

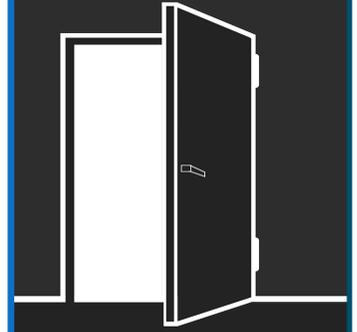
# **Juvenile Justice System Reform Act of 2017 Implementation Guide Juvenile Delinquency Courts**



**A Publication by the Division of Child and Family Services to assist  
Juvenile Justice professionals in the implementation of the new  
requirements approved in the Juvenile Justice System Reform Act of  
2017 (Assembly Bill 472 of the 2017 Legislative Session)**

# Juvenile Justice System Reform Act of 2017 Implementation Guide

The State of Nevada applied for and received technical assistance through the Justice Center of the Council of State Governments. Receipt of the award triggered a year long process analyzing Nevada's Juvenile System and developing recommendations for change. That process included convening a team of Nevadans from all branches of government and all corners of the state together with national experts. The final recommendations were then included in one of Governor Sandoval's signature bills for the 2017 Legislative Session, Assembly Bill 472.



***This legislation represents a united effort by all three branches of government to better protect public safety and improve outcomes for youth in our juvenile justice system by making the system more cost-efficient and effective.***

**- Governor Brian Sandoval**

***Nevada is taking an important step toward juvenile justice system reform. We applaud the strong support of uniform performance measures and standard procedures for developing performance measures***

**- National Center for Juvenile Justice**

***This piece of legislation represents the very best of collaboration and passionate efforts to reform the system of juvenile justice in the State of Nevada***

**- Former Nevada Supreme Court Justice Nancy Saitta**

The bill passed both the Nevada Assembly and the Nevada Senate unanimously and was signed into law by Governor Sandoval on June 16, 2017. The bill has several components but most importantly:

- Creates a Juvenile Justice Oversight Commission to develop standardized performance measures and data analysis points including but not limited to youth recidivism;
- Requires statewide implementation of statewide uniform risk assessments that will help guide the judiciary and juvenile justice agencies in serving youth throughout the life of their case;
- Modifies required judicial findings to ensure youth being removed from the community truly pose a risk to public safety and that availability community resources have been explored; and
- Requires a number of juvenile justice agency practice changes including but not limited to family engagement strategies, comprehensive youth case planning, objective length of stay and facility release decisions, and standardized responses to youth parole violations.
- Requires that over time state funds for juvenile justice agencies by expended on evidence based programs.

The following implementation guide is meant to assist juvenile justice agencies and practitioners to understand the law's changes and to ensure quality implementation of its aims.\*

**\*This guide is not meant to be nor should it be interpreted as legal advice. Questions about your agency's legal requirements under this legislation should be directed to your legal counsel.**

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A primary change for the Juvenile Justice System following the passage of AB472 is that the courts, prosecutors, and defense attorneys will be armed with information from the statewide uniform risk and needs assessments that will be executed by Juvenile Justice Agencies. In addition to the use of that information in court analysis and determinations, there are a number of findings that the juvenile courts will now have to make at different decision points in the life of a case.



## **Disposition Decisions - Sec. 15**

Upon the selection and adoption of the statewide uniform risk and needs assessments, the department of juvenile services in each jurisdiction will be required to prepare a report on the results of those assessments. The report must include the child's risk to reoffend, supervision recommendation, and service needs of the child. The report must be provided to all parties and the court is required to use the report to assist in its disposition determination.

## **Commitment to State Correctional Care – Sec. 14.5**

The court must make two specific findings in order to commit a child to DCFS correctional care. Those findings are:

- 1) Appropriate alternatives that could satisfactorily meet the needs of the child do not exist in the community OR were previously used and proved unsuccessful; and
- 2) The child poses a public safety risk based on the child's risk of reoffending according to the statewide tool

Both finding must be present in the commitment order in order to be a valid order.

## **Placement Out of State – Sec 18**

The court must make two specific findings before approving placement of a child in another state. Those findings are:

- 1) No public or private institution or agency in Nevada met the needs of the child OR that such an institution or agency attempted to meet the child's need but was unsuccessful; AND
- 2) Reasonable efforts have been made to consult with public or private institutions and agencies in Nevada to place or commit the child in Nevada and those efforts have failed.

## **Parole Revocations – Secs.26, 28, and 29.**

Nevada Youth Parole is required to adopt policies and procedures to have an objective system for responding to parole violations up to and including revocation of parole. Parole may only recommend revocation if the child poses a risk to public safety and the policies and procedures adopted by Parole to respond to parole violation was followed OR that other responses permitted by the policies are not appropriate. When a court is considering a parole revocation decision, the court shall take into consideration

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## Questions to Ask



### DISPOSITION

1. Has the Juvenile Justice agency completed the report required by statute?
2. What is the youth's risk to reoffend?
3. What is the supervisions recommendation?
4. What are service needs of the child?
5. Have all parties received a copy of the report?

