat. ch. 765, sec. 2, at ___ (the district attorney's written approval is needed for informal supervision if the act would be a gross misdemeanor or felony if committed by an adult). See generally J. Knight, Sr., *The Juvenile Courts Function and Relevant Theory* (1978) (community based correction alternatives for juveniles).