

Juvenile Law

What happens if a child is arrested?

A child may be arrested by the police and taken to a detention facility for children. The police officer must attempt to notify the child's parent or guardian. The detention facility where the child is being held must notify a probation officer and shall also attempt to notify the child's parent or guardian. At the detention hearing, the juvenile court may decide to: release the child, release the child with certain conditions (for example, GPS monitoring), or detain the child at the juvenile detention facility.

In counties with populations at or over 100,000 people, a hearing must be held in juvenile court regarding the child's detention within 72 hours (excluding weekends and holidays). At the detention hearing, the juvenile court may decide to: release the child, release the child with certain conditions (for example, GPS monitoring), or detain the child at the juvenile detention facility.

How are charges brought against children?

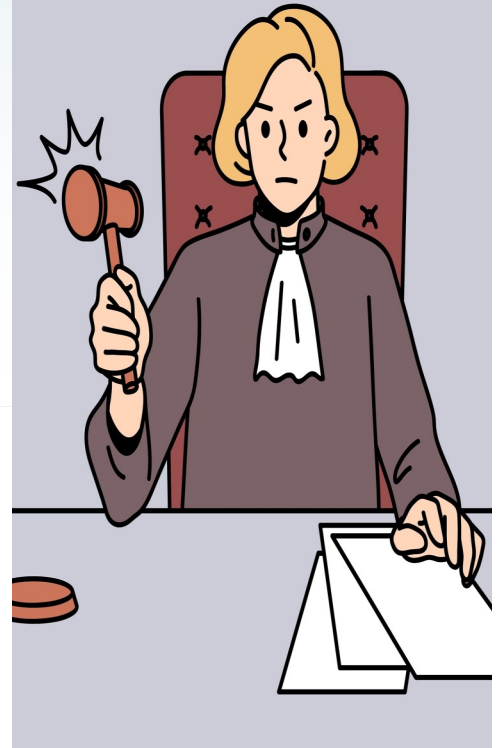
With few exceptions, juvenile courts have exclusive jurisdiction over kids under 18 who break the law. The District Attorney's office may file a petition against the juvenile alleging that he or she has committed a delinquent act. These proceedings are not criminal in nature. Alternatively, a juvenile may be declared a "Child in Need of Supervision" if the juvenile breaks laws that govern children's behavior, such as mandatory school attendance, curfew violations, running away from home or underage drinking.

Is my child entitled to an attorney?

A juvenile alleged to be delinquent or in need of supervision is entitled to be represented by an attorney at all stages of the proceedings. Initially, the Public Defender's office is appointed to represent juveniles. If the Public Defender's office has a conflict, a conflict attorney will be appointed by the Court. Juveniles or their parents may hire a private attorney to represent them in juvenile court.

How are juvenile cases handled by the court?

First, a petition is filed by the District Attorney's office alleging that a child has committed a delinquent act or is a child in need of supervision. A plea hearing is set for the child to answer the petition. A child may answer the petition with an admission or a denial.



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If the child denies the petition's allegations, then an adjudicatory hearing is held. An adjudicatory hearing is similar to a trial, where both the defense and prosecution call witnesses and present evidence and arguments. If a child admits the allegations of the petition or the petition is sustained after a trial, the judge will enter dispositional or sentencing orders.

What are potential dispositional orders?

The juvenile court may order probation, or may determine that the juvenile's needs are better met by placement at Spring Mountain Youth Camp, or through commitment to the Division of Child and Family Services for correctional placement.

Probationary supervision by the Department of Juvenile Services may include the following terms:

- Work crew or community services hours
- Individual or family counseling
- Letter of apology
- Random drug/alcohol testing
- Driver's license suspension
- No gang activity
- Participation in classes run by the probation department aimed at developing skills in areas such as victim awareness, family wellness, basic skills, job training or anger management
- Psychological or psychiatric evaluation
- Mandatory school clause
- Fines
- No contact orders with certain people or places
- Restitution to victim
- Participation in mental health or substance abuse treatment services (residential or outpatient)

Will my child have a record?

Juvenile records are automatically sealed when a child reaches the age of 18 or within 60 days of completing probation, whichever is later. Or, records can be sealed earlier upon a child or probation officer's request three years after the child's last adjudication or referral to juvenile court (whichever is later).

Additionally, juvenile records may not be opened by anybody unless they get a court order and the court finds they have a legitimate interest in the records. There are exceptions for traffic violations that go to the DMV and if, as an adult, the Division of Parole and Probation needs the information to prepare a sentencing report for the adult criminal courts. There are also exceptions to both of the above categories if the juvenile delinquent act is a sex offense.

How do I find an attorney with experience in juvenile matters?

The Public Defender's Office can assign an attorney, or you can contact the State Bar of Nevada's Lawyer Referral Service (LRS) at (702)382-0504 or toll-free in Nevada at 1 (800)789-5747 or look in the yellow pages of your telephone directory. You can also ask friends and/or relatives if they can recommend a good lawyer. The state bar's main office (see numbers listed on first page) can tell you whether or not an attorney is licensed in Nevada and in good standing.