### COMMITMENT TO DCFS

1. Are there community services that can meet the needs of this youth?
2. Have those services been attempted and failed?
3. Does the child pose a public safety risk based on the child's risk of reoffending according to the statewide tool?

### PLACEMENT OUT-OF-STATE

1. Is there a public or private institution or agency in Nevada that can meet this youth's needs?
2. If so, has it been tried and failed?
3. Has the placing agency made reasonable efforts to consult with Nevada institutions or facilities?

### PAROLE REVOCATION

1. Has the Youth Parole Bureau followed its procedures for responding to this parole violation?
2. Do those procedures allow for a termination recommendation in this case?
3. Are the responses permitted based on the Parole procedures not appropriate for this youth.

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## Findings to be Made



### DISPOSITION

1. The required report has been completed and provided to all parties.
2. The report indicates the youth's risk to reoffend is \_\_\_\_\_
3. The supervision recommendation of the report is \_\_\_\_\_
4. The recommended services for the child are \_\_\_\_\_

### COMMITMENT TO DCFS

1. There are no community services available or meet the needs of this youth  
OR
2. There are community services available for this youth but previous attempts have proved unsuccessful  
AND
3. The youth poses a public safety risk based on youth's risk to reoffend.

### PLACEMENT OUT-OF-STATE

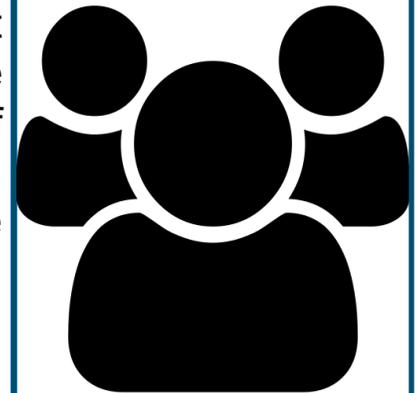
1. There is not an agency or facility inside the State of Nevada that meet this youth's needs.  
OR
1. Attempts to provide services that meet this youth's needs inside the State of Nevada have been unsuccessful  
AND
2. The placing agency made reasonable efforts to consult with Nevada institutions or facilities.

### PAROLE REVOCATION

1. The Youth Parole Bureau has adhered to its policies and procedures related to parole violation responses and those procedures allow a recommendation for this youth  
OR
1. The responses permitted based on the Parole procedures are not appropriate for this youth.

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The law establishes the Juvenile Justice Oversight Commission and the Advisory Committee to the Commission. Together in partnership with the Division of Child and Family Services and the county probation departments, the Oversight Commission helps oversee and execute the reforms included in the legislation.



## **Membership—Sec 4 and 4.5**

The membership of the Oversight Commission is established by law to be 25 members appointed by the Governor. In addition there is a 6 members Advisory Committee made up of members of the legislative and judicial branches to assist in advising the Oversight Commission in its duties.

## **Strategic Plan—Sec 6**

The Commission is required to develop a 5-year strategic plan to include but not limited to, uniform standards for evidence based programs, increasing the availability of evidence based programs in the community, data and programming requirements, and protocols for helping to implement the legislation.

## **Performance Measure Standards—Sec 5**

The Commission is required to establish uniform procedures for Juvenile Justice agencies to report performance measures. This includes uniform definitions and reporting mechanism to track rates of recidivism. The Oversight Commission is required to do this before July 1, 2018.

## **Selection of Validated Tools – Sec 5**

The Oversight Commission is tasked with selecting a number of statewide uniform assessment tools including a validated risk assessment tool; and a validated mental health screening tool. The tools must be selected by January 1, 2018 and will be used by juvenile justice agencies and the courts to make case planning, court disposition, residential placement, and other critical decisions for juvenile justice involved youth.

## **Quality Assurance Reviews—Sec**

The Oversight Commission is required to conduct annual quality assurance reviews for each state juvenile justice facility and each regional facility for the treatment and rehabilitation of youth. The commission members conducting the review will be trained on and are required to use a validated service assessment tool. Each facility will work with the commission to develop a facility improvement plan.

## **State Advisory Group Duties**

The Oversight Commission and the Advisory Committee will act as Nevada's State Advisory Group for purposes of the Juvenile Delinquency Prevention Act and will execute the responsibilities of that group as required by federal law.

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## Use of the validated tools throughout the system



### County Probation Departments

- Pre-disposition comprehensive report
- Case planning & county camp reentry planning



### Judiciary

- Determine risk level for dispositional decision
- Determine risk level for parole revocation



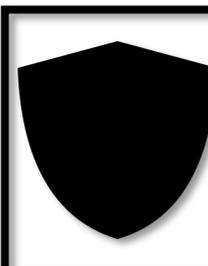
### County Camps

- Case planning
- Reentry planning



### State Operated Residential Facilities

- Facility placement determination
  - Case planning
- Reentry Plan in conjunction with Parole



### Youth Parole Bureau

- Case planning and facility reentry planning
- Case planning & county camp re-entry planning
  - Parole violation response decision

